



November 8th, 2023

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 15th November 2023** at **10:00 am** in **Boardroom Council Offices Monaghan Row Newry.**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's Remarks

Councillor McAteer

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 entire item

4.0 Minutes of Planning Committee Meeting held on 18 October 2023 & Special Planning Committee Meeting held on 26 October 2023

 *Planning Committee Minutes 18 Oct 2023.pdf*

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 *Special Planning Committee Minutes 26 October 2023.pdf*

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5.0 Addendum List - Planning applications with no representations received or requests for speaking rights

 *Addendum list - 15-11-2023.pdf*

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Development Management - Planning Applications for determination

6.0 P/2007/0422/F - Erection of Residential Development with Access off Dublin Road, parking provision (part underground), associated site works and landscaping (revised scheme for 44 No. apartments (in two 4-storey blocks of 22 apartments) and 1 No. detached dwelling with individual access of Dublin Road, with demolition of the existing dwellings at Nos. 97 and 99 Dublin Road) - Nos.97 and 99 Dublin Road, Newry (extending to lands to the north (rear) of Nos. 1-8 Riverdale House, off Heslip's Lane)

APPROVAL

 *P.2007.0422.- Professional Recommendation Report.pdf*

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7.0 LA07/2019/1302/F - Dwelling and reconfiguration of parking

layout on site with associated access arrangements - to the rear of No's 65-69 South Promenade, Newcastle

REFUSAL

- A request for speaking rights has been received from Kieran Fitzpatrick, in objection to the application. (Attached)
- A request for speaking rights has been received from Declan Rooney (agent), in support of the application. (Attached)

 *LA07-2019-1302-F.pdf* *Page 35*

 *LA07-2019-1302-F-Deferral Report.pdf* *Page 43*

 *LA07-2019-1302-F - Objection.pdf* *Page 48*

 *LA07-2019-1302-F - D Rooney.pdf* *Page 55*

8.0 LA07/2023/2466/F - Section 54 application for the removal of condition 7 of planning approval LA07/2022/1106/O 'the proposed dwelling and garage shall be sited in the area shaded brown on the approved plan 12610 Doyle Rev 1' - 30 Carmeen Road, Newry, BT34 2RZ

REFUSAL

- A request for speaking rights has been received from Declan Rooney (agent), in support of the application. (Attached)

 *LA07-2023-2466-F.pdf* *Page 57*

 *LA07-2023-2466-F - support.pdf* *Page 62*

9.0 LA07/2021/0132/F - Proposed new campsite, ancillary buildings and associated works - Killyleagh Outdoor Centre, Shore Road, Killyleagh

APPROVAL

 *LA07-2021-0132-F.pdf* *Page 64*

10.0 LA07/2021/0903/F - Erection of 1 No. 2 storey detached residential dwelling - Adjacent and immediately south of 45 Park View, Cloughoge, Newry

APPROVAL

[LA07-2021-0903-F.pdf](#)

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11.0 LA07/2021/2056/F - Erection of 18 no. dwellings with 15 no. detached garages and 3 no. garden rooms - Lands approximately 38m east of no. 22 Seafield, Warrenpoint

APPROVAL

[LA07-2021-2056-F.pdf](#)

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12.0 LA07/2022/1474/F - Additional trail networks comprising of 0.9 hectares of new basalt surface (as per existing trails) with associated wayfinding, signage, interpretation panels, benches and bins - Delamont Country Park, Downpatrick Road, Killyleagh

APPROVAL

[LA07-2022-1474-F.pdf](#)

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13.0 LA07/2022/1776/F - Proposed infill development for 2 no. two storey dwellings with detached garage - Site between 4 Tullymurry Road and 1 Tullymurry Cottages, Newry, BT34 1NQ

REFUSAL

- A request for speaking rights has been received from Rory Pepper (agent), in support of the application. (Attached)
- A request for speaking rights has been received from Councillor David Taylor, in support of the application. (Attached)

[LA07-2022-1776-F.pdf](#)

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[LA07-2022-1776-F - Cllr D Taylor.pdf](#)

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[LA07-2022-1776-F - support.pdf](#)

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For Noting

14.0 Historic Action Sheet (Attached)

[Planning HISTORIC TRACKING SHEET - Updated October 2023.pdf](#)

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Invitees

- Cllr Terry Andrews
- Cllr Callum Bowsie
- Cllr Jim Brennan
- Cllr Pete Byrne
- Mr Gerard Byrne
- Cllr Philip Campbell
- Mr Andrew Cassells
- Cllr William Clarke
- Mrs Linda Cummins
- Cllr Laura Devlin
- Ms Louise Dillon
- Cllr Cadogan Enright
- Cllr Doire Finn
- Cllr Aoife Finnegan
- Cllr Conor Galbraith
- Cllr Mark Gibbons
- Cllr Oonagh Hanlon
- Cllr Glyn Hanna
- Cllr Valerie Harte
- Cllr Roisin Howell
- Cllr Jonathan Jackson
- Cllr Geraldine Kearns
- Mrs Josephine Kelly
- Cllr Tierna Kelly
- Cllr Cathal King
- Ms Nora Largey (BCC)
- Cllr Mickey Larkin
- Cllr David Lee-Surginor
- Cllr Alan Lewis
- Cllr Oonagh Magennis
- Mr Conor Mallon
- Cllr Aidan Mathers
- Cllr Declan McAteer
- Cllr Leeanne McEvoy
- Jonathan McGilly
- Cllr Andrew McMurray
- Cllr Declan Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy
- Cllr Siobhan O'Hare
- Cllr Áine Quinn
- Cllr Henry Reilly

Cllr Michael Rice
.....
Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Michael Savage
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Sarah Taggart
.....
Cllr David Taylor
.....
Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Central Support Unit
.....
Mrs Marie Ward
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 18 October 2023 at 10.00am in the Boardroom, Monaghan Row,
Newry and via Microsoft Teams.**

Chairperson: Councillor D Murphy

In attendance: **(Committee Members)**

Councillor P Byrne
Councillor C Enright
Councillor A Finnegan
Councillor G Hanna
Councillor C King
Councillor M Larkin
Councillor D McAteer
Councillor S Murphy
Councillor M Rice
Councillor J Tinnelly

(Officials)

Mr J McGilly	Assistant Director of Regeneration
Mr A McKay	Chief Planning Officer
Mr Pat Rooney	Principal Planning Officer
Mr Peter Rooney	Legal Advisor
Ms A McAlarney	Senior Planning Officer
Ms M Fitzpatrick	Senior Planning Officer
Mr Mark Keane	Senior Planning Officer
Ms P Manley	Senior Planning Officer
Ms S Taggart	Democratic Services Manager
Ms L Dillon	Democratic Services Officer

P/069/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apology was received:

- Councillor P Campbell

P/070/2023: DECLARATIONS OF INTEREST

No declarations of interest.

**P/071/2023: 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.

The Chairperson reminded those Councillors who were not in attendance at site visits, to be mindful of this when deciding to take part in any voting process in relation to these applications.

MINUTES FOR CONFIRMATION

P/072/2023: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 20 SEPTEMBER 2023

Read: Minutes of Planning Committee Meeting held on Wednesday 20 September 2023. **(Copy circulated)**

On a point of accuracy, Councillor Tinnelly referred to Planning Application LA07/2023/2525/F, and stated he had queried the position of the red line within the application with regard to Mary Street but this was not reflected within the minutes.

Officers gave an assurance that the position of the red line would be rectified in due course in relation to the area at Mary Street, which had been omitted from the application, but which would be included in the overall scheme.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 20 September 2023 as a true and accurate record, subject to the above amendment.

FOR DISCUSSION/DECISION

P/073/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 October 2023. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following application listed on the Addendum List for Wednesday 18 October 2023:

- **LA07/2023/2409/F** - Partial Demolition of Two Storey Library to Create Single Storey Eco Library Building - KILLYLEAGH LIBRARY 52 HIGH STREET KILLYLEAGH
APPROVAL
- **LA07/2019/0549/F** - Residential development to comprise 18 Nr. semi-detached dwellings 3 nr detached dwellings. - Lands at No. 15 Old Warrenpoint Road, Newry BT34 2TD.
APPROVAL

- **LA07/2021/0167/F** - Demolition of existing dwelling and erection of 6 new dwellings - 32 Ballyholland Road, Ballyholland.
APPROVAL
- **LA07/2022/1763/F** - Public realm improvement scheme comprising resurfacing of the existing breakwater; refurbishment of railings; replacement lighting; installation of new street furniture including seats, wind breaks, bins, cycle stands and bollards; - Lands at the breakwater along Warrenpoint Front Shore located approximately 12 metres south west of 3 Osborne Promenade Warrenpoint, BT34 3NQ.
APPROVAL
- **LA07/2023/2527** - Environmental improvements comprising the installation of new planting schemes to existing open space, improvements to existing uncontrolled crossing points, refurbishment works to the fountain area, refurbishment of existing street lighting, refurbishment of existing finger posts, installation of heritage style planters and all associated works - Lands adjacent to 1-12 Main Street, 1-45 Church Road, 2 Dale Terrace, 21-6 Wakefield Terrace, 1-23 Charlemont Square West, 1-8 Charlemont Square.
APPROVAL
- **LA07/2021/0480/F** - Erection of 12 houses, housing development and associated site works - 9 & 11 Rathfriland Road, Hilltown. Lands zoned for housing immediately adjacent to and north of 11a Rathfriland Road, Hilltown. Public footpath opposite and immediately east of no. 13 Rathfriland Road, Hilltown. Public footpath on Rathfriland Road Hilltown immediately NW of the Downshire Hotel.
APPROVAL
- **LA07/2023/2528/F** - Environmental improvements comprising the installation of new heritage style street lighting, remedial works to existing footpaths, improvements to existing uncontrolled crossing points, and all associated works - Lands adjacent to 1-92 Main Street, 33-37 Saintfield Mill, 1-11 Fairview, 2 Comber Street, Saintfield, BT24.
APPROVAL
- **LA07/2023/2529/F** - Environmental improvements comprising the refurbishment of street lighting to the Upper Square Carpark, installation of heritage style bus shelters to Upper and Lower Square, installation of heritages style street furniture including pedestrian guard rails - Lands adjacent to 15-101 Main Street, 1-29 Upper Square, 2-44 Lower Square, Castlewellan.
APPROVAL
- **LA07/2021/1350/O** - Replacement Dwelling - Between 38 & 40 Ballygoskin Road, Crossgar.
REFUSAL
- **LA07/2022/0959/F** - Replacement of existing turbine approved under R/2012/0153/F with a Vestas V52 Wind turbine comprising of a 50m Hub height and Blade Span of 26m (overall tip height of 76m) - Approx. 650m South East of No 4 New Line, Crossgar.
APPROVAL

LOCAL DEVELOPMENT PLAN ITEMS EXEMPT INFORMATION

The Chairperson advised the following was for noting:

P/074/2023: LDP UPDATE – PRESENTATION OF FUTURE PAPERS

Read: Report dated 18 October 2023 from Mr J McGilly, Assistant Director Regeneration, regarding the Local Development Plan: presentation of future papers and Local Development Plan Work
(Copy circulated)

AGREED: **On the proposal of Councillor Tinnelly, seconded by Councillor King, it was agreed to note the content of the officer's report.**

P/075/2023: CONSULTATION RESPONSE: REVIEW OF THE PLANNING (LOCAL DEVELOPMENT PLAN) REGULATIONS (NORTHERN IRELAND) 2015

Read: Report dated 18 October 2023 from Mr J McGilly, Assistant Director Regeneration, regarding the Consultation Response: Review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015

AGREED: **On the proposal of Councillor Finnegan, seconded by Councillor Murphy, it was agreed to note the content of the officer's report.**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

P/076/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/1714/F

Location:

Lands 71m South-West of existing agricultural building which are immediately adjacent to No. 52 Ribadoo Road, Ballyward, Castlewellaan

Proposal:

New Dwelling and Garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Councillor Declan Murphy explained this application had been previously presented to Committee and deferred for a site visit which had since taken place.

Note:

Cilrs Campbell, Enright; Finnegan; Larkin; D Murphy; D McAteer attended site visit on 9th October 2023. It was noted that Councillor Campbell was not present in the Chamber, however Councillor Hanna who had not been on the site visit but had previously heard the presentation in the Boardroom agreed to make up the quorum for voting on the decision.

Speaking rights:In support

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

Mark Hanvey, Agent was in attendance to provide clarification if required.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application LA07/2022/1714/F, on the basis that having visited the site and taking into account the vantage point; the proposed dwelling site; the existing dwelling; and the shed on the farm; the site could be clearly seen and was visually linked.

Following discussions, the proposal was put to a vote by way of a show of hands and voting was as follows:

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

FOR:	5
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2022/1714/F, contrary to officer recommendation, on the basis that having seen the site it was apparent that the proposed new building would be visually linked to the other group of buildings on the farm.**

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2022/1384/F**Location:**

50 Carrickbroad Road, Drumintee, Newry

Proposal:

Proposed replacement dwelling and associated sit works with retention of existing dwelling for ancillary use.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Councillor Declan Murphy explained this application had been previously presented to Committee and deferred for a site visit which had since taken place.

Note:

Cllrs Enright; Finnegan; Larkin; King; D Murphy; J Tinnelly attended site visit on 7th September 2023

Speaking rights:In support

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

Mark Tumilty, Agent was in attendance to provide clarification if required.

Councillor Larkin proposed, seconded by Councillor King to overturn the officer's recommendation and issue an approval in respect of Planning Application LA07/2022/1384/F. This was on the basis that, having visited the site, the proposal did reflect the existing development at that part of the road in relation to the proposed replacement dwelling to the north and to the existing development to the west of the site. Councillor Larkin stated both site sizes and frontages were identical, as was previously shown in the Agent's presentation, and the proposed retention of the existing dwelling sits well on the site. He stated the new dwelling will be visually integrated into the surrounding landscape.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor King it was agreed to issue an approval in respect of Planning Application LA07/2022/1384/F, contrary to Officer recommendation, on the basis that having visited the site it complied with the policy and will visually integrate into the area and AONB.**

Planning Officers be delegated authority to impose any relevant conditions.

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

(1) LA07/2022/1285F

Location:

Lands Approximately 60m South-West of no. 89 Cullaville Road, Crossmaglen

Proposal:

Erection of dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

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

After extensive debate and discussion, Councillor Hanna proposed and Councillor Finnegan seconded to issue an approval in respect of Planning Application LA07/2022/1384/F, contrary to Officer recommendation, on the basis that the planning application complied with CTY8 and would have a positive impact in terms of road safety.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Finnegan, it was agreed to issue an approval in respect of Planning Application LA07/2022/1285/F contrary to officer recommendation, on the basis that the application does comply with planning policy CTY8 and the development will have a positive impact on road safety in the area.**

(2) LA07/2023/2587/F**Location:**

Land at the Fathom Line (B79), Newry City

Proposal:

Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Ms P Manley, Senior 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 objection

Mr Adrian O'Hare, presented in objection of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Tinnelly clarified whether the objector was permitted to attend a site visit in order for the them to outline the issues that exist at the site.

Mr Pat Rooney stated it would be unusual for this to occur, however it would be possible in terms of a request from an objector. He did clarify that these issues had been considered as part of the assessment of the planning application.

Following further discussions, Councillor Hanna proposed to defer a decision in order that Members could complete a site visit. This was seconded by Councillor Enright.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

Councillor Enright asked whether it was possible for the objector to attend the site visit along with Members. The Chairperson stated this was completely against the protocols.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to defer Planning Application LA07/2023/2587/F for a site visit.**

There being no further business the meeting ended at 12.16pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Special Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 26 October 2023 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D Murphy

In attendance: **(Committee Members)**

Councillor P Byrne
 Councillor C Enright
 Councillor A Finnegan
 Councillor C King
 Councillor M Larkin
 Councillor D McAteer
 Councillor J Tinnelly

(Officials)

Mr J McGilly	Assistant Director of Regeneration
Mr Pat Rooney	Principal Planning Officer
Mr Mark Keane	Senior Planning Officer (Teams)
Ms P Manley	Senior Planning Officer
Ms S Taggart	Democratic Services Manager
Ms S Kieran	Democratic Services Officer

P/069/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apologies were received:

- Councillor P Campbell
- Councillor G Hanna

P/070/2023: DECLARATIONS OF INTEREST

No declarations of interest.

P/071/2023: 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.

The Chairperson reminded those Councillors who were not in attendance at site visits, to be mindful of this when deciding to take part in any voting process in relation to these applications.

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

P/072/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/2587/F

Location:

Land at the Fathom Line (B79), Newry City

Proposal:

Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border. The proposed Greenway consists of the following: 4m wide timber boardwalk (1025m in length), 3m wide unbound gravel greenway (375m) and 3m wide bound asphalt greenway (110m). Associated infrastructure and works include: fencing, vehicle restraint system (crash barriers), edging kerbs for bound greenway, directional/trail head signage; piling installation for boardwalk and drainage works. Greenway ties in with related planning application LA07/2020/1082/F.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Councillor Declan Murphy explained this application had been previously presented to Committee and deferred for a site visit which had since taken place.

Note:

Cllrs Byrne, Enright, Finnegan, Hanna, Larkin, D Murphy, S Murphy, McAteer, Rice and Tinnelly attended site visit on 18th October 2023.

Speaking rights:

In objection

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

Adrian O'Hare, Narrow Water Bridge Community Network Agent was in attendance to provide clarification if required.

Councillor D Murphy said at the meeting held on 18 October both the planners and objector had delivered presentations and the Committee had the opportunity for questions to go to both the Planners and Objector. He said on the back of a proposal from Councillor Enright, the Committee had agreed to visit the site.

Councillor Larkin proposed, seconded by Councillor King to issue an approval in respect of planning application LA07/2023/2587/F, as per the recommendation contained within the Case Officer's Report.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor King, it was agreed to issue an approval in respect of planning application LA07/2023/2587/F, as per recommendation contained in the Case Officer Report.

There being no further business the meeting ended at 10.20am

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 15 November 2023

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:

- **P/2007/0422/F** - Erection of Residential Development with Access off Dublin Road, parking provision (part underground), associated site works and landscaping (revised scheme for 44 No. apartments (in two 4-storey blocks of 22 apartments) and 1 No. detached dwelling with individual access of Dublin Road, with demolition of the existing dwellings at Nos. 97 and 99 Dublin Road) - Nos.97 and 99 Dublin Road, Newry (extending to lands to the north (rear) of Nos. 1-8 Riverdale House, off Heslip's Lane)
APPROVAL
- **LA07/2021/0132/F** - Proposed new campsite, ancillary buildings and associated works – Killyleagh Outdoor Centre, Shore Road, Killyleagh
APPROVAL
- **LA07/2023/0903/F** – Erection of 1 No. 2 storey detached residential dwelling – adjacent and immediately south of 45 Park View, Cloughoge, Newry.
APPROVAL
- **LA07/2021/2056/F** - Erection of 18 no. dwellings with 15 no. detached garages and 3 no. garden rooms – Lands approximately 38m east of no. 22 Seafield, Warrenpoint
APPROVAL
- **LA07/2022/1474/F** - Additional trail networks comprising of 0.9 hectares of new basalt surface (as per existing trails) with associated wayfinding, signage, interpretation panels, benches and bins – Delamont Country Park, Downpatrick Road, Killyleagh.
APPROVAL

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2007/0422/F

Date Received: 20th March 2007

Location: Nos. 97 and 99 Dublin Road, Newry (extending to lands to the north (rear) of Nos. 1-8 Riverdale House, off Heslips Lane)

Proposal: Erection of residential development with access off Dublin Road, parking provision (part underground), associated site works and landscaping (revised scheme for 44 No. apartments (in two 4-storey blocks of 22 apartments) and 1 No. detached dwelling with individual access off Dublin Road, with demolition of the existing dwellings at Nos. 97 and 99 Dublin Road)

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The site is located approximately 1.5 miles south of Newry City Centre along Dublin Road, a busy arterial Route which is identified as a Protected Route. Measuring 0.86 hectares, the site boundary encompasses two existing occupied properties at Nos. 97 (detached 2 storey) and 99 Dublin Road (detached bungalow) and their curtilages, and a grassed field adjacent and between these properties that extends back from Dublin Road. A watercourse (Drumalane Stream) flows along sections of the site to the south and east boundaries and through the site, northwards to the city centre.
- 1.2 To the south and rear of No. 97 Dublin Road, the southern site boundary adjoins the rear of Riverdale House, a three storey apartment block located off Heslips Lane in addition to a tyre depot building and car wash facility. The site has a frontage of 160 metres along Dublin Road along its eastern boundary. Part of the western site boundary adjoins the rear of properties within Chancellor's Hall, a large housing development which is sited at higher level and a steep embankment separating; with the remaining part of the western boundary adjoining the curtilage of No. 3 Heslips Lane, a substantial two storey dwelling

set within a large plot size, which includes an area of mature trees to the rear, overlooking part of the application site.

- 1.3 The site is located within an established residential area, with the addition of some commercial units (including tyre depot car wash directly south of the application site and further south along Dublin Road, there is an existing supermarket / pet shop / charity shop, car wash and garden centre.) The residential character and density of this area has changed through the introduction of apartment development, with an additional three storey apartment block also located further north of the site (at No.91 Dublin Road,) resulting in an increase in density, from the traditional settlement pattern of large, detached dwellings set within large plot sizes, which were once prevalent along this stretch of Road frontage.

2.0 PLANNING HISTORY:

2.1 Site History:

- P/2002/1997/F - 97 Dublin Road, Newry. Extension to dwelling, Permission Granted 11.12.2002
- P/1985/1030 - 97 Dublin Road, Newry. New vehicular access, Permission Granted 23.07.1986
- P/1982/0590 - Lisdrumliska, Newry. Site for bungalow. Permission Granted 27.10.1982
- P/1980/1072 - Dublin Road, Newry. Erection of dwelling, Permission Granted 30.09.1981
- P/1976/0362 - Lisdrumliska, Newry. Proposed site of 2 bungalows, permission refused 07.07.1976 (roads reasons for refusal)
- P/1978/0919 - Dublin road, Carrivemaclone, Newry. Proposed extension and improvements to dwelling. Permission granted 08.11.1978

2.2 Relevant Surrounding History:

- LA07/2018/0761/F - Demolition of existing building and proposed new tyre depot with required parking and associated site works. (Adjacent to and immediately South of No.99 Dublin Road, Newry) Permission Granted 31.10.2018
- P/2007/0967/F – Erection of dwelling (Lands directly north of 97 Dublin Road, Newry) Permission Granted 12.11.2007
- P/2000/0789/F – 8 apartments & 12 parking spaces (Riverdale House) Permission Granted 22.02.2001

- P/2007/0889/O – 10 apartments & associated parking (20 metres west of No.97 Dublin Road, Newry) – Permission Refused 16.07.2008 (Refusal reasons under PPS7 QD1)
- P/2000/1077/F – Demolition of existing vacant dwelling and erection of 18 no. 2 bedroom apartments (San Jose apartments, 91 Dublin Road) Permission Granted 31.07.2001
- P/2000/0735/F – 12 apartments (Malinmore Mews, Heslips Lane / 105 Dublin Road) Permission Granted 09.08.2000

3.0 OBJECTIONS & REPRESENTATIONS:

- 3.1 The application was originally advertised on 13/04/2007 and has been re-advertised on several occasions, with the most recent being on 06/10/2021 following receipt of final amendments to the scheme. The statutory advertising period subsequently expired on 20/10/2021.
- 3.2 95 no. neighbouring properties have been notified of the application by letter and re-notified on several occasions. The most recent notification letters were issued on 27/09/2021 and the statutory notification period expired on 11/10/2021.
- 3.3 At the time of writing (Oct 2022) there have been 2 letters of objection submitted from No's 2 and 8 Riverdale House, Heslips Lane. A summary of issues raised in these letters of objection, together with consideration thereof is included below:

1. **Residential amenity:** *Including privacy issues on residents at Riverdale House, construction traffic, noise, disruption and loss of light. The resident at No. 8 Riverdale House has raised concerns in relation to loss of daylight to their property, noting that there are trees at least 50 feet in height at the side of this house (belonging to the neighbour next door,) which currently block a considerable amount of light at the side and rear of their house, resulting in reliance on lights for the kitchen, upstairs bathroom and bedroom during the day. The concerns are that if apartment blocks is approved, this will further reduce the amount of daylight at the rear of No. 8 Riverdale House, with concerns given to the 4 storey height in this regard. The resident at No.2 Riverdale House also shares concerns in relation to the amount of daylight reaching the apartment block at Riverdale House as a result of the development.*

The former Planning Authority requested a reduced scale of development following concerns in relation to overdevelopment and residential amenity. The proposal was reduced from 79 apartments to 44 apartments and a detached dwelling (and from 3 blocks to 2) and an assessment of daylight has been provided in the form of a detailed shadow analysis (for the summer and winter months) to assess the impact of the proposed buildings on

surrounding properties and residents (Drawing No. 21813 -210, date stamp received 7 Sept 2021)

The proposed apartment block, which is located to the north of Riverdale House would not affect the existing sun-path (east -west) in terms of levels of daylight to Riverdale House, including the rear elevation which is north-facing. The shadow analysis demonstrates that given the siting and orientation of Block A in relation to the sun-path, the proposed development would not result in overshadowing or reduce the levels of light to Riverdale House or any other existing residential properties.

Environmental Health have not raised any objections to the proposal in terms of noise pollution. There will likely be short term disruption from construction noise, however this will be limited to normal hours of operation and will not be permitted at unreasonable hours. This impact would be short term and would not merit a recommendation to refuse the application.

The combination of reduced scale, revised siting and additional information provided have addressed previous concerns in relation to residential amenity.

2. ***Environmental Impacts:*** *Additional buildings will reduce the amount of greenery and wildlife in this area an increase carbon footprint. There is also a small river in this area which may become blocked an as a result may need to be diverted.*

The site is located within the settlement development limits of Newry and the landscape features on site as existing are not protected by policy or legislation. That being said, development must comply with all requirements of Planning Policy Statement 2 (Natural Heritage.) NIEA has not raised any concerns in relation to natural heritage. The Planning Authority has requested additional landscaping measures and conditions will be employed to ensure these are implemented and maintained in perpetuity. Mitigating measures will also be conditioned to prevent any pollution to the existing watercourse during construction.

3. ***Impact on property value:***

This is not a material planning consideration or matter for the Planning Authority.

4. ***Scale of development is excessive:***

The Planning Authority have had strong concerns in relation to the scale of development originally submitted. This has been reduced from 79 apartments to 44 apartments and 1 dwelling, with two separate apartment blocks. The reduced scale of development has addressed previous concerns in relation to overdevelopment of the site and residential amenity.

4.0 PLANNING POLICY CONTEXT & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI) – DES2, SP18

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- 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

5.0 CONSULTATIONS:

DfI Rivers Agency (latest response dated 05/04/2021) – Additional information required to meet PPS15 (Revised) requirements, see PPS15 (Revised) discussion below.

NMDDC Environmental Health (latest response dated 05/04/2021) – No objections to the proposal, subject to waste and contamination requirements being met (informatives provided.)

DfI Roads (latest response dated 24/02/2022) - considers the application unacceptable as submitted. Insufficient detail is available on transportation issues. Should Planning Service be minded to progress the application towards an approval DfI Roads require several following points to be addressed – see PPS3 discussion below.

NI Water (latest response dated 5/10/2021) – Recommend refusal as the receiving foul sewerage network has reached capacity. However subject to successful discussions and outcomes regarding issues highlighted, NI Water may reconsider its recommendation – see discussion below.

NIEA Water Management Unit (latest response dated 11/02/2013) – Raise concerns regarding sewerage infrastructure capacity. Advise If NIW indicates that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent conditions, then WMU would have no objection to the proposal. Concerns also raised in relation to the proposed culverting of part of the existing watercourse, advising that the construction of new culverts should be avoided unless no practicable alternative exists. And where culverting is proposed, it should comply with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4 –

condition attached in relation to mitigation measures to protect the water environment.

Loughs Agency (07/10/2008) – Potential impacts from the development outlined, including: increases in silt and sediment loads (from construction,) point source pollution during construction, overloading of the WwTW infrastructure increasing risk of sewerage overflows. Conditions provided in the event that approval is issued, together with informatives.

Shared Environmental Services (19/10/2022) – The site is hydrologically connection to European sites located in Carlingford Lough and due to the scale and nature of proposal, potential impacts require further consideration.

6.0 ENVIRONMENTAL IMPACT ASSESSMENT

6.1 This application falls to be considered under The Planning (EIA) Regulations (NI) 1999 as it was submitted prior on 20th March 2007. As the development falls under Category 10 (B) of Schedule 2 of the above regulations, the Planning Authority is obliged under Regulation 9 of these regulation to make a determination as to whether the application is for EIA development.

6.2 The former Planning Authority, DOE Planning Service determined on 1st September 2008 that the planning application does not require to be accompanied with an Environmental Statement.

7.0 CONSIDERATION AND ASSESSMENT:

7.1 Summary of Proposal

The original proposal as submitted was for a development of 79 apartments, in 3 large blocks which range in height from 2-5 storeys. This first scheme acted as the Department's starting point in a long process of negotiation with Applicants' Design Team. The scheme has undergone considerable amendment as a result and following concerns, the scheme has been reduced to 44 apartments and 1 detached dwelling with an individual access (Revision 3, 23 April 2012). These amendments follow a written direction from the then Divisional Planning Manager in August 2010 that 3 apartment blocks amounted to overdevelopment of the site, but that 2 blocks would be acceptable in principle.

7.2 Banbridge/ Newry and Mourne Area Plan:

Extract from Map No. 3/02a BNMAP 2015



Section 45 of the Planning Act (Northern Ireland) 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. BNMAP 2015 operates as the current LDP plan for this site and identifies the site as being within the settlement development limits of Newry (NY01,) on land with no particular zoning (white land,) as identified by the BNMAP 2015. As there are no

particular zonings or site requirements for this site identified within the plan, the development proposal will be considered under normal planning and environmental considerations taking into account responses from consultees and objections and prevailing policy requirements outlined.

- 7.2.1 The principle of residential development on the application site is established by virtue of the existing two dwellings on site (Nos. 97 and 99 Dublin Road), both occupied, its location within an established residential area and there being no conflict with the Area Plan in this regard. The principle of residential development is therefore acceptable in principle with the Area Plan, the acceptability of the detailed scheme will fall to be considered against the remaining prevailing policy requirements.

- 7.3 **SPPS and PPS2:** NIEA have not raised any concerns with the proposal in relation to natural heritage. Water Management Unit raise concerns in relation to the sewerage network capacity, considered further below (para 7.5.20.)

- 7.3.1 The potential impact of this proposal on European designated sites has been assessed, in accordance with The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015. The site is hydrologically connected to Carlingford Lough SPA and Ramsar via the Drumalane Stream on site. SES have advised that further assessment would be necessary to assess the potential impacts of the proposal on European Sites. It is noted that there are several outstanding requirements to be addressed with this application, not less for DfI Rivers Agency, DAERA Water Management Unit and NI Water. Until such times as this information is available, further consultation with SES is considered premature. A condition will be necessary to ensure the outstanding information is provided prior to any commencement of development hereby approved to enable formal assessment of these matters in consultation with SES.

7.4 PPS3, DCAN 15 and Parking Standards: The proposal involves the creation of a private drive to the detached dwelling and a private gated entrance to the apartments, both off Dublin Road. The most recent layout indicates there will be a right-hand turn lane into the apartment access. DfI Roads in most recent comments dated 24.02.22 advise that should The Planning Authority be minded to progress the application towards an approval, DfI Roads require the following points to be addressed:

1. *Red line to be extended on site location plan to include the proposed single dwelling to the southern side, this will require 2.4m x 90m*
2. *Proposed access will currently require the removal of a pedestrian refuge /crossing island – this is unsatisfactory.*
3. *Position of sliding gate to be located a minimum of 10m from edge of public road.*
4. *10m Raddii required at proposed access.*
5. *Proposed pedestrian crossing points at new access to be positioned to rear of the 10m Raddii*
6. *Cross sections to be provided along entire site frontage (10m centres) to show existing road, footpath, verge & existing stream. (existing & proposed)*
7. *Bin storage point to be located to the rear of the proposed sightline & within the applicant's control.*
8. *Current Road traffic islands along site frontage are not shown on drawing No21813-203 Please amend accordingly.*

7.4.1 The Planning Authority wrote to the agent on 22/04/2022 requesting additional and amended information to address the above requirements before 13th May 2022. The Council have been made aware of personal circumstances and as such granted an extension of time to enable these matters to be addressed. However since a significant time has now passed and no information to the above has been provided, the application must progress on the merits of information available for assessment. The consideration of this application to date is material to this final assessment. It is acknowledged that a commitment has been given for residential development by the previous planning authority and on the basis of the timeline of events to date, the Planning Authority consider an approval can only be granted having addressed the above requirements. It is therefore necessary to condition that the above Roads matters are addressed prior to the commencement of any development hereby recommended for approval.

7.4.2 In terms of parking, the proposed layout includes an under-ground car park (35 spaces) to serve Block A, 10 spaces to the front of Block A, with a further 26 spaces to the front of Block B, totally a provision of 71 spaces. DOE Parking Standards set out that 68 parking spaces are required to serve the two apartment blocks (comprising 36 no. 2 bed apts. and 8 no. 3 bed apts.) The proposed parking details (as amended) exceeds these requirements and is considered acceptable in terms of a proportionate arrangement with the two blocks to avoid remote or inaccessible parking.

7.4.3 The detached (4 bed) dwelling has an area for private parking within its curtilage, in addition to a detached garage which can easily facilitate 3 in curtilage spaces as required by DOE Parking Standards.

7.4.4 In summary, the parking provision (as amended,) is considered acceptable to Policy AMP7 and DOE Parking Standards.

7.5 SPPS, PPS7 (QD1 and QD2), PPS7 (Addendum), PPS8, PPS15, PSRNI (DES2), DCAN 8, DCAN 11 and Creating Places

The SPPS is a material consideration in the assessment of all applications. However as there is no significant change to the policy requirement for housing in settlements following the publication of the SPPS, which is arguably less prescriptive, the retained policies of PPS7, PPS7 (Addendum) and PPS12 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS:

7.5.1 Surrounding Context /Topography/ Layout

The site is located within the development limits of Newry City on land with no particular zoning, within an established residential area, with the site itself having an established residential use, in the present form of two detached dwellings. The surrounding context comprises of a range of buildings and uses with concentrations of primarily residential development surrounding; The site sits amongst a group of apartments, known as San Jose, Riverdale House and Malinmore Mews. Edencrieve, along Heslips Lane, is a medium-sized cul-de-sac of semi-detached two-storey dwellings. Development to the north along Dublin Road consists of individual large, detached dwellings, within larger mature plot sizes. Highfields opposite and west is a long established private development comprising a mix of modern detached dwellings in relatively small plots. Chancellors Hall sits elevated above the site, to the west, accessed off Chancellors Road. The surrounding residential character is evidently mixed, ranging from detached dwellings to apartment buildings and a low to medium density of development.

7.5.2 The proposed layout of a detached dwelling and two separate apartment blocks are reflective of the existing pattern of development found at this location. The overall layout incorporates the apartment blocks set back from the road side, with landscaping in front to soften the scheme to the roadside. This would not be out of context with the surrounding development, including San Jose apartments directly to the north of the site.

7.5.3 In terms of topography, the site rises in level currently towards the west, with approximately 5-6m difference in ground levels from east to west. The proposed development has taken account of the existing change in levels by proposing an underground car park in Block A, leaving the building's finished floor level at similar level to the existing ground level, with a stepped access to the front. The design has taken account the existing landform, with all three buildings positioned so as to avoid the use of extensive earthworks or retaining structures within the scheme.

7.5.4 The overall layout of proposed dwellings have separation distances of 20m plus between properties to avoid overlooking, which exceeds recommended separation distance guidance set out in 'Creating Places.')

7.5.5 Landscaping/ Hard Surfaced Area/ Pedestrian Links/ Private Open Space

The proposed open space provision for the apartment development is integral to the overall layout and is well within the recommendations of size requirements within 'Creating Places' guidance and Planning Policy OS2 of PPS8 (minimum 860m² for this scheme.) The detached residential property also has an area of private amenity space located to the rear ensuring private amenity space is kept out of view from the main thoroughfare and ensure it remains private.

7.5.6 The proposal raised initial concerns in terms of car parking dominating the streetscape and a disproportionate level of hard surfacing. The scheme has since been amended to set the car parking back from the roadside and augment the road frontage with trees, hedgerow and grassed areas to soften the approach to the scheme from the Dublin Road.

7.5.7 Proposals will incorporate extensive landscaping particularly along the frontage of the site and entrance to the development which will involve the large areas of open space along with new planting along the road frontage. The entrance of the development to either side proposes detached properties with low density accompanied by swathes of open space and landscaping which will not only present an attractive aspect to the road but will help to soften its visual appearance with areas of landscaping/ planting bands acting as a buffer to traffic, noise and views from Derrybeg Lane and Craigmole Way.

7.5.8 Archaeological and Built Heritage

There are no identified or known features of archaeological or built heritage at this location which would be affected by the development.

7.5.9 Local Neighbourhood Facilities

There is no policy requirement for the provision of local neighbourhood facilities to be as part of the proposed development. There are a wide range of community facilities within the surrounding locality to adequately facilitate the proposed number of residential units.

7.5.10 Movement Patterns/ Disabled Access

Safe pedestrian movement is provided for within the site, with linkages to the existing pedestrian footway via internal pathways. The proposed apartment blocks front onto areas of shared space and pathways, ensuring informal surveillance and assist the safety of users. The overall layout and design have taken into account users with impaired mobility: Access and parking areas are on a level surface, with ramped access to the underground car parking. Block A, which is accessible via steps to the front, also has an accessible lift running from the car park level to all floors. There are bus stops along Dublin Road

within walking distance to the site and areas for bicycle parking included within the scheme, which will encourage sustainable methods of movement.

7.5.11 Parking/ Roads

As considered above under PPS3, there are additional requirements to be met in relation to PPS3 / DCAN15 which will be dealt with by condition. In terms of parking, the previous concerns in relation to the detailed parking layout (which appeared as overly dominant in terms of hardstanding to the roadside) have been addressed through a revised layout of parking, in addition to the implementation of landscaping measures to soften the areas of parking and create a more aesthetically pleasing outlook from the existing streetscape and a higher quality residential layout.

7.5.12 Impact to Amenity

The concerns of residents within Riverdale House to the south have been considered in this regard (concerns in relation to privacy and loss of light.) Apartment Block A would sit approximately 5m higher than the ridge level of Riverdale House. In considering the proposed layout, which incorporates over 20m of a separation distance between the two blocks, together with the orientation of buildings in relation the sun-path via detailed shadow analysis, the proposed apartment block would have little impact on the rear elevation of Riverdale House (which is north facing) in terms of loss of light. Whilst the proposed block is higher, given its separation distance / set-back and scale of side elevation (17m wide,) the arrangement would not result in dominance or 'hemming' in to existing residents at Riverdale House. There are no window openings proposed in the southern elevation of Block A which would not result in any issues of overlooking or loss of privacy.

7.5.13 There are significant changes between levels of the site and Chancellors Hall to the west, however the separation distances are 30 plus metres and with the positioning of the proposed apartment blocks, there are no concerns in terms of amenity concerns to proposed residents in terms of overlooking / privacy.

7.5.14 Subject to appropriate waste requirements being met, Environmental Health have not raised any objections to the scheme.

7.5.15 Prevention of Crime and Promotion of Personal Safety

All residential units within the layout will overlook areas of public use allowing for informal surveillance with the aim of enhancing public safety. The vehicular access is also proposed to be privately gated to promote secure access to the development.

7.5.16 House Types

The scheme includes 44 apartments (36 no. 2 bedroom and 8 no. 3 bedroom) set over two 4 storey blocks each with 22 units) and 1 no. 4 bedroom detached two storey dwelling. External finishes are in keeping with the surround area and incorporate brown / red brick finishes, which is characteristic of this area,

including at San Jose and Chancellors Hall developments in the immediate locality. The proposal is acceptable to PPS7 QD1 (h) and PPS12 PCP 2 (Good Design) in this regard.

7.5.17 Density

The proposal as originally submitted (comprising three apartment blocks) raised concerns in terms of over-development and would have been inappropriate on the site. The scheme has been reduced to two apartment blocks and one detached dwelling. The density levels associated with the amended scheme are comparable with existing and proposed development within the vicinity of the site and is acceptable to PPS12 Policy PCP1 (Increasing Housing Density without Town Cramming.)

7.5.18 Social Housing

The site has not been identified within the area plan requiring social housing provision nor has the applicant/agent provided any indication that the development will be utilised for social housing.

7.5.19 Flooding/ Drainage

DfI Rivers Agency in comments dated 05/04/2022 advise that Policies FLD1-FLD4 of PPS15 (Revised) are applicable to this site:

- FLD1 (Development in Fluvial Flood Plains) -The Flood Map (NI) indicates that minor parts of the site (adjacent the existing watercourse) lie within the 1 in 100 year fluvial flood plain. However, the applicant is proposing to divert this designated watercourse known to DfI Rivers as Drumalane Stream Extension (U4504Ext) as part of their proposals. The proposed diversion will change the characteristics and route of the designated watercourse and has the potential to alter the 1 in 100 year fluvial floodplain extents associated with this modelled watercourse. The applicant should carry out a Flood Risk Assessment for Rivers Agency's consideration that will verify the more accurate extent of the floodplain. This will involve a detailed river model of the proposed diversion. Only those areas determined to be located outside the newly determined 1 in 100 year fluvial floodplain can be developed, unless deemed an exception by the Planning Authority under FLD1 of PPS15.

It is noted that the extent of the development site did not change from the original submission in 2007. Rivers Agency were consulted and replied in March 2013, whereby there was no mention of development within the flood plain or concerns in relation to FLD1 in this regard. However, it is noted that Planning Policy was revised in September 2014 (PPS15 Revised.)

For most part, the watercourse is open and retained as existing. A small area of culverting is proposed and the building will be set on ground above the existing watercourse level therefore there is no risk of flooding. Also given its elevated location on the Dublin Road, the prospect of flooding at this site is considered unlikely. For this reason and in considering the comments provided by Rivers Agency throughout the processing of this application, it is

considered an unreasonable request to seek such detailed modelling information in relation to FLD1 at such an advanced stage of consideration of this application.

- FLD2 (Protection of Flood Defence and Drainage Infrastructure) – Drawing No: 21813-202 shows that a substantial maintenance strip will be maintained as part of the proposed works. Therefore, DfI Rivers are satisfied that the applicant has addressed FLD2 of PPS15.
- FLD3 (Development and Surface Water) – FLD3 sets out the thresholds whereby a Drainage Assessment will be required. As the proposal comprises a residential development of 10 units or more and also includes new hard-surfacing exceeding 1000m², a Drainage Assessment is required. This information has been requested and at the time of writing has not been provided. It will therefore be necessary to condition that a detailed drainage assessment is provided prior to commencement of any development to ensure the proposal is fully compliant with FLD3.
- FLD4 (Artificial Modification of watercourses) – The proposal includes culverting approximately 10m of the existing watercourse to facilitate the entrance road to the site in addition to diverting and canalising a section (approx. 50m) of the existing watercourse downstream of the proposed culvert to be constructed at the site entrance. Under FLD 4, artificial modification of a watercourse will only be permitted in exceptional circumstances.

The agent has provided correspondence (dated 03/11/2020) from Nicolas O' Dwyer Ltd consulting engineers in an attempt to justify how the exceptional circumstances are met. This correspondence in summary notes that as the entrance road into the development crosses perpendicular to the watercourse, it's necessary to culvert approximately 10m of the watercourse to facilitate the site access / entrance. The statement also includes justification for the further canalisation works proposed against section 6.51 of FLD4, in that there are no overriding environmental concerns for the re-alignment.

It is accepted that the proposed culverting works are in line with the first exception to FLD4 *"Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;" Provided works are carried out as proposed, the scheme will promote the retention of the watercourse as a central amenity feature, as promoted by Policy.* It is noted that the applicant will require separate consent from DfI Rivers Agency for these works, this will be included as an informative for the developer's awareness.

7.5.20 Water/ Sewerage

The proposal seeks to connect to existing NIW mains water and sewerage infrastructure. NIW advise in comments 21/10/2021 that there is capacity at the WWTW and available water supply to serve the development. However, there are network capacity issues with the existing public surface water and the

receiving foul sewerage network has reached its capacity. For these reasons, NIW recommend refusal, though note that subject to successful discussions and outcomes regarding issues highlighted in the responses below, NI Water may reconsider its recommendation. NIEA Water Management Unit has also expressed their concerns in relation to the sewerage infrastructure and potential impact on the ground water environment.

- 7.5.21 To ensure a practical solution to sewage disposal is possible at this site, a planning condition will be necessary to ensure that no development shall take place until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NI Water) or a consent to discharge has been granted under the terms of The Water (NI) Order 1999.
- 7.5.22 The applicant may wish to consider discharging surface water into the watercourse with the agreement from DfI Rivers Agency as an alternative (via Schedule 6 consent) or an alternative arrangement.
- 7.5.23 Given the personal circumstances relating to the case, the passage of time and the commitment already given to the project from the former Planning Authority. The only remedy is to negatively condition requirements prior to commencement of development at this location.

8.0 SUMMARY CONSIDERATION AND ASSESSMENT:

- 8.1 Two objections have been received which have been fully considered and has resulted in several changes to the scale, site layout, orientation, position and separation distance of proposed dwellings from Riverdale House, which will avoid any negative impact to amenity.
- 8.2 Whilst objectors wish to see a less dense housing scheme, the site is nevertheless located within the development limits of Newry City on land with an established residential use, but with no specific zoning or key site requirements or restrictions. Whilst it may not be of any consolation to the objectors the Planning Authority during the planning process have acted to ensure that the amenity between the proposed development and existing dwellings was upheld.
- 8.3 It is noted planning policy requirements have changed since the proposal was originally submitted in 2007. Overall the proposal are acceptable in principle and subject to the proposals meeting the conditions set out below, the requirements of prevailing planning policy and concerns raised by consultees are capable of being complied with.

- 9.0 RECOMMENDATION:** Approval subject to the conditions below being met:

10.0 PLANNING CONDITIONS:

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

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

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

- 01 - Site Location Map (date stamp received 20 March 2007)
- 21813-202 Rev D - Proposed Site Plan 1/250 (date stamp received 06 Nov 2020)
- 21813-203 Rev C - Proposed Car Park Layout (date stamp received 7 Sept 2021)
- 21813-2017 - Proposed Domestic Garage (date stamp received 7 Sept 2021)
- 21813-208 - Proposed Detached House (date stamp received 7 Sept 2021)
- 21813-205 Rev A - Proposed Apartment Block A (date stamp received 7 Sept 2021)
- 21813-206 - Proposed Apartment Block B (date stamp received 7 Sept 2021)
- 21813-211 Rev C - Proposed Site Sections (date stamp received 7 Sept 2021)

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

3. Prior to the commencement of the development hereby approved, all amended drawings and additional information requested in writing by the Local Planning Authority on 22nd April 2022 (including items detailed in consultation response from DfI dated 24th February 2022.) shall be submitted to and agreed in writing by the Local Planning Authority in consultation with DfI Roads, addressing all of the following matters:
 - Red line to be extended on Site Location Plan to include the proposed single dwelling to the southern side, this will require 2.4m x 90m;
 - Proposed access will currently require the removal of a pedestrian refuge / crossing island;
 - Position of sliding gate to be located a minimum of 10m from edge of public road;
 - 10m Radii required at proposed access;
 - Proposed pedestrian crossing points at new access to be positioned to rear of the 10m Radii;
 - Cross sections to be provided along entire site frontage (10m centres) to show existing road, footpath, verge & existing stream. (existing & proposed);
 - Bin storage point to be located to the rear of the proposed sightline & within the applicant's control;

- Current Road traffic islands along site frontage are not shown on drawing No 21813-203 Please amend accordingly.

Reason: To ensure the proposal is compliant with The Strategic Planning Policy Statement for Northern Ireland (SPPS,) The Department's Planning Policy Statement 3: 'Access, Movement and Parking' and the guidance of both Development Control Advice Note 15 'Vehicular Access Standards' and 'Creating Places.'

4. Prior to the commencement of the development hereby approved, a detailed drainage assessment, compliant with Annex D of PPS15 (Revised) shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with DfI Rivers Agency. Development shall take place accordance with the approved details.

Reason: To safeguard against flood risk to the development and elsewhere and to ensure the proposal is compliant with The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 15 (Revised) 'Planning and Flood Risk.'

5. 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 Local 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.

6. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with Northern Ireland Water.

Reason: To ensure the appropriate foul and surface water drainage of the site.

7. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 6, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

8. Prior to commencement of development hereby approved, an Environmental Management Plan (Including method of works statements for all culverting, canal and earthworks operations) shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with

DAERA Water Management Unit and Shared Environmental Services. Development shall take place accordance with the approved details.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the proposal is compliant with: The Strategic Planning Policy Statement for Northern Ireland (SPPS,) Planning Policy Statement 2 'Natural Heritage' and The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015.

9. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries interests.

10. During the first available planting season after the occupation of the first residential unit hereby approved, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the Proposed Site Plan (Drawing No 21813-202 Rev D date stamp received 6 Nov 2020) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

11. The open space and amenity areas as indicated on the drawing NO. 21813-202 Rev D date stamp received 6 Nov 2020 (Proposed Site Plan,) shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any unit hereby 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.

12. 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.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease, and the Local Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM)

guidance (available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.) In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Local Planning Authority and subsequently implemented in accordance with the approved details and timeframe.

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

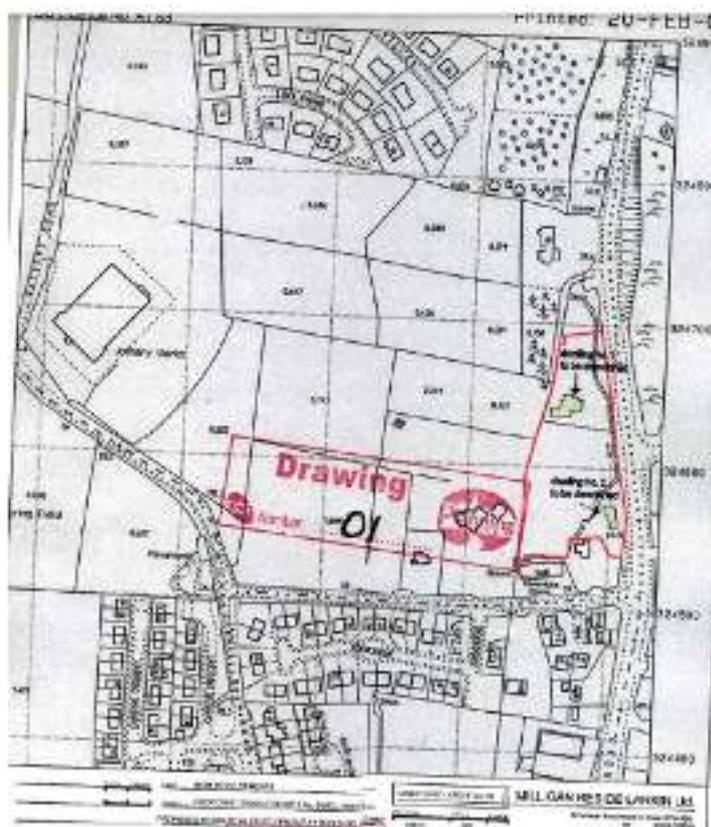
Case Officer: O. Rooney

Date: 18.10.23

Authorised Officer: P. Manley

Date: 18.10.23

Annex 1: Final Drawings



Drawing No. 01 - Site Location Map (date stamp received 20 March 2007)



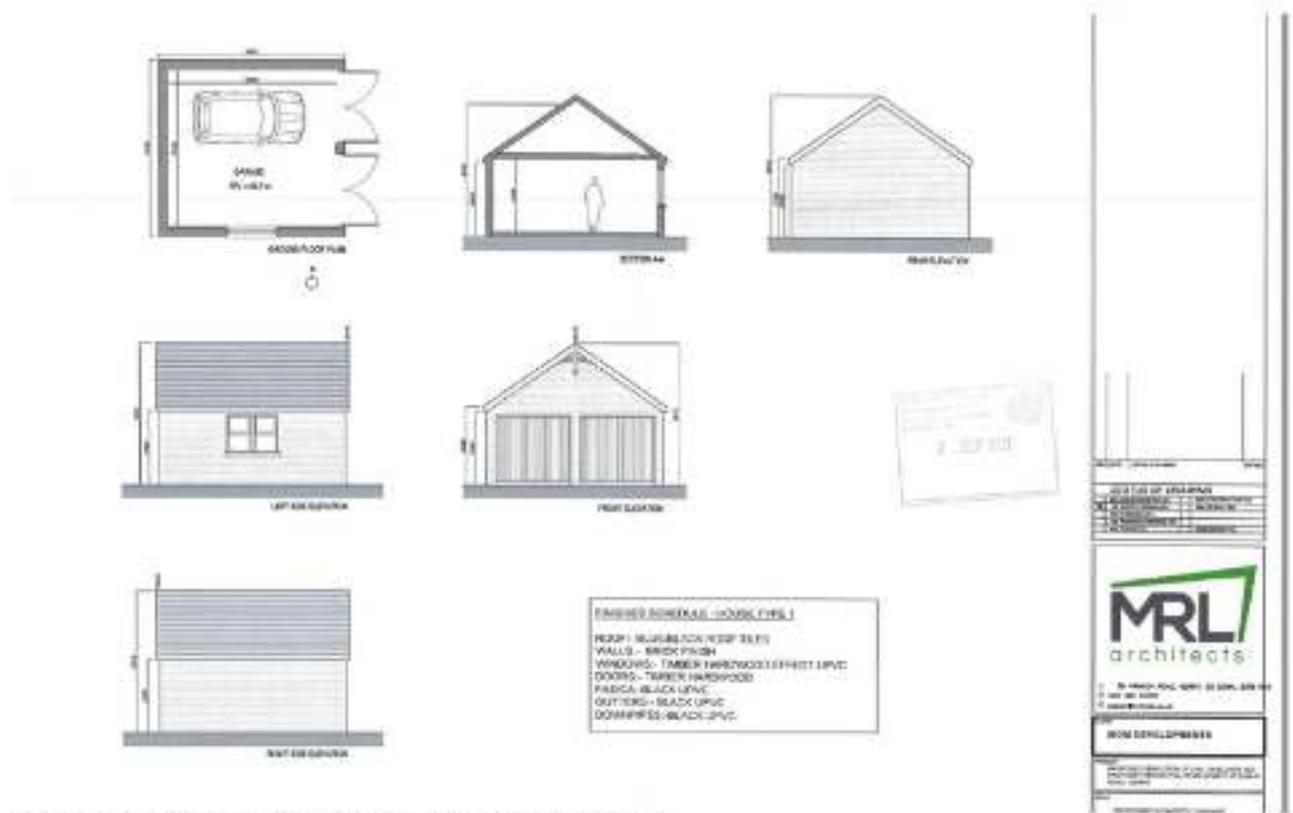
Drawing No. 21813-202 Rev D - Proposed Site Plan 1/250



Drawing No. 21813-203 Rev C - Proposed Car Park Layout



Drawing No. 21813-205 Rev A - Proposed Apartment Block A



Drawing No. 21813-2017 - Proposed Domestic Garage



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

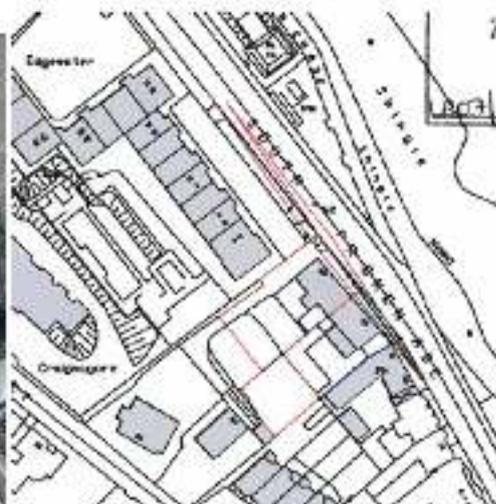
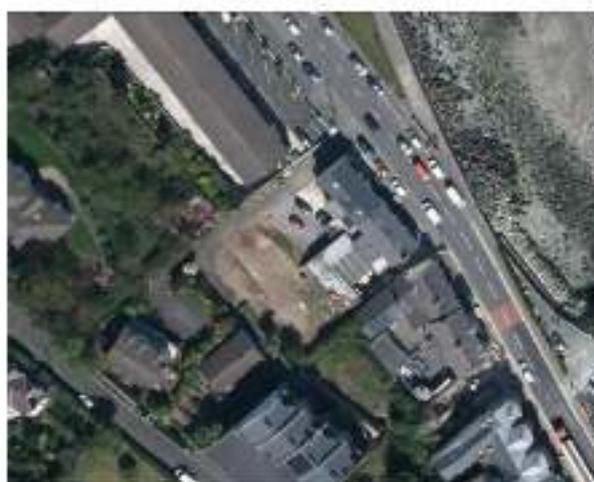
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1302/F

Date Received: 27.08.2019

Proposal: The application is for full planning permission Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space.

Location: The application site is located within the settlements limits of Newcastle and in an Area of Townscape Character as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is located off South Promenade Newcastle and is comprised of roughly square and rectangular plot located to the rear of Nos. 65-69 South Promenade and immediately to the front of No 63 South Promenade. The site is grassed at present and rises steeply from South Promenade in a SW direction toward the properties at No 63 South Promenade and 28 King Street which sit at a higher level than those along South Promenade. The existing access to No 63 runs parallel to the NW boundary along the site, which will also serve this site. The immediate area is predominantly residential, however there are retail premises to the east of the site.

Site History:

R/1994/0072 REAR OF 65B South Promenade Newcastle Bungalow Granted

R/2000/0330/F 67 South Promenade, Ballaghbeg, Newcastle, Change of use of part of supermarket to a hot food carry out PERMISSION GRANTED 26.05.2000

R/2011/0794/F 65 and 67 South Promenade Newcastle, Proposed change of use of restaurant to retail unit on ground floor and 2no 1 bedroom apartments on the first floor PERMISSION GRANTED 03.09.2012

LA07/2017/1614/F Apartment B 65 South Promenade Newcastle Bedroom and utility room extension PERMISSION GRANTED 12.12.2017

LA07/2018/0061/F To the rear of 65-69 South Promenade, Newcastle, Proposed dwelling Permission Refused 24/01/2019.

LA07/2018/0750/F - Apartment B 65 South Promenade

Newcastle - Proposed bedroom and utility room extension to first floor apartment, with additional bedroom at second floor Permission Refused - 07.03.2019

Planning Policies & Material Considerations:

The application site is located within the settlement limits of Newcastle, within the Mourne AONB, an Area of Townscape Character (ATC) and sphere of influence of an archaeological site and monument as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 2, PPS 3, PPS 6, PPS 7 'Quality Residential Environments' and the second addendum to PPS7 'Safeguarding the Character of Established Residential Areas' (the Addendum). Supplementary guidance contained in 'Creating Places - Achieving Quality in Residential Developments' (CP) is also material to the consideration of the application as is DCAN 8 'Housing in Existing Urban Areas'.

Consultations:

NI Water – statutory response

DFI Roads – objection – detailed below

Historic Environment Division – No objections

Objections & Representations

In line with statutory requirements seventeen neighbours have been notified on 09.09.2019 The application was advertised in the Mourne Observer on 11.09.2019.

Two letters of objection have been received from the occupants at No 63 South Promenade and No 28 King Street. No 63 has also sent in a second letter to counter argue the parking survey that was submitted.

Kieran Fitzpatrick 63 South Promenade, Newcastle raises the following issues:

- Inadequate vehicular access to the site

- Build restrictions and guidance (and the need to avoid town cramming)
- Issues regarding boundaries and proposal in close proximity
- Previous application for a refusal on the same site
- Loss of privacy and overlooking
- Inaccuracies on current plans
- Allocation of parking for the apartments already approved

Robert Martin 28 King Street, Newcastle raises the following issues

- Objections from the previous application
- Existing Right of way
- Commercial storage already on the site
- Incorrect sightlines
- Additional vehicles and their impact and access to the site
- Access serves 63 South promenade and 28 King Street
- Nature of amenity space for apartments
- Excavation work has already taken place on the site, now a steep topography
- Loss of amenity to property

One letter of support has been received from Jim Wells MLA stating that the applicant has met Roads concerns and the site is brownfield site within Newcastle.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application and to any other material considerations. The application is located within the settlement of Newcastle, within the ATC and with the Mourne AONB.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

The current proposal seeks full planning permission for the erection of a detached dwelling. The dwelling has an overall height of 5.8m to FFL and an underbuild of 0.35m. There is a single storey rear return which extends 6.3m to the rear and which drops in ridge height to 4.4m above FFL. The dwelling will be finished with smooth rendered walls and black plinth, aluminium windows, aluminium and glass front door, black PPC Aluminium rainwater goods and dark flat roof tile / slate.

Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed criteria A - I.

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

This is a full application to establish whether a dwelling at the site to the rear of No's 65 and 69 South Promenade is acceptable. The site layout provided shows the proposal in relation to Number 63 South Promenade and No 28 King Street. The plot on which the actual dwelling will sit is 15.5m x 15m. The remaining portion of the red line is being used to reconfigure the amenity space for the apartments at No 65 South Promenade.

DCAN 8 discusses that for a site to be successful backland development it must have appropriate plot depth and configuration. DCAN 8 states 'Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting'. The site size is less than a quarter of this, with the overall backland plot approx. half of the recommended 80m. The urban grain could not be described as a 'tight urban grain' nor would it be sufficiently tight to overcome concerns regarding residential amenity and character and to allow for a lesser plot depth.

The layout arrangement shows a dwelling positioned close to the boundaries with No 63 and 69 South Promenade and with No 30 King Street which results in poor private amenity space which is approx. 45m² of useable space (plans indicate 62m² some of which is to the rear of the rear return of the proposal which is located approx. 2m from the boundary with lands just to the NE of No 30 King Street). This is at the lower end of the guidance from Creating Places whereby amenity space should be between 40m² – 70m². The dwelling is 6.5m to the boundary with No 63 South Promenade and 1m from the boundary with No 69 South Promenade (indicated as being owned /controlled by the applicant). The front of the dwelling which includes two living room windows and a bedroom window is approx. 1.5m from the grassed bank owned by No 63 where there is a change in levels of approx. 1.5m and thus the outlook for potential residents would be poor. The owner/occupiers of No's 65 and 69 may be prepared to tolerate a lower level of amenity than is required is not a sufficient reason to permit an otherwise unacceptable proposal as its neighbours or future occupiers may not. Thus a dwelling on the plot would be overdevelopment of the site and not

respect the surrounding context and is inappropriate to the character and topography the site.



(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;

Historic Environment Division have been consulted regarding the proposal and archaeological and built heritage will not be impacted upon.

(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;

Given the nature of the development public open space is not a requirement. There is adequate private space within the application site to accommodate the private open space provision.

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

The provision of neighbourhood services is not applicable to this application given the scale of development.

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

Given the scale of development a movement pattern is not required.

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

The proposal is able to provide off street in curtilage parking which is deemed to be acceptable. Parking for the adjacent proposal will be discussed later in the report.

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

The proposal is for a 3 bedroom dwelling, with no issues regarding the materials and finishes of the dwelling.

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

The dwelling has been designed with 3 blank wall/gables in order to reduce overlooking, however, this contrived design solution, is a reflection of the restricted nature of the plot as is the orientation of the dwelling. There will however, still be some element of overlooking of the proposal from the neighbouring properties Nos 28-30 and No 63 South Promenade.

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety in the same regard as the existing dwellings.

PPS 3 - Access, Movement and Parking PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

The applicant has indicated two parking spaces to serve the proposal. Also as part of this proposal the area to the rear of the apartments which is currently used for parking is to be reconfigured to remove any parking and provide communal amenity space for the apartments.

Transport NI has advised that if the proposal is permitted it would prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Departments DCAN 15 due to parked cars. Consequently, it is considered that the proposal would prejudice road safety and is therefore contrary to Policy AMP 2 of PPS 3.

In relation to the reconfiguration of the amenity space for the apartments, these had been approved under the previous application R/2011/0794/F showing two car parking spaces, it is not appropriate to now remove parking spaces so that the additional parking can now be used to serve the proposed new dwelling.

PPS 6 Planning, Archaeology and the Built Environment

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage. HED Historic Monuments has assessed the application and on the basis of the

information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Addendum to PPS 6 – Areas of Townscape Character

Policy ATC 2 – New Development in an area of Townscape Character

The Department (Council) will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. As mentioned previously the proposal is located within the ATC in Newcastle. The proposal would not provide a quality residential development and in this respect, it would not maintain or enhance the overall character of the area.

Conclusion

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the application does meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, in that there is inadequate provision for parking within the scheme as the proposal is utilising the parking provision for No 65 South Promenade to service the proposed dwelling.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3 (PPS3) Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 due to parked cars.

5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Case Officer Signature

Date

Appointed Officer Signature

Date

Committee Deferral

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2019/1302/F	Target Date:
Proposal: Dwelling and reconfiguration of parking layout on site with associated access arrangements	Location: To the rear of no's 65-69 South Promenade Newcastle
Applicant Name and Address: Margaret Ireland 69 South Promenade Newcastle BT33 0EY	Agent Name and Address: 32A Bryansford Road Newcastle BT33 0LG

Reconsideration

The application was presented to Planning Committee in February and August 2020 and deferred for site visits on both occasions which have since taken place.

The reasons for refusal recommended were as follows.

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, in that there is inadequate provision for parking within the scheme as the proposal is utilising the parking provision for No 65 South Promenade to service the proposed dwelling.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3 (PPS3) Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 due to parked cars.
5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Following presentation of the application to Committee on the 26 August 2020, the application was deferred to allow for the submission of additional information for DFI Roads on matters of access and road safety.

There followed a lengthy consultation exercise between the planning office, agent and DFI Roads regarding these matters.

Neighbour Notification was carried out on the 19 October 2023 and expires on the 02nd November 2023 in relation to the latest amendments upon which this application has been assessed. It is acknowledged that the Neighbour notification will not expire until 02 Nov 2023 and this report will be signed off on the 01 November 2023. The Planning Committee will be briefed on the 15th Nov 2023 when this application is due to be heard, in relation to any further representations received in the interim period.

The latest revisions which have been found acceptable to DFI Roads show the access arrangements to include sight splays of 2.0 by 60m a footway along the frontage of Ireland's shop & extended to Macken's Bar minimum of 2m, kerbing and build out, removal of the wall at Macken's in full and

existing telegraph Poles to be set back behind vis splays. PSD drawing 07 Rev D reflects these requirements for adoption. Conditions refer.

The proposal has also been amended to now include within the red line of the application site provision of 2 no parking spaces for the 2 existing apartments at No 65 South Promenade and 2no parking spaces for Irelands white good vans along with 2 car parking spaces for the proposed new dwelling. The P1 form has been amended in relation to the proposal description to read "Dwelling and reconfiguration of parking layout on site with associated access arrangements"

With the provision of the 4 spaces, serving the apartments and Irelands Electricals, comes a reduction in the communal amenity space for the apartment dwellers at No.65 South Promenade. DFI Roads have been consulted on the revised access arrangements and parking layout and have responded with no objection.

Given parking has been retained for the apartments and provision is made for the new dwelling the planning authority would have no objection to this and on this basis Refusal Reason 3 in relation to insufficient parking provision has been removed. Given that acceptable access arrangements have now been proposed, refusal reason 4 is also now removed.

The remaining reasons for refusal 1,2 and 5 based on PPS 7 QD1 and PPS 6 ATC 2 in respect to character and overdevelopment of the site remain.

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.
5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Neighbour Notification Checked	Yes
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Summary of Recommendation	
Refusal	

Reasons for Refusal:	
1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to	

the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.

5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Appointed Officer: A.McAlarney

Date: 01 November 2023

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Mr Kieran Fitzpatrick
63 South Promenade
Newcastle
BT33 0EY

Ref: LA07/2019/1302/F

Date: 7th November 2023

Re: Dwelling and reconfiguration of parking layout on site with associated access arrangements

Dear Committee Members,

My major concern is surrounding the access out of the private laneway onto the busy South Promenade.

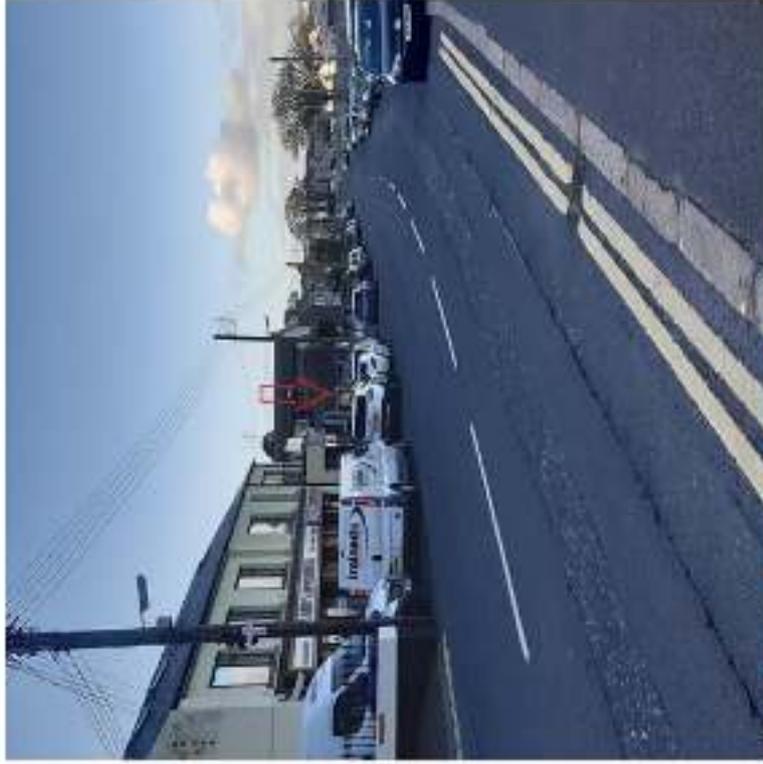
Due to parking demands along this stretch of the Promenade combined with a limited splay width at the entrance to this driveway, negotiating a safe exit is frequently treacherous.

I raised these concerns at the Committee meeting in Feb 2020, and was pleased that *DFI Roads* recommended refusal based upon these same safety issues.

I know that similar concerns have also been highlighted by fellow residents in the South Promenade area of Newcastle regarding this dangerous stretch of road.

Remember that a pedestrian was fatally injured very close to the entrance of the proposed dwelling in 2017.

Please refer to the photographs below that demonstrate the parking congestion that occurs frequently around the entrance to the driveway, and of course the entrance to the proposed development.



This is the view from the Harbour Inn side.
The driveway is indicated with a red arrow.



This is at the entrance to the driveway.



Alongside the Edgewater apartments, toward driveway



The driveway parking (view from 63 South Promenade)

Now, since that meeting in 2020, the applicant has attempted to address some of the safety concerns with a series of proposals to attempt to increase the sight lines and improve visibility for drivers when exiting the laneway.



The latest layout (above) proposes to:

- Relocate existing (x2) electrical posts on either side of driveway entrance
- Build out kerbing on either side of driveway entrance
- Remove existing wall at Macken's Bar

I am still concerned these measures will not have the desired outcome to '*ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users*' ([PRIVATE STREETS \(NI\) ORDER 1980 ARTICLE 3\(1\)](#))

Consider these recent photos (below) of my wife exiting the driveway on separate occasions.

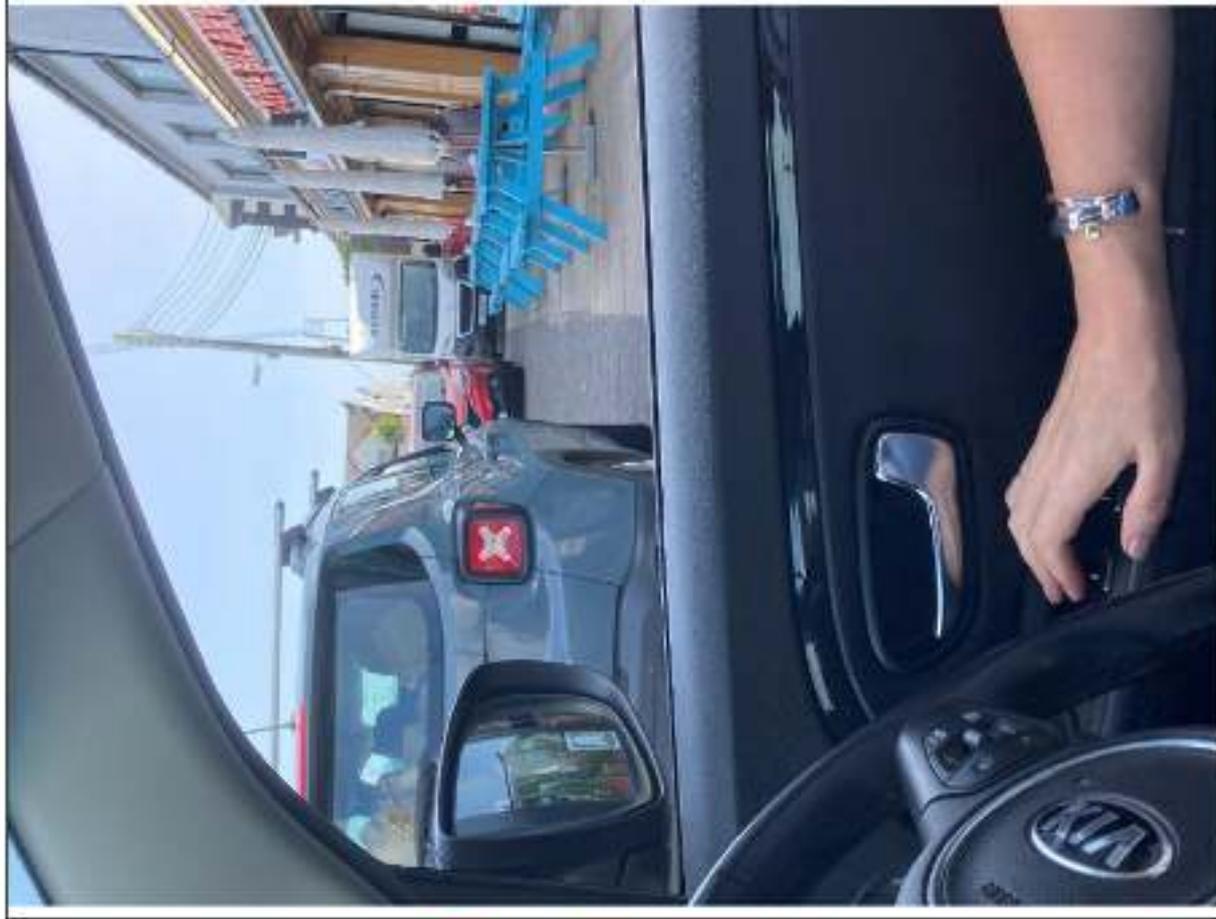
Note the obstacles that restrict her visibility.

- Car parking alongside commercial premises
- Industrial waste bins (in front of wall that is proposed to be removed). What effect will removing the wall actually have?
- Parking of van in front of same wall, alongside commercial premises (this is a very frequent occurrence)

None of the proposed measures from the applicant's latest layout will actually deliver the intended benefits with these obstacles in place.

Quite often, drivers coming from the Harbour side of the road will sound their car horns in anger or frustration when we gradually move out onto the main road in order to secure a better view of oncoming traffic.

The more vehicles that access this laneway, the greater the likelihood of a traffic accident.



The original proposal by applicant's agents (Nov 2020) to assist with improving visibility was to introduce double-yellow lines alongside proposed kerbing to control parking. (ref: [PAO_LA07/2019/1302/F_Site Location Plan_20220815 09513328](#))

As part of this application it is proposed to build out the existing footway at the front no 65-69 South Promenade, and extend the current double yellow lines which currently run along the front of the public house to continue along the front of the retail units, to the site access. Also, the proposal

The introduction of double yellow lines would significantly reduce the risk to both drivers and pedestrians on this busy stretch of road, by ensuring sight lines are clear from on-road vehicular obstructions.

However, if the applicant's commercial vehicles continue to park as they do currently in front of the wall (see above), then sight lines will still be obstructed in this direction as vehicles egress from the laneway.

Finally, a site visit may be required by Committee members to appreciate the scale of the problems, as the last visit was in August 2020, and of course, the membership is very different now to that of the 2020 committee.

I thank you for this opportunity to present my concerns.

Planning Committee 'Call in' Request Form

55

Committee Meeting 15/11/23	Planning Application Number : LA07/2019/1302/F
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Request For Speaking Rights

Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space

Background:

- The application was recommended for refusal by the Planning Department in 2020 for the following reasons:
 - The proposal does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development
 - Does not provide adequate private amenity space
 - Inadequate provision of parking within the scheme
 - Would prejudice the safety of road users
- In February 2020 the Planning committee deferred the application for a site visit.
- The application was brought back to the August 2020 committee in which the Committee considered the application and **deferred it once more to allow the applicant time to provide evidence that the required splays can be achieved.**
- The application is now brought back to the committee as the applicant has been able to achieve adequate visibility splays onto South Promenade, and DfI Roads have returned no objections.

Proposed decision (including reasons if the decision is refusal) –

Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.

Agent's Response:

The steeply rising topography is typical of the harbour of Newcastle. The vast majority of dwellings in the entire harbour area have had to mitigate the sloping topography in some way. To say that a dwelling built on a plot to the rear of South Promenade on rising topography does not respect the local character is not accurate. 27 of the surrounding houses on King Street/South Promenade have been built as split level dwellings due to the nature of the local topography. Additionally the 4 storey, terraced dwellings located at 30-36 King Street represent a much more prominent development. In addition there are 31 apartments immediately to the east (Edgewater Apartments), in addition to 3 storey apartment blocks along South Promenade. The case officer in the planning report has also incorrectly applied Development Control Advice Note 8 in stating that the 80m plot depth is required for 1 dwelling: The 80m depth of sites for back-land development is to accommodate 2 dwellings on a development site which is dual fronted. This proposal is to accommodate 1 dwelling. The back land development paragraph within Development Control Advice Note 8 summarises and re-peats findings of 'Sustainable Residential Quality' (London Planning Advisory Committee, 1998) The DCAN, paragraph 5.7 explains that it is based upon the aforementioned guidance. A diagram within this report illustrates the correct way to interpret the 80m recommendation - which is for 2 houses. In any case, the appropriate Policy Test is the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas which the proposal meets and exceeds. Regarding precedent of previous planning decisions: particularly relevant to this application is the context of application reference LA07/2018/1814/F which was granted 24th May 2019 and is located only several hundred meters from the applicants site: this application allowed 2 self-contained holiday apartment units on a site much smaller than the proposed plot (100m²) which demonstrates that although these are holiday apartments: the planning department have deemed the proposal appropriate to allow a far greater density of development and increased built footprint for this area thus meeting PPS16 TSM1 which has similar site context requirements as PPS7's QD1A. The application site proposes 1 dwelling on a site area of over 600m² which is approximately 10 times less dense a proposal with regard to built footprint ratio.

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.

Agent's Response:

The proposal has provided over 60m² private amenity space. The minimum requirement is 40m². The application site is surrounded by apartments with an average of less than 9m² shared amenity space. The adjacent dwelling at 63 King Street has less than 30m² of usable private amenity. The proposal is also 40m from shared amenity space on the promenade. Again, this refusal reason is based on a highly negative interpretation of policy.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, in that there is inadequate provision for parking within the scheme as the proposal is utilising the parking provision for No 65 South Promenade to service the proposed dwelling.

Agent's Response:

The application was discussed at the planning committee on 26 August 2020. The applicant proposes to remove parking from apartments located at 65 South Promenade. The users of these apartments can avail of on street parking as demonstrated by the parking survey. Development Control Advice Note 8 encourages "Living Over the Shop" (LOTS) whereby users can avail of on-street parking. This arrangement with apartments over shops is explained in the DCAN (DCAN 8 , 5.12-5.18). This arrangement is replicated throughout the Council area – think of any shop within any town centre in the Council Area- more often than not there are apartments over the retail space which avail of on-street parking.

As Transport NI Guidelines recommend - the parking surveys were carried out at 6am-7am in the morning and 7pm-8pm in the evening. As shown in the submitted parking surveys - 31 spaces were found to be available within 100m of the apartments.

4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3 (PPS3) Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 due to parked cars.

Agent's Response:

Transport NI have mis-understood the proposal. The application seeks to reduce the use of the laneway. There are currently 2 parking spaces belonging to the apartments at 65 South Promenade (owned by the applicant) and accessed off the private laneway. These parking spaces will be removed at the rear of the apartments and replaced with landscaped gardens. The occupiers of the apartments who previously used these spaces can then avail of on-street parking to the front of the apartments. 2 spaces are then proposed for the dwelling : consequently as only 2 spaces are being proposed serving a single dwelling, this will mean a reduction in the number of vehicle movements per day on the laneway by 2-3 movements.

5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Agent's Response:

The proposal respects the character of the ATC. The single storey dwelling is typical of that which is found on South Promenade and King Street. The dwelling will be located on a shelf on rising topography which is reflective of the prevailing development pattern. 4 storey units at 30-36 King Street dominate the surrounding environs. The dwelling be concealed to the rear of the 65-67 South Promenade. The dwelling will also be much lower in height than the dwellings to the rear on King Street. Suitable landscaping in the form of greens areas and hedgerow will further soften the impact. The proposal is surrounded by dwellings with similar development patterns. Application reference LA07/2018/1814/F which was granted 24th May 2019 and is located only several hundred meters from the applicants site: this application allowed 2 self-contained apartment units on a site area much smaller than the proposed plot (100m²).

Delegated Application

Development Management Officer Report	
Case Officer: Clare McCoy	
Application ID: LA07/2023/2466/F	Target Date: 23.08.2023
Proposal: This is a Section 54 application for the removal of condition 7 of planning approval LA07/2022/1106/O - 'The proposed dwelling and garage shall be sited in the area shaded brown on the approved plan 12610 Doyle Rev 1'	Location: 30 Carmeen Road, Newry, BT34 2RZ
Applicant Name and Address: Stephen Doyle 30 Carnmeen Road Mayobridge Newry BT342RZ	Agent Name and Address: Collins and Collins 11 Marcus Street Newry Newry
Date of last Neighbour Notification:	11 July 2023
Date of Press Advertisement:	24 May 2023
ES Requested: No	
Consultations: None required	
Representations: One neighbour notification was issued on 27 June 2023.	
Letters of Support	None
Letters of Objection	None
Petitions	None
Signatures	None
Number of Petitions of Objection and signatures	None
Summary of Issues: No third party representations were received.	

Site Visit Report

Characteristics of the Site and Area:

The application site is located at 30 Carnmeen Road, Mayobridge. No.30 sits at a cross roads with Edentrumly Road opposite to the north and adjacent to the west. There is an existing two storey linear dwelling on the site with agricultural sheds to east of the dwelling and to the rear (west). The dwelling is approx. 15m long and 5m wide. The dwelling has two chimneys on the ridgeline and windows and door openings. The building is currently occupied. Access to the site is via a gate where a concrete yard area is located. Vehicular parking is to the front and a small grassed area is located to the side (east) and rear. The western boundary of the site is bounded by a number of agricultural buildings.

The application site as outlined in red extends to the field to the rear and east of the existing dwelling. The agent has highlighted in yellow a preferred siting location. This is located to approx. 30m to the east of the existing dwelling. Access to the preferred site is via an existing agricultural field gate. It is an elevated site in comparison to the existing dwelling and is set back from the roadside by 40m. The preferred site is cut out of a larger agricultural field and has no defined boundaries with the exception of the eastern boundary which is bounded by a post and wire fence.

Description of Proposal

This is a Section 54 application for the removal of condition 7 of planning approval LA07/2022/1106/O - 'The proposed dwelling and garage shall be sited in the area shaded brown on the approved plan 12610 Doyle Rev 1'

Planning Assessment of Policy and Other Material Considerations

This planning application has been assessed under the following planning policies:

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

Planning History:

- Application Number: LA07/2022/1106/O Decision: Permission Granted Decision Date: 19 December 2022 Proposal: Replacement dwelling with domestic garage (amended description)
 - LA07/2016/1409/F Proposed new dwelling with attached garage and associated hard and soft landscaping and alterations to existing vehicular access in substitution for extant approval P/2013/0145/O. Permission granted
- This site is located to the immediate east of the application site.
- P/2013/0145/O Site for farm dwelling with domestic garage. Permission granted.

Proposal

This application seeks removal of Condition 7 of previous approval LA07/2022/1106/O which states:

The proposed dwelling and garage shall be sited in the area shaded brown on the approved plan 12 610Doyle Rev1.

Reason: To ensure that the development is integrated in the landscape in accordance with the requirements of Planning Policy Statement 21 and the Strategic Planning Policy Statement.

Consideration and Assessment:

The agent has stated in the application form removal of this condition is for the following reason:

The dwelling if sited in the brown area which was approved under LA07/2022/1106/O the dwelling would be too close to the farm yard and agricultural sheds. This would cause problems for our client who suffers with ill health, from his heart condition and leaves him with shortness of breath the dwelling would be better for his health if sited further back in the field and if the dwelling was all one storey design.

The Planning Authority advised the agent via email on 3 July 2023 that the Planning Department are opposed to the removal of this condition. When comparison to the outline application there is no further information submitted than the previous in relation to the applicant's ill health. The applicant was asked to consider the Planning Authority's comments and to submit any further supporting information no later than 24 July 2023. Subsequently the agent sent in a letter from the applicant's GP. This letter does not state why the off-site location is more suitable than the siting proposed. It is considered a single storey dwelling could be built on the site where the existing dwelling is located and there is no evidence put forward from a medical professional to substantiate the claims that farm odours could cause Mr Doyle's health to deteriorate. Notwithstanding this the farm odours referred to are from the applicant's own lands/buildings, and notwithstanding this point, it is also noted the siting indicated is only marginally further away from the buildings than the existing dwelling. No demonstrable landscape, heritage, access or amenity benefits have been justified for the off-site location indicated Refusal is recommended.

Neighbour Notification Checked	Yes
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Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the SPPS (NI) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established

curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that an off site replacement dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

Case Officer Signature: Clare McCoy

Date: 4 October 2023

Appointed Officer Signature: M Keane

Date: 04-10-23

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____



Response to Refusal Reasons

The crux of the Departments first refusal reasons is that the proposed replacement dwelling is not within the existing curtilage.

The previous approval saw the application conditioned to be replaced in the area shaded brown, with the curtilage forming the area shaded orange. The existing dwelling backs directly onto a busy farm yard and does not benefit from a defined residential curtilage. This yard sees a number of agricultural movements per day including agricultural vehicles and animals. This yard also extends to the buildings to the south, therefore if the proposed siting condition is imposed by the Department, this would have a detrimental impact on the applicant's farm business, as well as impacting the amenities of the future dwelling.

In determining whether an off-site replacement dwelling is acceptable, we refer to the exceptions listed in Policy CTY 3, this reads "the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either **(a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;**

We feel that the proposed alternative off site location – shaded yellow, represents a policy compliant location, as the existing curtilage is so restricted that it cannot reasonably accommodate a modest sized dwelling and the off-site location would have demonstrable amenity benefits for the applicant as well as ensure that his farm business is not impacted by the dwelling.

As well as the impacts on the farm business discussed, our concern with replacing the dwelling on the existing footprint is the inability of the replacement dwelling to provide private open space. This is evident as the existing dwelling is clearly lacking any private open space- as it backs directly onto a farm yard and fronts onto a busy cross roads. Private amenity space is an integral component of modern day living standards, and the inability to achieve this would be at odds with key principals of Planning Policy.

As mentioned, another constraint is the fact the existing dwelling backs directly onto the busy farm complex with agricultural vehicles and animal movements regularly passing by the dwelling. The published guidance 'Creating Places' states that rear amenity space should provide an area that allows for sitting out, small children play, drying washing, space for planting and garden storage, as well as space for potential house extensions. A dwelling on the existing footprint could not provide any of the above, without detrimentally impacting the farm complex. Therefore it is considered there is a clear amenity benefit with an off-site replacement dwelling, in accordance with Policy CTY3

Additionally, the applicants intends on retaining the dwelling as an agricultural store. This will provide him with much a much needed agricultural storage building, and can be conditioned as such. The building also occupies a prominent position on the cross roads, which could represent a locally important feature in the landscape, and one which is worthy of retention. This could also be considered a landscape and heritage benefit in accordance with PPS21 CTY3.

There have been a number of applications whereby the Department have accepted that it is not possible to replace a dwelling within a farm yard, and these buildings have been allowed to be retained. For example:



LA07/2021/1806/F- This was an application for an off-replacement dwelling in Crossmaglen. This application was approved, with the Planning Department stating:

"The building to be replaced is located in the middle of a working farm complex and so it would not be possible to locate a new dwelling in situ or close to the existing building without resulting in amenity issues due to noise, odour etc from the farm complex."

This application was then subject to a subsequent Section 54 application to retain the building within the complex. The Department also approved this, subject to the building being retained as an agricultural store. This case and the case being discussed today are directly comparable, and we would therefore request a consistent application of the policy.

A number of other examples include:

LA07/2022/0353/F- Off-site dwelling with retention of existing building approved due to the location adjacent to farm outbuildings

"The proposal will see the replacement dwelling positioned to the north west of the dwelling to be replaced which is to be retained for agricultural use, the building to be replaced is located close to another outbuilding and so it would not be possible to locate a new dwelling in situ to the existing building without resulting in amenity issues."

LA07/2022/0319/F- Off site dwelling and retention of existing dwelling as agricultural store approved due to location within an active farm holding.

"The agent has advised that "the off site location for the new dwelling has been chosen by the applicants to allow the replacement opportunity to be moved away from its current position which is set within a restricted curtilage and attached to a working farm. During the site visit, the Department noted that the adjacent farm buildings appeared to be in use for farming activities. Given this, the Department consider the proposed siting acceptable."

The second refusal relates to Policy CTY 6 and that it has not been established how the off site replacement is necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission refused. The applicant does have long term health issues, and the proposed single storey off site replacement dwelling is essential to the applicant long term. Notwithstanding the absence of further medical evidence, as the proposal conforms to the overall thrust of off site replacement in accordance with CTY 3, it therefore falls that it complies with PPS21.

Consequently, we are requesting that this application be afforded the same application of policy as the examples discussed today. The off-site replacement dwelling is a necessary response to the amenity considerations of future occupiers; therefore, it is considered to fall into the exceptional cases noted in Policy CTY 3. The retention of this building for agricultural storage is considered a more sustainable option rather than demolishing and constructing a new shed. Moreover, the dwelling is a long-standing feature at these cross roads, therefore it could be considered locally important in its own right. Therefore, retaining this building could be considered a heritage and landscape benefit, in accordance with Policy CTY 3.

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2021/0132/F	Target Date:
Proposal: Proposed new campsite, ancillary buildings and associated works.	Location: Killyleagh Outdoor Centre Shore Road Killyleagh
Applicant Name and Address: Education Authority Killyleagh Outdoor Centre Shore Road Killyleagh BT30 9UH	Agent Name and Address: ADP Architects 1 Holmview Terrace Omagh BT7 0AH
Date of last Neighbour Notification:	29/03/2022
Date of Press Advertisement:	03 February 2021
ES Requested: No	
Consultations: see report	
Representations: yes	
Letters of Support	0
Letters of Objection	11
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: Killyleagh Outdoor Centre, Shore Road, Killyleagh



Characteristics of the Site and Area

The site is located within the settlement limits of Killyleagh and occupies the location of Killyleagh Outdoor Education Centre which is currently operated by the Education Authority, who own the wider side which includes several buildings, an all weather playing field and open playing fields which form part of the site as outlined in red. The grassed area has buffer planting to the southwest and mature hedge along the southern boundary. There is a line of Leylandii conifers between the Outdoor Centre buildings with some vegetation to the south east of the redline boundary site. The site is less than a hectare in size. The wider area is a mix of open space, recreational use and residential. It is located close to the lough Shore but separated by intervening buildings.

Description of Proposal

Proposed new campsite, ancillary buildings and associated works.

Planning Assessment of Policy and Other Material Considerations

The site is located within the village of Killyleagh as designated within the Ards and Down Area Plan 2015. The site is within the Area of Outstanding Natural Beauty (AONB) – Strangford and Lecale.

The following planning plan & policy statements are relevant to the proposal;

- Ards and Down Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 8 Open Space, Sport and Recreation

Guidance

DCAN 15

Parking standards

PLANNING HISTORY

Planning

Application Number: R/1993/0304

Decision: Permission Granted

Proposal: 2 No. Temporary Classrooms

Application Number: R/1977/0821

Decision: Permission Granted

Proposal: MV O/H LINE

Application Number: R/1975/0767

Decision: Permission Granted

Proposal: EXTENSION TO SCHOOL

Application Number: R/1993/1068

Decision: Permission Granted

Proposal: Security fence to enclose boatyard

Application Number: R/1976/0165

Decision: Permission Granted

Proposal: Car park, all weather pitch, gabion wall, yacht park and boathouse

Application Number: R/1991/6063

Decision: Enquiry: Other Letter Issued

Proposal: Disposal of Killyleagh High School Killyleagh High School Killyleagh

Application Number: R/2002/0130/F

Decision: Permission Granted

Decision Date: 24 May 2002

Proposal: Erect green powder coated palisade fence (2.4m high) around centre to form new activity area.

Application Number: R/2004/0814/F

Decision: Permission Granted

Decision Date: 05 August 2004

Proposal: To fit a 6sqm solar panel on the roof of the centre to generate hot water.

Application Number: R/2005/0840/O

Decision: Permission Granted

Decision Date: 12 November 2005

Proposal: Demolition of existing property, rebuild to provide a youth/educational establishment.

Application Number: R/2005/0313/F

Decision: Permission Granted

Decision Date: 14 January 2006

Proposal: To change existing wardens accommodation to office accommodation and to provide boundary fencing to site.

Application Number: R/2007/1316/F

Decision: Permission Granted

Decision Date: 09 June 2008

Proposal: 10 no. proposed new temporary classrooms for 3 years, 1 no. proposed Hall/Resource, 2 no. Toilet buildings, principal/admin building with associated carparking and fencing

Application Number: R/2012/0488/F

Decision: Permission Granted

Decision Date: 12 June 2013

Proposal: Extension and alterations to existing dining hall and associated site works, new archery building

Consultations

Dfi Roads- No objections subject to PSD

Shared Environmental Services (SES) – No objections

NIEA – Natural Environment Division – No objections – informatives supplied

NIEA – Marine & Fisheries – No objections subject to a condition

Environmental Heath NMD – No objections subject to conditions

NI Water – No objections - Existing site is already connected to public water supply via metered water connection, foul sewer within 20m of the proposal, application to NIW is required to obtain approval to connect.

Rivers Agency – No objections subject to a condition

Objections & Representations

In line with statutory requirements neighbours have been notified on 04/02/2021, 23/07/2021, 18/10/2021, 15/02/2022 and 29/03/2022. The application was advertised in the Down Recorder 03/02/2021.

A total of 11 letters of objection were received in relation to the proposal 6 of which were received from 6 different addresses. The main issues can be summarised as below.

- Traffic generation and congestion – deliveries and maintenance vehicles on a narrow road
- Current road is not fit for purpose
- road safety concerns
- pollution – increase in fumes and pollution from cars
- construction of a footpath needed
- no bicycle storage on plans
- noise generated from the campsite
- Delamont would be a better option
- Impact on privacy and overlooking
- Light pollution
- Litter & antisocial behaviour
- Potential security risk
- impact on character of the area – house prices will drop
- infrastructure unable to cope
- impact on wildlife – impact on nesting bird and badgers
- flooding issues

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

Consideration and Assessment:**ADAP**

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).

One of the objectives of the ADAP 2015 is:

- 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;

Education Facilities are also referred to within Volume 2 of ADAP under Policy COY 1 which specifically references youth resource centres in Delamont and Killyleagh under the 'Libraries and Youth Services' section.

Planning Permission will be granted for community uses provided the following criteria are met:

- There is no significant detrimental effect on amenity;
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- The proposals are in keeping with the size and character of the settlement and its surroundings
- Where necessary, additional infrastructure is provided by the developer; and
- there are satisfactory access, parking and sewage disposal arrangements

The ADAP states '*Accordingly, a flexible approach is required in considering such development within settlement limits in order to make the most effective use of existing facilities, infrastructure, utilities and resources. For the purposes of interpreting this policy, Community Use refers to those uses specified in Use Classes 13 and 15 of the Planning (Use Classes) Order (Northern Ireland) 2004*'.

The Use classes order has since been replaced by The Planning (Use Classes) Order (Northern Ireland) 2015.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

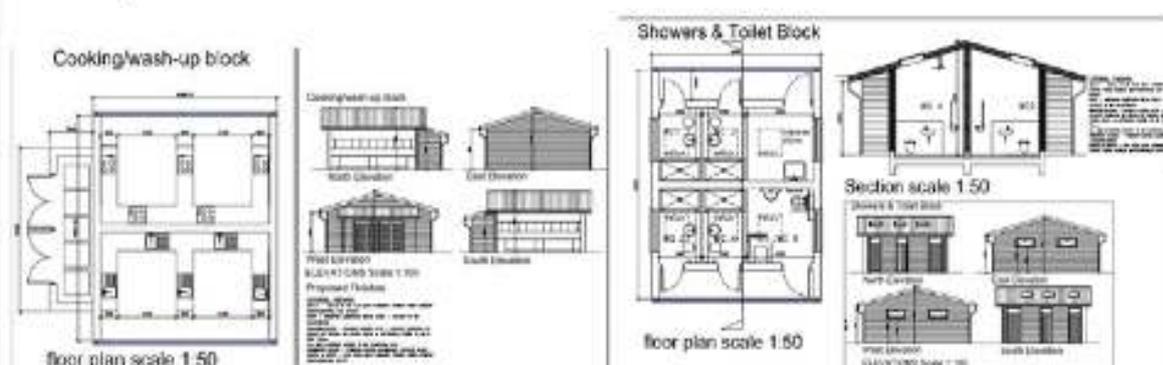
The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) is material to all decisions on individual

applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy.

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

Proposal

The proposal is for a new campsite, ancillary buildings and associated works. The layout includes two campsites, linked by 2m wide gravel paths, with twelve 6m diameter tent bases with precast concrete kerb edge surrounds on campsite 2 and thirteen bases on campsite 1 which is further to the south of the site. A 4m wide access road allows continued access to the buildings to the east of the site. The campsite is separated by a toilet/shower building, a cooking/washing building and two teepees. The showers building measures 8m x 6.4m by 4m in height, the cooking facilities building measures 7.3m x 6.5m x 4m. Materials and finishes include; walls are to be clad with weatherboard – oak effect, with blue/black metal roof, windows and external doors - charcoal uPVC, RWG – powder coated black aluminium, with PVC fascia and soffit.





Site layout plan

The main issues regarding the proposal relate to:

- Is the proposal in keeping with the surrounding area?
- Does the proposal cause demonstrable harm to the residential amenities of neighbouring properties?
- Road safety

PPS 2 Natural Heritage

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

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

- Strangford Lough SPA and SAC which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
- Strangford Lough Ramsar site, which is designated under the Ramsar Convention 1975;
- Strangford Lough MCZ, designated under the Marine Act (Northern Ireland) 2013; Coastal Development

- Strangford Lough ASSI, which is declared under the Environment Order (Northern Ireland) 2002, and
- Strangford Lough and Lecale Seascape Character Area. The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (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.

The proposed campsite is approx. 70m from Strangford Lough which is designated for various coastal habitats, common seal, and wintering and breeding bird aggregations. The P1 form states that surface water will be disposed of via the existing storm drainage system and foul water disposed of via mains which NED are content with.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

Having considered the nature, scale, timing, duration and location of the project, SES have concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. Newry, Mourne and Down District Council (in consultation with Shared Environmental Services (SES)) in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 18/05/2021. This found that the project would not be likely to have a significant effect on any European site.

Policy NH5 – Priority Species

NED note that the Preliminary Ecological Appraisal (PEA) (Spouncer Ecology, January 2022) was submitted following a request from Planning. NED is content that the proposed development is unlikely to significantly impact badger setts. NED has offered no objections subject to informatives.

Policy NH 6 – AONB

Overall the proposal would not offend AONB Policy NH6 of PPS2 which considers new development the designated AONB. The proposal is located within an existing outdoor centre and within the settlement, on balance due to the nature of the proposal, it is considered compliant with policy NH 6.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Department's published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances. In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

A Transport form was submitted with the proposal. The proposal involves relocating the existing entrance further south with a 1.8m new palisade fence to match the existing across the entrance and a new 2m wide footpath which forms part of the private streets determination.

Following letters of objection and further information from DfI Roads, the agent submitted an updated P1 form and an updated TA form and an explanation regarding how the site will operate in terms of traffic. The TA states the number of journeys made to the site each day, which includes walk = 2, cycle = 2, car driver = 10, car passenger = 4 and taxi = 2, mini bus = 5 and van (deliveries) = 4. The TA states that the proposal would NOT generate 30 or more vehicle movements per hour. The letter indicates that there will be a maximum of 88 children on the site with 8 supervising adults. When the campsite is operational (June – Sept) there will be 5 No. mini buses or 2 coaches bringing children to the site. Camps will be held over a 5 day period, therefore any traffic generated will be for new groups arriving to site or groups departing. As mentioned above there will be a new entrance/exit proposed which will have better sightlines than the existing arrangement.

One of the objectors has concerns as to whether the roads leading up to the site are fit for purpose to carry this expected type of traffic, i.e. coaches and buses and the impact this will have at the site and concerns that these roads are prone to flooding. DfI Roads have been consulted as part of the proposal and letters of objection have been sent to them for consideration. DfI Roads state that the objector's comments have been noted. Their response takes into account matters of road safety that have been raised. The Planning Department must give the determining weight to the advice of DfI Roads who are the competent authority in relation to such matters. After a number of consultations DfI Roads now offer no objections subject to conditions. On this basis it is considered that the proposal complies with AMP 2 in terms of safe access to the public road and AMP 7 in that there is sufficient room for parking and bus dropping off within the site. In consideration of this and of the letters of objection Planning have also taken into account the history on this site, the site has formerly been used as a residential outdoor learning centre for young people and prior to this the site was used as high school (albeit the new houses have since been built in the immediate area), so there has been a history of traffic at the site. The site complies with AMP 2 and AMP 7 of PPS 3.

PPS 8 Open Space Sport and Outdoor Recreation

Policy OS 5 deals with Noise generating sports and Outdoor recreational Activities, while the proposal would not fit neatly into this category, the proposal would relate to the latter category, in that this is an outdoor recreational activity.

The Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:

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

The campsite is distinguished from other campsites in that it is operated and by the Education Authority and will operate like a 'residential' where young people meet at the campsite for supervised structured activities, so it is not opened to general members of the public as such, and is therefore not considered a tourism proposal under TSM 6 of PPS 16 – Tourism.

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

On this basis Environmental Health have been consulted with regard to the proposal. Initially Environmental Health had no objections, but they were reconsulted on the basis of the objectors concerns regarding noise, nuisance and disturbance. Environmental Health then requested further information with regard to how the site operates and how noise will be mitigated and confirmation with regard to floodlighting.

The agent has confirmed the following:

A). The Education Authority will implement a strict Camp Site Policy.

1. Site quiet time is from 2200hrs to 0700hrs which is managed by Youth workers
2. Youth Staff to encourage persons in their charge to minimise the use of portable music systems at all times
3. Young people on site should be supervised at all times by their youth staff
4. Young people will remain on site unless on a organised trip out with staff
5. The lighting of any type of fire is forbidden on the grounds other than use of the fire pit which will be managed by staff only.

B). There will be no flood lighting around the camp site with only low level lighting proposed around the paths.

Environmental Health have considered these objections and have no objections subject to the imposition of suitable conditions to safeguard the amenity of local residents.

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

In terms of part (ii) NED have been consulted and the proposal is deemed to have no significant impact on the existing wildlife and is compliant with Policy NH 5 of PPS 2 as discussed previously. In terms of part (iii) the proposal has already been deemed to comply with PPS 2 NH 1 and NH 6. The site is within the settlement limits and given its former uses, is deemed to comply with this aspect of the policy.

PPS 15 – Planning and Flood Risk

DfI Rivers were consulted with regard to the proposal.

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water - FLD3 - Development and Surface Water – DfI Rivers has reviewed the Drainage Assessment by Flood Risk Consulting. DfI Rivers, while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on information provided, in the event of an undesignated watercourse being discovered, Policy FLD 4 will apply.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

DFI Rivers have therefore no objection to the proposal subject to a condition regarding a final drainage assessment. The reason given for this final drainage assessment is 'To safeguard against flood risk to the development and from the development to elsewhere'.

Objectors comments

In relation to the objection letters, DFI Roads have taken into account matters of road safety that were raised. The Planning Department must give the determining weight to the advice of DFI Roads who are the competent authority in relation to such matters. The history of the site is also a material consideration in that the site has previously been used as residential outdoor learning centre and a school, on this basis the information as submitted on the P1 form and TAF has been taken into account, given the set up involved and that this application has been submitted by the education authority.

The scheme is therefore not be based on policy TSM 6 as it is not a tourism project (as raised by one of the objectors) but on the policies covered within PPS 8 – Open Space, Sport and Outdoor Recreation consideration under Education Facilities and is referred to within the Ards and Down Area Plan 2015 under COY 1 and is considered to comply with.

A Drainage Assessment has been undertaken which applies to the site as outlined in red. The report demonstrates that the development is considered to be compliant with FLD 1, FLD 2, FLD 4, FLD 5 and FLD 3 (subject to a condition) of PPS 15. DFI Rivers are therefore content with the application as submitted and have no objections.

Environmental Health have also reviewed the application in light of the objections relating to noise, nuisance and disturbance and have no objections commenting that there should be site quiet time between 22:00 to 07:00 and implemented in a camp site policy, with no floodlighting to be installed around the camp site as indicated by the agent in his email response dated 28/03/2022.

The Proposal is not EIA (Environmental Impact Assessment) development, therefore the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 are not invoked. In terms of the application's impact on designated sites and protected species, DAERA's Natural Environment Division has reviewed all the submitted ecology information and is content subject to badger informatives.

Conclusion

Taking into account all material considerations including the objections from the local neighbours, the previous history on the site, the ADAP 2015 and no objections from consultees, the proposal would represent an appropriate form of development that would not be visually harmful to the character and appearance of the surrounding area. It would not cause unacceptable harm to visual amenity, residential amenity or road safety. Given the scale and nature of the proposal it would be considered an appropriate scale for its urban location. Thus, the proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation:

Approval

As the application has attracted six or more material planning objections from different addresses and the Officer's recommendation is for approval, then the application is being presented to Planning Committee.

The plans to which this approval relate include:

site location plan - PL01 REV E (uploaded 14/02/2022)
Plans Sections and Elevations - P01 REV D
PSD Drawing - E.33 P.02

Conditions:

1. The development hereby permitted must be begun within five 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: PL01 REV E, - P01 REV D, E.33 P.02.

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

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

Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing E.33-P.02A PSD published on 07/06/2023.

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

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing E.33-P.02A PSD published on 07/06/2023, **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. No other development hereby permitted, shall become operational until the footway has been completed in accordance with details submitted to and approved by Planning on Drawing E.33-P.02A PSD published on 07/06/2023.

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

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

Reason: Road safety and convenience of traffic and pedestrians.

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

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

9. Site quiet time shall be 22:00 to 07:00.
Reason: To safeguard the living conditions of residents in adjoining and nearby properties.
10. No floodlighting shall be installed around the camp site.
Reason: To safeguard the living conditions of residents in adjoining and nearby properties.
11. **Prior to operation**, a protected species disturbance protocol shall be submitted to the Planning Authority for approval. The protocol should include measures to ensure the education of residents on protected marine mammals and disturbance at sea and along the coastline.
Reason: to minimise the impact of the proposal on protected species and Strangford Lough SAC.
12. **Prior to the commencement** of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.
Reason: To safeguard against flood risk to the development and from the development to elsewhere.

Informatives

1. Marine animals are sensitive to disturbance and can suffer significantly from the pressures created by an increase in human activity at sea. The nature of this proposal could result in increased number of people on the coast and on the water. It is therefore important that any activities associated with this proposal are regulated through the education of residents when using the area and the sea when in close vicinity to protected species. Disturbance to marine mammals such as seals and cetaceans may result in a criminal offence.

Further information

The applicant's attention is drawn to the following links which provide advice to be considered:

- Planning in the Coastal Area
- Standing advice for development that may have an effect on the water environment (including groundwater and fisheries)
- Marine Map Viewer
- Decisions affected by marine policy - authorisation decisions
- Marine wildlife disturbance

Further advice can be sought from the Marine Conservation Advice Team, DAERA Marine and Fisheries Division, Klondyke Building, Cromac Avenue, Belfast, BT7 2JA. Tel: 028 90 569 757 or email: Marine.Wildlife@daera-ni.gov.uk

2. Designated Sites

Special Protection Area/proposed Special Area of Conservation/Special Area of Conservation (SPA/pSAC/SAC)

The applicant's attention is drawn to the fact that the site is in close proximity to the boundary of Strangford Lough SPA and SAC and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and require assent/consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

For further information please see:

<https://www.daera-ni.gov.uk/articles/special-areas-conservation>

3. Marine Conservation Zone (MCZ)

The applicant's attention is drawn to the fact that the site is in close proximity to the boundary of Strangford Lough Marine Conservation Zone (MCZ) and precautions should be taken to ensure its integrity and the animals residing within, will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring outside the red line planning application boundary are subject to the Marine Act (Northern Ireland), which makes it an offence to:

- a) intentionally or recklessly kill or injure any animal in an MCZ, which is a protected

feature of that MCZ,

b) intentionally pick or collect, or intentionally or recklessly cut, uproot or destroy, any plant in an MCZ which is a protected feature of that MCZ,

c) intentionally or recklessly take anything from an MCZ which is, or forms part of, a protected feature of that MCZ, or

d) intentionally or recklessly destroy or damage any habitat or feature which is a protected feature of an MCZ.

For further information please see:

<https://www.daera-ni.gov.uk/articles/marine-conservation-zones>

4. Area of Special Scientific Interest (ASSI)

The applicant's attention is drawn to the fact that the site is in close proximity to the boundary of Strangford Lough Area of Special Scientific Interest (ASSI) and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring outside the red line planning application boundary are subject to the Environment (Northern Ireland) Order 2002 (as amended), which makes it an offence to carry out operations likely to damage an ASSI without prior permission from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA. The maximum penalty for offences is £20,000. In addition to a fine, offenders may be liable for the costs of restoring the damaged area to its original condition.

For further information please see:

<https://www.daera-ni.gov.uk/topics/land-and-landscapes/areas-special-scientific-interest>

5. RAMSAR Convention on Wetlands

The applicant's attention is drawn to the fact that the site is in close proximity to the boundary of Strangford Lough RAMSAR site and precautions should be taken to ensure its integrity should not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter.

For further information please see:

<https://www.daera-ni.gov.uk/topics/land-and-landscapes/ramsar-sites>

6. Marine European Protected Species

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately disturb, capture, injure or kill a wild animal of a European Protected Species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species.

It is also an offence to:

(a) deliberately obstruct access to a breeding site or resting place of such an animal,

(b) damage or destroy a breeding site or resting place of such an animal,

(c) keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal of a European protected species, or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

<http://www.legislation.gov.uk/nisr/1995/380/part/III/made>

7. Marine National Protected Species – Seals and basking shark

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a common seal (*Phoca vitulina*), grey seal (*Halichoerus grypus*) or basking shark (*Cetorhinus maximus*).

It is also an offence to intentionally or recklessly;

disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,

damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,

damages or destroys anything which conceals or protects any such structure;

or

to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.

The Wildlife (Northern Ireland) Order 1985

<http://www.legislation.gov.uk/nisi/1985/171/part/III/crossheading/protection-of-other-animals>

8. Marine Licensing

The applicant should be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. If any elements of the construction in this proposal may cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DAERA Marine and Fisheries Division, 1st Floor, Klondyke Building, Gasworks Business Park, Cromac Avenue, Belfast BT7 2JA, Tel: 028 90569247 to apply for a Marine Construction Licence.

The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DAERA Marine and Fisheries Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

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

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

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

12. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Road's Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DFI Roads, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

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

15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

16. This permission does not confer title. It is the responsibility of the developer to ensure that s/he controls all the lands necessary to carry out the proposed development.

Neighbour Notification Checked

Yes

Summary of Recommendation - Approval

Case Officer Signature: C Moane

Date: 25 September 2023

Appointed Officer: A.McAlarney

Date: 26 September 2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0903/F

Date Received: 06/05/2021

Proposal: Erection of 1 No. 2 storey detached residential dwelling

Location: Adjacent and immediately south of 45 Park View, Cloughoge, Newry, BT35 8LU

Site Characteristics & Area Characteristics:

The application site comprises the side garden area of No 45 Park View. Levels fall gently from the roadside towards the rear of the site. The application site is located within the settlement limit of Newtowncloughoge and within an Area of Outstanding Natural Beauty.



Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The NI Regional Development Strategy 2035
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS2- Natural Heritage
- PPS 3- Access, Movement and Parking
- DCAN 15- Vehicular Access Standards
- Parking Standards
- PPS 7- Quality Residential Environments
- Addendum to PPS 7- Safeguarding the Character of Established Residential Areas
- DCAN 8- Housing in Settlements
- Creating Places
- Living Places Urban Stewardship and Design Guide

Site History:

There is no planning history on the application site.

Consultations:

- **NI Water-** The Wastewater Impact Assessment submitted for this proposal (DS46988) has not yet been completed to a satisfactory standard to overcome the capacity constraints within the associated foul sewer network catchment. The applicant is asked to fully comply with all NIW's requirements as have been outlined in the correspondence regarding the WWIA and any associated reports. A WWIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer.

While the position to date from NIW has been noted and is fully acknowledged and accepted, the agent has clearly engaged with NIW and is committed towards seeking a resolution. Having considered all the factors the Planning Department are happy to proceed as comments suggest a solution may be possible. It is therefore considered that in this case negative conditions may be placed on any decision as to allow the planning application to progress but also ensure that a solution is agreed before any development may commence.

- **DFI Roads-** No objections, conditions provided.
- **NIE-** Following discussions with the applicant, NIE Networks can confirm that they hereby remove the objection to this planning application on the basis that, the applicant; in the event that planning approval is granted, the applicant prior to the construction stage, has agreed to apply for an alteration to the overhead line in order to maintain the safety clearances required to these lines.
- **Health and Safety Executive-** No objections.

Objections & Representations:

21 neighbours were notified of the application and it was advertised within two local newspapers, no objections or submissions have been received.

Assessment

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

The site lies within the settlement limit of Newtowncloghoge and is unzoned, as depicted in the Banbridge/ Newry and Mourne Area Plan 2015. RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

The SPPS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12.

Planning Policy Statement 7

The planning context is provided by PPS7 and its Addendum with the guidance contained in Creating Places also applicable.

Whilst, there is a need to provide more development in existing urban areas, this must be balanced with sensitivity to the character and amenity of the existing and proposed properties. Policy QD1 of PPS7 requires that proposals in established residential areas should not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Policy QD1- Quality New Residential Development

Policy QD1 states that all proposals for residential development will be expected to conform to all the following criteria:

- a) ***The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;***
The surrounding area comprises residential dwellings of a mix of house types. The proposed siting within a large side garden is considered appropriate to the character of the area in terms of layout, scale, proportions, massing and appearance in accordance with 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;**

The site does not contain any features of archaeological, built heritage or landscape features which would require protection an integration.

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

Creating Places provides a figure that private amenity space for family sized homes should be around 70 sq.m or greater for back garden provision and that for any individual house however an area less than around 40 sq m will generally be unacceptable. The site layout plan indicates the level of private open space c. 52m and the existing private open space for No 45 will be reduced. Consideration is however given to the proximity of the site to the playpark, playing field and open space located to the c.140m to the rear of the site. Given the surrounding context, the private open space provided is considered acceptable.

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

Given the location and size of the site this is not considered necessary.

- 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;**

This criterion is met with through the provision of links to existing footpaths.

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

The site layout plans details the provision of a parking and turning spaces within the curtilage of the dwelling which is acceptable and DFI Roads are content with the scheme.

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

The design of the dwelling is similar to that of the dwellings in the immediate context of the site and is considered acceptable for the area.

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

The site is located within an established residential area and is compatible with adjacent land uses. The dwelling is to be sited along the same building line as adjacent properties which is considered acceptable. The site layout plan shows fencing along site boundaries, this will be conditioned to be at 2m high in order to ensure there is no overlooking into adjoining properties.

i) ***The development is designed to deter crime and promote personal safety.***

The proposal within a built up urban area with passive surveillance surround area.

The proposal is considered to be in accordance with Policy QD1.

Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas

Policy LC1 is an amplification of Policy QD1 and is intended to strengthen existing policy criteria to ensure that the quality of residential areas is maintained, if not enhanced. Policy LC1 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."*

The proposed plot is comparable with the surrounding established residential area and it is not considered the proposed density would be significantly higher. The erection of a dwelling within an established residential area would be in keeping with the character and environmental quality of the area. The proposal exceeds the minimum space standards required. The proposal is in accordance with Policy LC1.

Planning Policy Statement 3- Access, Movement and Parking

DFI Roads are content with the proposal subject to conditions.

Planning Policy Statement 2- Natural Heritage

The application site is located within an Area of Outstanding Natural Beauty. As outlined above, the siting, scale and design of the proposal are considered appropriate for the site and the locality and will not detract from the special character of the AONB in accordance with Policy NH6.

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: 001, 003 Rev B, 004 Rev A, 005 Rev A, 006 Rev A, C-01-Rev C.
Reason: To define the planning permission and for the avoidance of doubt.
3. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.**
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C-01 Rev C, bearing the date 5th September 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.
4. No other development hereby permitted, shall be occupied until the footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. C-01 Rev C, bearing the date 5th September 2022.
Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.
5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. C-01 Rev C, bearing the date 5th September 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
6. The 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'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.

8. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

9. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 8, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site

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

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

11. 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.

12. A 2 metre fence shall be erected along boundaries of the site as indicated on 003 Rev B shall be erected prior to the occupation of the dwelling hereby approved and retained permanently at this height.

Reason: In the interests of residential amenity.

Informatives:

1. **The Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992**

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

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

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

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

The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement.

Street furniture to be placed to the back of footway.

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

<p>Case Officer Signature: E. Eastwood</p> <p>Date: 26/10/2023</p>
<p>Appointed Officer Signature: M Fitzpatrick</p> <p>Date: 27/10/2023</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/2056/F

Date Received: 9th November 2021

Proposal: Erection of 18 no. dwellings with 15 no. detached garages and 3 no. gardens rooms

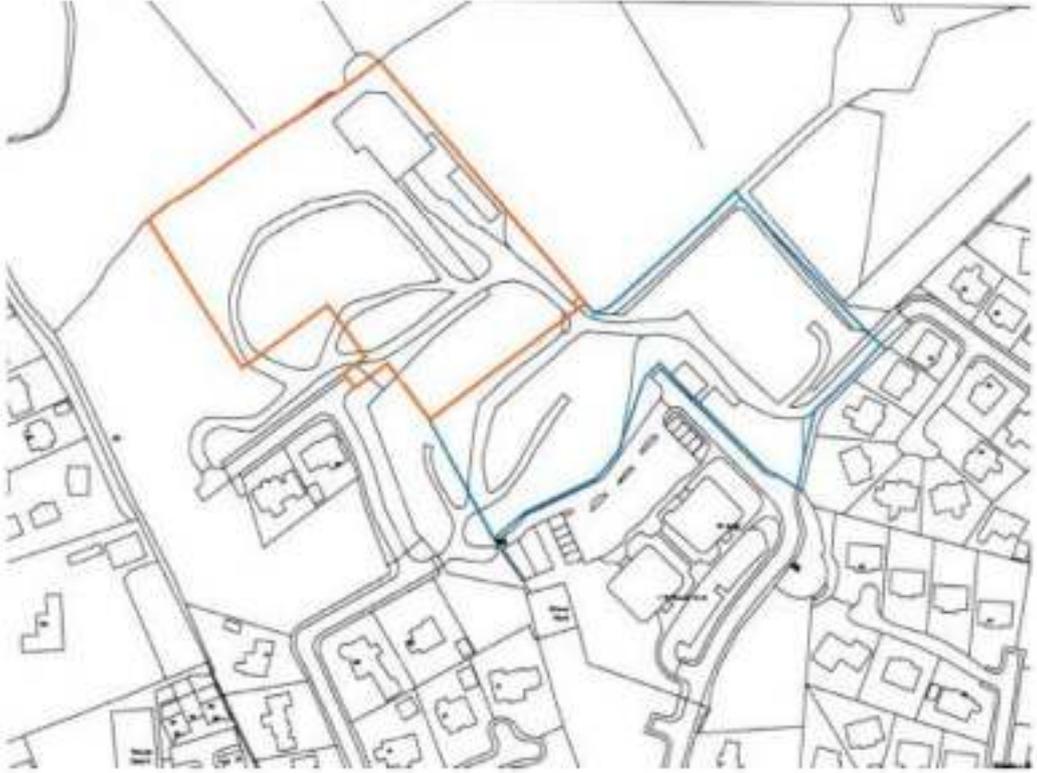
Location: Lands approximately 38m east of no. 22 Seafields Warrenpoint

Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red are irregular in shape and extends to cover plots for 18 detached dwellings whereby part of these lands have been cleared.

The site is accessed via an existing estate access off Rostrevor Road. The existing Seafields development comprises a number of sizeable, detached dwellings, each of varying style and design. This development of Seafields rises steadily from the Rostrevor Road and shore towards the application site. The northwestern and northeastern boundaries of the site are defined by hedgerow and trees, the southwestern boundary defined by a retaining wall and timber fencing whilst the remaining boundaries of the application site are undefined.

Characteristics of area: The subject site is located within the settlement limits of Warrenpoint / Burren (WB01), Mourne AONB and is designated as a committed and approved housing site (WB11.) Seafields is an established residential development within the settlement of Warrenpoint, approximately half a mile east of the Town Centre and accessed from the A2 Rostrevor Road. The development is characterised with large detached two storey dwellings set within large plot sizes of varying character and architectural styles. There is also a Listed Building a scheduled/unscheduled archaeological monument in the vicinity of the site with the lands to the rear of this zoned housing lands being identified as a LLPA.



Site location map



Extract of Map No. 3/06a showing application site

Site History:

- P/1994/0442 – Site for housing development – Permission granted October 1994
- P/1994/1343 – Erection of housing estate and road layout (phase 1) – Approved May 1995
- P/1998/0267 – Erection of 3 no. dwellings – Approved April 1998

Lands to east:

- LA07/2019/0067/F – Erection of 10 dwellings – Approved February 2021

There has also been a number of applications for non-material changes and proposed change of house types associated with the above approval.

Lands to south:

- P/2006/1687/F - Proposed erection of 4 No semi detached bungalows, 20 no Townhouses and 4 No semi detached houses – Approved June 2014
- LA07/2019/0386/LDE - Lawful commencement of material operations to the five dwellings indicated on drawing 02 Rev 5 date stamped approved 16/06/14 under planning Ref P/2006/1687/F to constitute a material start to the development - Approved June 2019
-

Planning Policies & Material Considerations:

- Banbridge / Newry and Mourne Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- Addendum to PPS 6 – Area of Townscape Character
- PPS 7 – Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements
- PPS 15 – Planning and Flood Risk
- Supplementary guidance including
 - Creating Places
 - Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
 - Parking Standards

Consultations:

Having account the nature of the proposal and constraints of the site and area consultation has been carried out with a number of statutory bodies.

- HED - Historic Buildings acknowledged that the proposal is relatively far away from the listed building to have minimal adverse impact. However, requested additional planting added to the Northeastern boundary of the scheme, in

order to help further minimise any adverse impact on the setting of the listed building. The additional planting has been shown on the landscape plan (P03N).

- DfI Roads – offered no objections and stipulated conditions and informatives relating to the Private Streets (NI) Order 1980 in a final response dated 26th October 2023 in relation to drawing no. P14E.
- DfI Rivers – determined that Policies FLD 1 and 5 were not applicable in this case. As confirmed by additional information from Taggarts and a site visit by DfI Rivers on 27th January 2023, the historic watercourse that traversed the northern portion of the site no longer exists. As such revised PPS 15 FLD 2 and FLD 4 is satisfied. A Drainage Assessment was submitted whereby DfI Rivers while not being responsible for the preparation of the additional drainage information accepted its logic and has no reason to disagree with its conclusions (FLD 3).
- NI Water – recommended refusal whereby the receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water requested the submission of a WWIA application for consideration.

In response, the Agent submitted a letter from NI Water dated April 2021 confirming that in accordance with the Guarantee from NI Water dated 14th December 2006, NI Water hereby guarantees its approval to Doherty Development to connect the 180 housing units at Seafields to the adopted foul sewer and to connect the 180 housing units to the adopted storm sewer at whatever time in the future that the houses are built.

In a response dated February 2023 (attached) NI Water advised that they are not in a position to amend their previous response and are therefore still recommending refusal of this proposal. The response goes on to advise that the additional documentation provided is being evaluated and once assessment has been completed NI Water will identify if the existing recommendation needs to be revisited.

The Planning Department requested further clarification in September 2023 of NI Water's most recent response and requested an update as to whether the additional documentation provided had been evaluation. A response from Maria O'Loan of Tughans LLP on NI Water's behalf was received on 27th October 2023 advising that "NI Water's objections to a proposed development on the basis of a lack of capacity in the receiving sewerage infrastructure is a relevant material planning consideration. The lack of capacity of the receiving infrastructure may result in out of sewer flooding, amenity issues and environmental harm...The existence of an agreement almost 17 years ago, does not alter the planning implications of a lack of capacity in the sewerage network."

The Agent has also advised that a WWIA application has been lodged with NI Water (ref: DS75902).

The WWIA application remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

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

Objections & Representations:

Having account statutory requirements, advertising and neighbour notification was undertaken as part of the processing of this case.

3 neighbouring properties were notified on 30th November 2021. The application was advertised in the local press on 8th December 2021.

A number of amendments have been received during the processing of the application including changes to some house types proposed to alleviate potential amenity concerns, additional landscaping and roads requests. The Department considers that the amendments received during the processing of the application do not merit further neighbour notification or re-advertisement.

No representations in opposition to the proposals have been received (27th October 2023).

Consideration and Assessment:

Full planning permission is sought for a residential development, comprising the erection of 18 no. detached dwellings with 15 garages and 3 garden rooms. The proposal will consist of 18 individual houses providing accommodation over 2 and 3 floors. Detached garages are proposed for 15 dwellings and garden rooms are proposed for 3 dwellings.

The dwellings will each provide in-curtilage car parking. The dwellings are considered generous in size, each with spacious plots. The proposed materials and finishes will vary for each house type, which will consist of a mixture of red brick, smooth painted render, stone, cedar cladding, plain black roof tiles, uPVC windows, doors and rainwater goods. This mix of house types and finishes is reflective of the development within Seafields. The proposed site plan is shown below.



Proposed site plan – P02S

Principle of Development

The Planning Act (NI) 2011

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.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limits of Warrenpoint/Burren. The site is located in land zoned as committed housing (WB 11). There are no key site requirements for this site. The proposal meets the requirements of the plan, as it complies with the designated land zoning.

The NI Regional Development Strategy 2035

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. As this proposal is increasing housing provision within the Warrenpoint area in a sustainable manner, it would be in line with the regional housing policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy.

The Strategic Planning Policy Statement sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12:

- **Planning Control Principle 1-Increased Housing Density without Town Cramming**
- **Planning Control Principle 2- Good design**
- **Planning Control Principle 3- Sustainable forms of development**

The density of the development is considered to be respectful of the wider area, whereby the density of the existing housing developments including Seafields and a portion of Seafields Avenue have been noted. It is considered a sustainable form of development as it is within a defined settlement. There are local facilities and services available. A mix of house types and sizes and sizes is provided to promote choice and assist in meeting community needs. No specific need for social housing has been identified.

PPS 7 – Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

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

It is considered that the development respects the surrounding context and is appropriate to the character and topography of the site given the proposed density which is similar to adjacent housing developments whereby the proposed plot sizes are reflective of the plot sizes within the existing residential area which is predominantly made up of large detached dwellings on spacious plots. The existing development access will be extended to provide access to the proposed properties. The development is part served by footpath and part shared surface arrangement. The dwelling on each site is set back from the road and those proposed follow the general layout to reinforce a building line along the road frontage. There is no prevailing house type design within Seafields whereby the proposed dwellings are reflective of this in that no two dwellings are the same. The dwellings on plots 16 and 17 are double fronted which presents an attractive outlook facing onto all directions along the development road. The density of the proposal is approximately 13 units per hectare, which is not inappropriate for this urban context. The proposal will provide soft green spaces to the front of each dwelling, with hardstand predominately along the side of each dwelling. The detached garages/garden rooms will be located to the rear corners of each site.

In term of proposed boundary treatments the principal boundaries which

about the public footpath will consist of 600mm high aluminium railing on top of 750mm block wall. Remaining boundaries will be defined by a 1.8m high sheeted timber fence and 0.6m high fencing sheets on top of 1.05m high wall. Existing trees and hedgerow are to be retained along the north-western boundary whilst further additional planting is proposed along the north-eastern boundary in line with HED's request.

The FFLs of each dwelling is shown below:

Plot	FFL
1	16.30
2	16.30
3	16.20
4	16.20
5	16.40
6	16.70
7	17.30
8	17.60
9	17.20
10	16.80
11	16.30
12	16.45
13	16.45
14	17.00
15	17.00
16	17.10
17	16.30
18	16.75

Having account, the existing character and mix of house types in the immediate area, the proposal is therefore considered to be in keeping with the established urban grain, density and character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

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

The application site is in close proximity to a Grade B2 Listed Building (HB16/12/009). During the consultation process, HED HB acknowledged that the proposal is relatively far away from the listed building to have minimal adverse impact. However, requested additional planting added to the Northeastern boundary

of the scheme, in order to help further minimise any adverse impact on the setting of the listed building. The additional planting has been shown on the landscape plan (P03N). A portion of the site is within close proximity to the sphere and influence of an Archaeological Site and Monument. The Department acknowledge HED's response for adjacent approval for 10 dwellings LA07/2019/0067/F whereby HED HM advised that the development site has limited archaeological potential due to previous ground disturbance.

The application site also abuts and LLPA (WB 40). The features that that contribute to the environmental quality, integrity or character of these areas are listed below:

- Rathturret, a large detached house (listed building), in mature designed landscape with new planting to the south east contributing to the setting and character of the town;
- State Care Monument (Rath) and Historic Monument (Unscheduled) including adjacent lands with significant boundary vegetation;
- Old Corn Mill and Pond, locally significant building, contributing to the character of the local area;
- Large detached dwelling, 29 Rath Road, with significant boundary vegetation;
- Stream corridor traverses the area, providing significant local landscape, wildlife and heritage interest.

Given the urban context of the area whereby the site is zoned for housing within the development limits and in consideration of HED's response, I am satisfied the proposal Would not adversely affect the intrinsic environmental value and character of the adjacent LLPA or any LB or Monument. The vegetation along the site boundaries are to be retained and further implemented which will help protect the environmental quality of the LLPA. The proposal complies with Policy CVN 3 of the Area Plan.

(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;

Given the nature, scale and location of the development, there is no requirement to provide public open space. The proposal provides generous rear gardens which will provide an adequate standard of private amenity space, exceeding the standards laid down in Creating Places. The Department also notes there is a large Major Area of Existing Open Space approx. 0.86km from the application site.

The garden sizes are such that they also provide space to allow for future extensions or adaptations if necessary. Creating places recommends that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.

Case officers note that a number of units proposed fall slightly short of this 10m requirement, particularly plots 12 and 13. However, the orientation of the proposed and approved dwellings to the SW is noted. The house types are also noted whereby the proposed dwellings on plots 12 and 13 comprise single storey sections and it is the single storey elements that are closest to the common boundary. The landscaping plan also shows additional planting along this common boundary to ensure the continuance of privacy and the avoidance of overlooking between respective properties.

In term of proposed boundary treatments the principal boundaries which abut the public footpath will consist of 600mm high aluminium railing on top of 750mm block wall. Remaining boundaries will be defined by a 1.8m high sheeted timber fence and 0.6m high fencing sheets on top of 1.05m high wall. Existing trees and hedgerow are to be retained along the north-western boundary whilst further additional planting is proposed along the north-eastern boundary in line with HED's request.

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

Given the nature and sale of the proposed, the developer is not required to make provision for local neighbourhood facilities. Nonetheless, the application site is within walking distance of facilities within Warrenpoint including a primary school, the Town Hall and a number of shops and restaurants. There is a secondary school approx. 1.5 miles from the site.

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

The proposed layout includes a mix of footpath lined streets and shared surface arrangement and a convenient pedestrian footway link to the main road thus providing a good movement pattern that supports walking and cycling. The proposal offers proximity to good public transport links and neighbourhood facilities. The proposal will not impact on any rights of way and meets the requirements of this criterion. The site is generally quite level, which is considered to meet the needs of with impaired mobility.

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

The in-curtilage parking provision is shown below.

PLOT	BEDROOMS	SPACES PROVIDED	REQUIRED	SHORTFALL
1	6	4	4.5	0.5
2	6	4	4.5	0.5
3	4	3	3.75	0.75
4	5	3	3.75	0.75
5	5	4	4.5	0.5
6	6	4	4.5	0.5
7	5	4	4.5	0.5
8	4	4	4.5	0.5
9	5	2	3.25	1.25
10	4	4	4.5	0.5
11	6	3	3.75	0.75
12	6	2	3.25	1.25
13	4	2	3.25	1.25
14	6	5	4.5	-0.5
15	5	5	4.5	-0.5
16	8	4	4.5	0.5
17	4	4	4.5	0.5
18	6	5	4.5	-0.5
TOTAL		66	75	9
			Required Visitor Parking	10

The level of in-curtilage car parking provided for each of the 18 dwellings varies between 2-5 spaces whereby the required visitor parking spaces is 10. DfI Roads have raised no objections to parking arrangements. The level of parking both in-curtilage and that available on street is considered sufficient and meets the requirements of this policy.

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

The proposal submitted seeks 18 detached dwellings with 15 detached garages and 3 garden rooms. Each dwelling has its own unique design, attracted by the high-quality materials and finishes, the generous levels of accommodation. Each dwelling will offer similar boundary treatments, ensuring uniformity throughout the development. The dwellings have a mixture of traditional and contemporary designs creating diverse and attractive house styles. The materials, finishes and boundary treatments are considered in-keeping. This proposal draws upon the positive aspects of the character and appearance of the surrounding area.

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

As discussed above Creating places recommends that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. Case officers note

that a number of units proposed fall slightly short of this 10m requirement. In the round, in this particular application, case officers are content there will be no unacceptable overlooking or loss of light resulting from the proposed development, due to the relationships, layout of units, spacing and orientation of units and associated openings.

The proposed dwellings will have a finished floor level of approx. 16.2-17.6m which is compatible to nearly all dwellings within the immediate vicinity. These levels respect the existing natural topography of the lands in general. It is considered that the proposal will not create conflict with adjacent land uses and there will be no unacceptable amenity impact on surrounding dwellings as a result of overlooking or loss of light given the separation distances, orientation, proposed house types and surrounding types of development.

In terms of noise or other disturbances, it is likely that the building work will impact the existing properties. However, this is not to an unacceptable level given the temporary nature of the building work and the fact that it is likely confined to daytime hours.

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

The proposed layout gives neighbouring dwellings a good view of people approaching on the main estate road. There are no alley ways or areas that would give rise to concerns of crime or which would impede safety. The proposal meets the requirements of this criterion.

In summary, the proposal is considered to comply with QD 1 of PPS 7.

Addendum to PPS7

Policy LC1 of the Addendum to PPS 7 states that 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 within Policy LC1 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.

Para 2.4 of Policy LC 1 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."

The proposed housing density of approx. 13 dwellings per hectare, which is of a similar density to neighbouring Seafields and a portion of Seafields Avenue. The proposal is effectively an extension of the existing Seafields development and is considered to be in keeping with the established urban grain, density and the overall surrounding context. The proposal meets the requirements of this criterion. The pattern of development (large, detached dwelling houses, in-curtilage parking to the side, front and rear gardens) is in keeping with the character and environmental quality of the area. The floor space of the proposed dwellings is compliant with the floor space requirements within this criterion.

PPS 2 - Natural Heritage

The application site is approx. 0.3km from Carlingford Lough ASSI. The watercourse approximately 50m to the west of the red line boundary is hydrologically linked to Carlingford Lough. The watercourse is outside the red line boundary and the potential impact on the ASSI due to building work adjacent to the watercourse was considered under LA07/2019/0067/F whereby a 5m permanent buffer was recommended by NIEA. All proposed work is approx. 50m from the watercourse. NIEA NED also provided comment advising that due to distance and the scale and nature of the development, there is unlikely to be a significant impact on the biodiversity of the stream and/or designated sites, provided that all works are in accordance with relevant Pollution Prevention Guidelines (PPG's).

The application site is not in close proximity to any SACs, SPAs or Ramsar sites. 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). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.

There are no areas of woodland, peatlands and wetlands etc. within close proximity to the application site. The existing vegetated boundaries are to be retained. The current condition of the site is also noted whereby part of the lands have been cleared. There is a building on site. NED advised that from the Biodiversity Checklist that the building on site has a Negligible Bat Roost Potential (BRP). NED is content that any works on this building are unlikely to impact roosting bats. NED also noted from the Biodiversity Checklist that the mature trees on site have a Low BRP. NED welcomes the retention of trees and hedgerows on site in order to retain foraging habitat and potential roost features for bats and maintain the biodiversity of the site. NED recommends that all retained trees have root protection zones to protect them from construction works. No hedgerow removal is required to facilitate visibility splays given the proposed extension of an adopted development access road.

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. Given the urban context

of the site and the surrounding existing and proposed development, the proposal meets the requirements of NH 6.

Given the above, the Department is satisfied the proposal complies with PPS 2.

PPS 3 – Access, Movement and Parking

This proposal seeks to take access from an existing adopted street within Seafields. DfI Roads has been consulted with regards to the Access, Movement and Parking. It is noted that A2 Rostrevor Road which will serve this development is a protected route. Given that the proposal will be served via an existing access, which has already been adopted by the Department, case officers are content the proposal satisfies PPS 3. DfI Roads offered no objections and stipulated conditions and informatives relating to the Private Streets (NI) Order 1980 in a final response dated 26th October 2023 in relation to drawing no. P14E.

PPS 15 – Planning and Flood Risk

DfI Rivers – determined that Policies FLD 1 and 5 were not applicable in this case. As confirmed by additional information from Taggart's and a site visit by DfI Rivers on 27th January 2023, the historic watercourse that traversed the northern portion of the site no longer exists. As such revised PPS 15 FLD 2 and FLD 4 is satisfied. A Drainage Assessment was submitted whereby DfI Rivers while not being responsible for the preparation of the additional drainage information accepted its logic and has no reason to disagree with its conclusions (FLD 3).

Recommendation:

The proposed scheme is on land zoned for housing (committed) within the settlement limits of Warrenpoint/Burren. It is within an existing residential area and as the proposal is also residential it therefore is an appropriate use for this locality. The application is for private residential accommodation providing a mix of house types. Overall a quality housing scheme has been presented and subject to conditions approval is therefore recommended.

Conditions:

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

Reason: Time Limit

2. The development hereby permitted shall take place in strict accordance with the following approved plans: P01, P02S, P03N, P04, P05A, P06, P07A, P08, P09D, P010A, P11, P12, P13, P14E and P16A.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing no. P14E PSD.

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P14E PSD prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. 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.

6. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars as shown on the approved plan.

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

7. The vehicular access to site No 3 including visibility splays of 2m x 33m, shall be provided prior to the occupation of the dwelling. 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.

8. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section and agreed in writing with the Council.

Reason: Road safety and convenience of traffic and pedestrians.

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

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

10. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

Reason: To ensure the appropriate foul and surface water drainage of the site.

11. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 10, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

12. All hard and soft landscape works associated with each unit shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works, including all planting shown on the approved drawing P03N, shall be carried out prior to the occupation of the unit they are associated with. 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.

13. Prior to works commencing on site, all existing trees shown on Drawing Number P03N 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.

14. The north-western boundary shall be planted with *Corylus Avellana* (Hazel) trees within 6 months of the completion of the dwellings on Plots 3, 4, 5, 6, 7 and 8 hereby approved. The trees shall be a minimum of 1m high (above ground level) at the time of planting and allowed to grow on thereafter and permanently retained to a minimum height of 2m.

Reason: To minimise any adverse impact on the setting of the listed building.

Informatives:

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
2. Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
3. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DfI, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980.
4. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor. The Road drainage works for this development to be agreed with DfI private streets section prior to commencement.
5. The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement.
6. Street furniture to be placed to the back of footway.
7. Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant

Division. Geotechnical Certification shall be in accordance with the Department for Infrastructures Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges

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

10. Demolition Waste:

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). 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.

11. Contaminated Land:

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.

12. BATS

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

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

Or

- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency,

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

13. ALL BIRDS

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

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

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

14. POLLUTION PREVENTION

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice Notes: Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

Case Officer Signature: Eadaoin Farrell

Date: 30.10.23

Appointed Officer Signature: M Keane

Date: 30-10-23

Committee Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2022/1474/F	Target Date:
Proposal: Additional trail networks comprising of 0.9 hectares of new basalt surface (as per existing trails) with associated wayfinding, signage, interpretation panels, benches and bins	Location: Delamont Country Park Downpatrick Road Killyleagh Downpatrick BT30 6GQ
Applicant Name and Address: Newry Mourne and Down District Council Downshire Civic Centre Ardglass Road Downpatrick BT30 6GQ	Agent Name and Address: GM Design Associates 22 Lodge Road Coleraine BT52 1NB
Date of last Neighbour Notification:	3 November 2022
Date of Press Advertisement:	5 October 2022
ES Requested: No	
Consultations: NIEA SES HED DFI Rivers	
Representations: 1 Representation has been received, raising objection and concern on the following grounds: <ul style="list-style-type: none"> • <i>Overlooking and privacy – all shared boundary trees or hedges or adjoining woodland to my property are not to be cut down or changed in any way thus enabling the public to have full view of my house or garden.</i> • <i>One route which runs behind my property is due for resurfacing and widened to 2m. My main water supply runs just below the surface of the path. There have been past incidents where the pipe has been cut or turned off. This needs urgent attention before path widening begins.</i> 	
Letters of Support	0.00
Letters of Objection	1

Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	0
Summary of Issues:	

Site Visit Report
Site Location Plan:

Date of Site Visit: Dec 2022
Characteristics of the Site and Area <p>The red line of the application site comprises an extensive length of both existing trails and open grass within Delamont Country Park near Killyleagh. The site is heavily constrained, lying within Strangford Lough SAC and SPA, RAMSAR, AONB, Priority Habitat Woodland, Listed Building and Area of High Archaeological Potential.</p>
Description of Proposal <p>Additional trail networks comprising of 0.9 hectares of new basalt surface (as per existing trails) with associated wayfinding, signage, interpretation panels, benches and bins</p>
Planning Assessment of Policy and Other Material Considerations <p>The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.</p> <p>The list of planning policy and guidance documents is not exhaustive. Should any additional document form part of the assessment for the proposal it will be referenced within the report.</p> <p><u>PLANNING HISTORY</u></p>

Extensive planning history, which has been limited to the most recent applications:

Application Number: LA07/2016/1057/F Decision: Permission Granted Decision Date: 07 October 2016

Proposal: Development and improvement of existing railway station and ice cream kiosk to include indoor seating facility with toilet and kitchen

Application Number: LA07/2019/0645/F Decision: Permission Granted Decision Date: 19 December 2019

Proposal: Reconstruction of existing vehicle turning circle + replacement section of 1200high Stock proof fencing + construction of new boat slipway

Application Number: LA07/2020/1521/DC Decision: Approval Decision Date: 07 January 2021

Proposal: Discharge of condition 5 of planning approval LA07/2019/0645/F

CONSULTATIONS

NIEA – given the constraints of the site, NIEA NED and WMU were consulted on the proposed development. Over the course of a number of responses, they sought an extensive list of additional information / amendments, as set out below:

- Outline CEMP to identify perceived risks to the aquatic environment, designated sites, and protected species on site. It should also include potential pollution pathways and mitigation measures in negate such risks.
- Badger survey to NIEA specifications to be carried out to determine the location of the main sett and the current usage of the proposed development site by badgers.
- Amended plans to show the retention of the mature trees assessed as having moderate or high bat roosting potential and appropriate protection zones. If this is not possible further bat emergence/re-entry surveys will be required
- Clarification if additional lighting is proposed to the trails within the site. if lighting is proposed, a lighting plan showing the light spill in lux and the use of bat sensitive lighting will be required.

Upon receipt of this requested information over a number of months, NIEA have finally responded with no concerns subject to the imposition of conditions upon any approval granted.

SES – were consulted on the proposal given the ecological constraints of the site. Shared Environmental Service (SES) while not being responsible for the Habitats Regulations Assessment (HRA) undertaken for this project as published to the Consultee Hub on 30/03/2023 have no reason to disagree with its findings.

SES consider that in agreeing the HRA Newry, Mourne and Down District Council will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

HED - The proposed scheme is within Delamont, a designed Historic Landscape on the Departments Register of Historic Parks and Gardens, Policy BH 6 of PPS 6 refers. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

The proposed scheme is sympathetic to the surrounding historic landscape at Delamont and will involve limited ground intrusion.

DFI Rivers – A portion of the application site is on Land Liable to Flooding and Surface Water Flooding. DFI Rivers were consulted on the proposed development.

FLD1 - Development in Fluvial and coastal Flood Plains - Dfi Rivers initially responded advising that the Flood Map (NI) indicates that these proposals lie outside the 1 in 100 year fluvial floodplain but lie within the 1 in 200 year coastal floodplain.

The applicant amended the site layout for the proposal and DFI Rivers were consulted on this amendment. They have reviewed the applicants amended Site Layout (DRG No. AL(0)03) and can confirm that Dfi Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Dfi Rivers have no objection to this development in relation to Revised PPS 15, Planning and Flood Risk, FLD 1.

REPRESENTATIONS

1 Representation has been received from a neighbouring property, raising objection and concern on the following grounds:

- *Overlooking and privacy – all shared boundary trees or hedges or adjoining woodland to my property are not to be cut down or changed in any way thus enabling the public to have full view of my house or garden.*
- *One route which runs behind my property is due for resurfacing and widened to 2m. My main water supply runs just below the surface of the path. There have been past incidents where the pipe has been cut or turned off. This needs urgent attention before path widening begins.*

A response was received from the agent addressing these concerns raised as follows:

- No boundary trees or hedges are to be removed or changed. As such, no change in views of privacy as a result
- As per standard construction procedures, all utility/service records will be obtained prior to construction and contractor will be responsible for ensuring no impact on existing services within the works area. Only minor works are proposed here so limited potential for any impact on water main in any case. Historic leakage issues are a matter for utility provides (NI Water) to resolve on the ground and is a separate issue to the planning process.

Officers are satisfied that this agent response satisfactorily addresses the concern raised in the representation.

EVALUATION

Permission is sought for the creation of a network of additional trails (totalling 0.9ha) with a new crushed basalt surface along with associated wayfinding pointers, signage, interpretation panels, benches and bins. The new trails would be located as set out below:

FINAL PROPOSED TRAIL ROUTE NETWORK

Following the completion of a Preliminary Feasibility Assessment of the site and the subsequent conclusion/confirmation of the design changes from the 2018 to the proposed trail route network. Changes are shown on the attached Final Trail Route Drawing and include the following sections:

- Trail 1A: Any widening of this trail is to occur to the north and west side of the existing trail.
- Trail 14: Removal of the edge of woodline area.
- Trail 16: On-site entry following Council review.

Following consultation with the Police Agency, it has been decided to remove any works proposed within the 1:250 control level plan. The only work within this area will remain as is.

Trail	Start	End	Length (m)	Surface	Notes
Trail 1A
Trail 14
Trail 16

Trail 14: Removal of edge of woodline area

Trail 16: On-site entry following Council review

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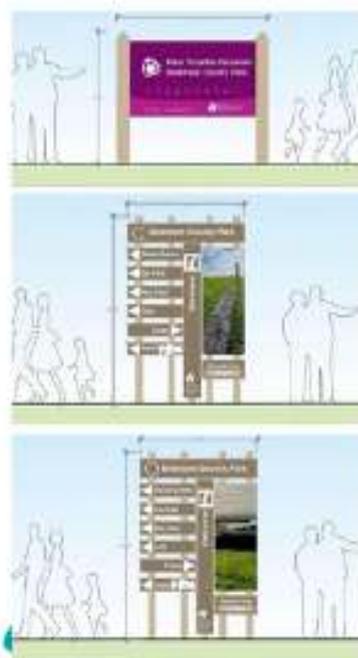
There would also be the introduction of new wayfinders and signage throughout the park, with the complete removal of all of the existing extensive scheme of signage. The style of signage proposed will take the form as shown below:

HUB / LOCATION SIGNAGE

WHY FREESTYLE FOR HUB

1122: Provides direction on grounds, key attractions, safety, interpretation

1123: Wayfinding



Signage - Park Information Signage



G/H Design Associates



London Parks and Open Spaces Department

HUB SIGNAGE

Wayfinding and information signs for visitors.



Information Interpretation Sign



Key Location Guide Sign



New Sign at Entrance



G/H Design Associates



London Parks and Open Spaces Department

GM Design Associates Limited
Delamont Country Park Design & Access Statement
14th September 2022

SIGNAGE 1.0 / FURNITURE DETAIL

Items included with the 'visitor hub' finger listing all the facilities available

Finger post with local information and trail colour / route

GM Design Associates

14th Sept 2022

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Additional furniture by way of seating and bins will be as shown below:

SEATING / BINS

FURNITURE NUMBER	NUMBER OF FURNITURE	NAME AND DESCRIPTION OF FURNITURE	REFERENCE NUMBER
48	2	HALD BACKLESS BENCH - (Wood) Tube	Woodhouse Catalogue - Pg 13
49	2	CLYTON BACKLESS BENCH	Woodhouse Catalogue - Pg 13
50	2	CORTEN STEEL UTTER BIN - (WALL) 40	Benito - Urban Catalogue - Pg 20
51	2	CORTEN STEEL TIER BENCH - (M) 140	Benito - Urban Catalogue - Pg 27
52	0	STANDARD PICNIC SET	

GM Design Associates

14th Sept 2022

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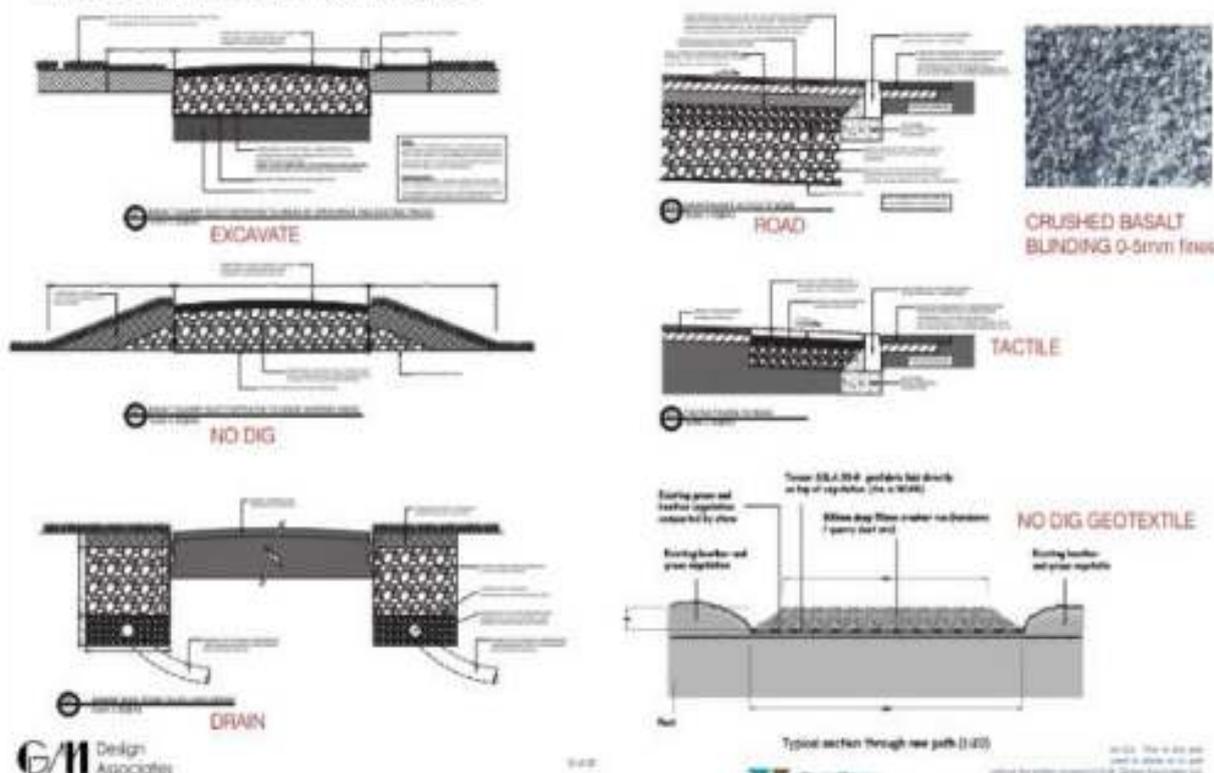
Principle of development

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. Given that this application seeks to add additional trails within Delmont Country Park, which is already served by paths, OS3 is the relevant policy consideration for this proposal. In considering this policy, officers are satisfied that there would be no adverse impact on features important to nature conservation, archaeology or built heritage, no loss of the best land, no harmful impact on visual or adjacent residential amenities and public safety is not impinged upon. Further demonstrated by the response from NIEA raising no objections to this proposed development.

The trails themselves will, depending on the ground conditions, be either dug into the ground or else will just be made of compacted crushed basalt onto the existing ground ('no dig') and both will be in keeping with the existing trail network in the Park.

TRAIL TREATMENT OPTIONS



The new trails themselves will be completely contained within Delamont and will not be visible from outside. In any event, even if they were visible this would not be out of character with the area, known for its walking trails. It is considered that the proposed signage and other furniture to be sited within the park is high quality and will be a betterment on the existing mix and match of signage styles throughout Delamont.

Ecological Considerations

PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

As set out above, the site is constrained by a multitude of ecological restraints. Several consultations to NIEA have finally resulted in them being satisfied with the proposal subject to a number of conditions being attached and adhered to, summarised below:

- a final CEMPT being submitted to WMU at least 4 weeks before the commencement of construction.
- No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by, the Planning Authority
- Prior to works commencing on site, the trees recorded as 4A & 4B Target Notes, within the Preliminary Ecological Assessment, 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.

The above conditions will be attached to any permission granted and as such, officers are satisfied that these conditions will ensure that all ecological concerns have been successfully resolved.

SES were consulted on the proposal and given the ecological constraints of the site. they responded stating that while they are not responsible for the Habitats Regulations Assessment (HRA) undertaken for this project as published to the Consultee Hub on 30/03/2023, they have no reason to disagree with its findings.

SES consider that in agreeing the HRA Newry, Mourne and Down District Council will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Planning and Flood Risk

A portion of the application site is on Land Liable to Flooding and Surface Water Flooding. DFI Rivers were consulted on the proposed development.

FLD1 - Development in Fluvial and coastal Flood Plains - DfI Rivers initially responded advising that the Flood Map (NI) indicates that these proposals lie outside the 1 in 100 year fluvial floodplain but lie within the 1 in 200 year coastal floodplain.

The applicant amended the site layout for the proposal and DfI Rivers were consulted on this amendment. They have reviewed the applicants amended Site Layout (DRG No. AL(0)03) and can confirm that DfI Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers have no objection to this development in relation to Revised PPS 15, Planning and Flood Risk, FLD 1.

Planning and Built Heritage

The proposed scheme is within Delamont, a designed Historic Landscape on the Departments Register of Historic Parks and Gardens, Policy BH 6 of PPS 6 refers.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. They further comment that the proposed scheme is sympathetic to the surrounding historic landscape at Delamont and will involve limited ground intrusion. It will therefore not have any harmful impact upon the setting of the Listed Buildings at Delamont nor the Historic Parks and Gardens.

As such, officers are of the opinion that the proposal complies with all relevant policies. The provision of additional trails within Delamont facilitates a more structured use of the asset within the community, opening up improved views and overall visitor experience and approval is therefore recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, subject to conditions

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 drawing numbers and documents to which this decision relates are: AL (0) 02, AL (0) 03 Rev C, Preliminary Ecological Statement reference: EVO27072022PEA dated 28/08/2022 and written by EVO Ecology, Outline CEMP dated November 2022, by GM Design Associates and date stamped 5th December 2022, and Design & Access Statement by GM Design Associates dated 14th Sept 2022.

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

3. All mitigation measures outlined in the OCEMP (dated 11/2022) should be adhered to.
Reason: To prevent adverse impacts on the features of the designated site.
4. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the designated sites.
Reason: To prevent adverse impacts on the features of the designated site.
5. There shall be no works or storage of materials of any nature within the designated sites during the construction, operational or landscaping phases (including screen planting).
Reason: To prevent adverse impacts on the features of the designated site.
6. **No development activity**, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by, the Planning Authority.
7. **Prior to works commencing on site**, the trees recorded as 4A & 4B Target Notes, within the Preliminary Ecological Assessment reference: EVO27072022PEA dated 28/08/2022 and written by EVO Ecology, 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.

Informatives

1. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
 - a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency,

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

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

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

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

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

Case Officer Signature: J McMullan

Date: 24 October 2023

Appointed Officer : A.McAlarney

Date: 25 October 2023



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

Application Reference:

LA07/2022/1776/F

Date Received:

10.11.2022

Proposal:

Proposed infill development for 2no. two storey dwellings with detached garages

Location:

Site between 4 Tullymurry Road and 1 Tullymurry Cottages

Newry

BT34 1NQ

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 lands outlined in red comprise a roadside plot, between the complex of Tullymurry House (and associated buildings), and a row of semi-detached dwellings.

This roadside plot comprises a field which rises steadily from the road, with a verge and post and wire fence (and field gate) running along the roadside boundary.

Tullymurry House comprises a sizeable 2 storey building (Listed), with several outbuildings and a shed, which are also 2 storey in scale. The semi-detached properties to the other side of the site comprise a mix of 1 and 2 storey dwellings.



Location Map
scale 1:2500

Site location map



Application site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The Regional Development Strategy (2035) (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS15 (Revised) – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- DCAN15 – Vehicular Access Standards
- Building on Tradition Design Guide for NI Countryside

Site History:

No relevant history was observed relating to the application site, however there is relevant history immediately adjacent relating to Tullymurry House including:-

- LA07/18/1086/F and LA07/2018/0937/LBC- Proposed change of use of existing outbuildings and stack-yard to conference centre/wedding venue with ancillary car parking, Approved, 2021.
- LA07/2022/0136/F and LA07/2022/0139/LBC- Change of use of lower ground floor of existing outbuildings to provide self-catering accommodation with extension to allow entrance lobby, access stairs and toilets, Refused, 2022.

Consultations:

- DfI Roads requested amendments in a response dated 5th December 2022. In a final response dated 6th February 2023, DfI Roads offered no objections subject to conditions.
- NI Water initially recommended refusal as sufficient waste water treatment capacity is not available at present to service the proposed development. An amended P1 form was submitted proposing septic tanks to be used for foul sewage. NI Water issued a final response recommending approval.
- HED HB initially requested additional information including amended site plans and proposed finishes. HED HB issued a final response 26th January 2023 advising that, subject to conditions, the proposal satisfies the requirements of Paragraphs 6.12 and 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

- Environmental Health requested a Noise Impact Assessment to consider the potential sound which may be generated from the nearby commercial premises (approved under LA07/2018/1086/F), external areas associated with the commercial units and use of the access road and the impact on the proposed dwellings. In response to the submitted Noise Impact Assessment, EH advised that they would not be able to recommend approval for this proposal, given the fact that there is a strong likelihood that future residents of this proposed development would suffer noise annoyance or even nuisance from the entertainment venue approved under LA07/2018/1086/F. In response to EH's comments, the Agent advised that although there are no conditions attached to LA07/2018/1086/F relating to noise, there are notes on the approved drawings including an acoustic barrier, upgrading the roof to the stone outbuilding that may be used for functions and a double lobby door arrangement when the building is used as a wedding venue or similar event. The Agent advised that even with a possible increase of 6dB at the nearest infill dwelling there should be no shortfall or loss of amenity to these new residents from entertainment or patrons talking loudly in the stock-yard during an event. EH were reconsulted and in a final response dated 4th July 2023 and concluded that they would not be able to recommend approval for this proposal, for the following reasons:
 1. The proposed location of the 2 houses is too close to the already approved development (LA07/2018/1086/F). LA07/2018/1086 consists of a conference centre and wedding venue at 4 Tullymurry Road. There is a strong likelihood that future residents of this proposed development would suffer noise annoyance or even nuisance from the entertainment venue, both within their properties and in their outdoor amenity spaces.
 2. The application for the conference centre and wedding venue (LA07/2018/1086/F) was considered, with the nearest dwelling being number 1 Tullymurry Cottages. This new application for housing brings development much closer. LA07/2018/1086 does not have any noise conditions attached to it for example, regarding the use of noise limiting technology, which may have assisted in reducing noise emitted from the venue.
 3. Environmental Health note that on page 17 of Noise Impact Assessment by F R Marks & Associates, dated May 2023, it states that the barn, shown on Drawing 2114 001 plg dated Sept 22, is to be removed completely. The removal of the barn will only increase the likelihood of noise annoyance.

Objections & Representations:

Neighbour notification letters were issued to six addresses on 26th July 2023.

The application was advertised in the local press on 30th November 2023.

No representations have been received to date (11th August 2023).

Assessment

Proposal

The proposal is a full application for the erection of 2 detached dwellings and domestic garages on an infill site on lands in No. 1 Tullymurry Cottages and Tullymurry House. The proposed dwellings are the exact same and are 2 storey with a ridge height of 9m from GL. The proposed finishes include smooth plastered walls coloured white and natural stone where shown, Grey aluminium or timber windows, natural roof slates and cast iron or aluminium RWGs. The proposed garages are two storey with a ridge height of 6.5m from GL. Proposed materials are to match the dwellings.

A central paired access will be created off Tullymurry Road. A new hedgerow is to be planted along the southern boundary to create an access to the back fields. The existing hedgerow to the north is to be retained. New hedgerows are to be planted to the front and rear of the site. The plots will be subdivided by a fence or hedgerow.

The proposal is shown below.

Proposed Site Plan (scale 1:200)

Location Map (scale 1:2500)

Site Section (scale 1:200)

Planning Policy (C) 8 of PPS12

Justification for an Infill Dwelling

Design Solution

Notes:

- 1. All work shall be completed in accordance with the approved plans, specifications, and conditions of contract.
- 2. The contractor shall be responsible for obtaining all necessary permissions and consents from the relevant authorities.
- 3. The contractor shall be responsible for the safety of the site and the public during the construction period.
- 4. The contractor shall be responsible for the removal and disposal of all waste materials.
- 5. The contractor shall be responsible for the reinstatement of the site to its original condition.
- 6. The contractor shall be responsible for the protection of all existing structures and services.
- 7. The contractor shall be responsible for the completion of the site in accordance with the approved plans and specifications.
- 8. The contractor shall be responsible for the payment of all rates and taxes.
- 9. The contractor shall be responsible for the completion of the site in accordance with the approved plans and specifications.
- 10. The contractor shall be responsible for the payment of all rates and taxes.

Proposed floor plans, elevations, site plan and location map

pepperarchitects

Proposed site plan

Proposed Ground Floor scale 1:100

Proposed First Floor scale 1:100

Garage Ground Floor scale 1:100

Garage First Floor scale 1:100

Front Elevation scale 1:100

Gable Elevation scale 1:100

Garage Front Elevation scale 1:100

Garage Rear Elevation scale 1:100

Rear Elevation scale 1:100

Gable Elevation scale 1:100

Garage Gable Elevation scale 1:100

Garage Gable Elevation scale 1:100

Notes:
 1. All elevations are shown from the north side of the site.
 2. All elevations are shown from the north side of the site.
 3. All elevations are shown from the north side of the site.
 4. All elevations are shown from the north side of the site.
 5. All elevations are shown from the north side of the site.

HOUSE TYPE 1
 Proposed floor plans and elevations

pepperarchitects

House Type 1

Proposed Ground Floor scale 1:100

Proposed First Floor scale 1:100

Garage Ground Floor scale 1:100

Garage First Floor scale 1:100

Front Elevation scale 1:100

Gable Elevation scale 1:100

Garage Front Elevation scale 1:100

Garage Rear Elevation scale 1:100

Rear Elevation scale 1:100

Gable Elevation scale 1:100

Garage Gable Elevation scale 1:100

Garage Gable Elevation scale 1:100

Notes:
 1. All elevations are shown from the north side of the site.
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 5. All elevations are shown from the north side of the site.

HOUSE TYPE 2
 Proposed floor plans and elevations

pepperarchitects

House Type 2

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.

As outlined above, the site comprises a roadside plot between Tullymurry House (No.4 Tullymurry Road) and the dwelling at No.1 Tullymurry Cottages. Tullymurry House is a listed building with several outbuildings all of which have frontage to this road. No.1 Tullymurry Cottages is the first of a row of semi-detached residential properties, all of which have frontage to this road. As such it is evident there is a substantial and continuously built up frontage, comprising at least 3 buildings, for the purposes of the policy test.

While it is noted the semi-detached properties comprising No.1-12 are relatively small plots of restricted width, the larger plots of Tullymurry House and No.8 are also noted. Having account the varying plots sizes, with no established pattern, it is considered this site can accommodate the principle of 2 infill dwellings, as per the requirements of Policy CTY8.

Also of note is appeal reference: 2019/A0001, which states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area.

As stated above, the wider context has been noted, and I am content this site can satisfactorily accommodate 2 dwellings.

The development of a gap site must also satisfy the integration policies of CTY 13 and CTY 14. Moreover, 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. Section 4.4 provides specific guidance on infill proposals. BoT advises that infill dwellings should respect the scale and form of surrounding buildings in the ribbon.

As stated above the lands comprising the application site consists of a roadside field whereby the levels rise steadily from the road.

The site is effectively enclosed by existing development and built form to either side, while the natural levels of the remainder of the field will provide a backdrop to the site. The existing natural boundaries to either side and rear will also assist in integration, whereby the development will only rely on new planting along the roadside and to the rear of the site. Levels have been provided, whereby those proposed acknowledge and respect the levels of the existing development to either side.

The existing built form including house types, sizes and designs have been noted, whereby it is considered this site can accommodate 2 storey dwellings with detached garages, whereby the general design, height, scale appearance and finishes are considered appropriate and acceptable for this location.

A central paired access point is proposed to serve the development. Accordingly, it is considered the development will be visually integrated in the landscape, will not be unduly prominent, being primarily only visible in the immediate vicinity, whereby it will read together with existing development.

It is acknowledged the proposals will add to the extent of built development along this side and stretch of road, however it has already been accepted it meets the policy requirements for the development of a gap site, under policy CTY8, and respects the existing development pattern.

Accordingly, it is considered the proposals do not offend policies CTY13 and 14.

Impact on Amenity

The nearest neighbouring properties are Tullymurry House and No.1 to either side. On the side of Tullymurry House, a shed is immediately adjacent with the house and other outbuildings set further back from the boundary. This distance is considered sufficient to prevent any unacceptable impact on the amenity of this property.

No.1 Tullymurry Cottages comprises a 2 storey dwelling which is set in from the boundary with a driveway and side garden separating this dwelling with the common boundary of the application site. The layout of this property including existing window openings along the side gable have been noted.

It is noted the dwellings and garages proposed will be set further back from the road than No.1, whereby the FFL will be very similar to that existing. The side gable facing No.1 will only include 1 ground floor corner window. It is noted the garages of each property will be centrally located on the site and away from the side boundaries. The existing boundary planting is also to be retained, which will be conditioned. Taking into account the above, it is considered the siting of the dwelling will not result in any unacceptable impact on the adjoining property to warrant a refusal.

As outlined above, consultation with EH was undertaken whereby EH requested a Noise Impact Assessment to consider the potential sound which may be generated from the nearby commercial premises (approved under LA07/2018/1086/F), external areas associated with the commercial units and use of the access road and the impact on the proposed dwellings. In response to the submitted Noise Impact Assessment, EH advised that they would not be able to recommend approval for this proposal, given the fact that there is a strong likelihood that future residents of this proposed development would suffer noise annoyance or even nuisance from the entertainment venue approved under LA07/2018/1086/F. In response to EH's comments, the Agent advised that although there are no conditions attached to LA07/2018/1086/F relating to noise, there are notes on the approved drawings including an acoustic barrier, upgrading the roof to the stone outbuilding that may be used for functions and a double lobby door arrangement when the building is used as a wedding venue or similar event. The Agent advised that even with a possible increase of 6dB at the nearest infill dwelling there should be no shortfall or loss of amenity to these new residents from entertainment or patrons talking loudly in the stock-yard during an event. EH were reconsulted and in a final response dated 4th July 2023 and concluded that they would not be able to recommend approval for this proposal, for the following reasons:

1. The proposed location of the 2 houses is too close to the already approved development (LA07/2018/1086/F). LA07/2018/1086 consists of a conference centre and wedding venue at 4 Tullymurry Road. There is a strong likelihood that future residents of this proposed development would suffer noise annoyance or even nuisance from the entertainment venue, both within their properties and in their outdoor amenity spaces.
2. The application for the conference centre and wedding venue (LA07/2018/1086/F) was considered, with the nearest dwelling being number 1 Tullymurry Cottages. This new application for housing brings development much closer. LA07/2018/1086 does not have any noise conditions attached to it for example, regarding the use of noise limiting technology, which may have assisted in reducing noise emitted from the venue.
3. Environmental Health note that on page 17 of Noise Impact Assessment by F R Marks & Associates, dated May 2023, it states that the barn, shown on Drawing 2114 001 plg dated Sept 22, is to be removed completely. The removal of the barn will only increase the likelihood of noise annoyance.

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

The SPPS goes on to state that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

Having account, the detailed comment from Environmental Health who provided expertise in this respective field, it is considered that given the adjacent approval LA07/2018/1086/F which has an expiration date of 1st April 2026, the application will proceed recommended for refusal.

Access and Transportation

Policy AMP2 of PPS3 states that direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposals include a paired entrance in the centre of the site, with splays of 2m by 60m to either side.

DfI Roads have been consulted and are content with the proposal subject to conditions.

Policy CTY16

planning permission will only be granted for a development proposal involving Following an initial round of consultation, the proposals have been amended to now propose a septic tank to serve each unit These tanks will be located to the front of each dwelling, whereby there appears to be sufficient space within the lands outlined in red to accommodate this plant and associated soak-aways, although the levels are noted. This will require a separate consent.

PPS6- Planning Archaeology and Built Heritage

As stated above, the adjoining lands comprising Tullymurry House are Listed, whereby consultation has been undertaken with HED.

Policy BH11 of PPS6 deals with development proposals which may affect the setting of a listed building. HED noted the proximity of the site to Tullymurry House and its associated outbuildings which are all listed and protected. HED are content in principle with residential development on this site, and requested further screening along the boundary with this property and changes to the finishes. Following receipt of amended plans and re-consultation HED offer no objections. The finishes proposed include smooth render, grey aluminium windows, natural slate roof, with no PVC.

Planning Policy Statement 2: Natural Heritage

Policy NH6 – Areas of Outstanding Natural Beauty of PPS 2 must also be considered given that the proposal is situated within the Mourne AONB. It lays out the relevant criteria to be met by new development which must be of an appropriate design, size and scale for the locality. Given the modest size, scale and simple design and in consideration of the existing adjacent properties, the Department is content the proposal complies with Policy NH 6.

There are no buildings or trees on the site to be removed. The front hedgerow boundary of the application site is to be removed and replanted to provide access and splays. A condition can be attached if approval was to be granted to ensure the re-planting. Policy NH 5 of PPS 2 applies. I am not persuaded that the condition of

portion of hedgerows to be removed would warrant the submission of a survey under the DAERA guidance. As such, I am satisfied the proposal complies with NH 5.

Summary

Although the application site is considered a small gap site in the countryside able to accommodate a maximum of 2 dwellings whereby the proposed house types are also considered acceptable, the Department is not satisfied that the proposal meets other planning and environmental requirements. Following comments from Environmental Health, there is a strong likelihood that future residents of this proposed development would suffer noise annoyance or even nuisance from the adjacent approved entertainment venue, both within their properties and in their outdoor amenity spaces. On this basis, the application will proceed as a refusal.

Recommendation:

Refusal

Refusal reason:

1. The proposal is contrary to Paragraph 4.11 of the Strategic Planning Policy Statement for Northern Ireland, in that the development, if approved, would adversely impacted by the development of Tullymurry House approved under LA07/2018/1086/F.

Case Officer Signature: Eadaoin Farrell
Date: 11.08.23
Appointed Officer Signature: M Keane
Date: 11-08-23

Speaking rights - Written Submission

Re: Planning Application - LA07/2022/1776/F - Proposed infill development for 2no. two storey dwellings with detached garages - Site between 4 Tullymurry Road and 1 Tullymurry Cottages, Newry, BT34 1NQ

An acoustic engineer who assessed the site found that any noise created from the proposed entertainments venue would be within acceptable standards.

He found that there would only be a 6dB level increase between 1 Tullymurry Cottages and the proposed nearest infill dwelling should the wedding venue go ahead. This is not significant and is still well within acceptable noise levels.

As part of the approval for the wedding venue at Tullymurry House, noise reducing infrastructure has been included such as an acoustic barrier/fence, a double lobby arrangement to the venue and additional insulation to the roof.

The inclusion of improved glazed windows to the bedrooms of the proposed infill dwellings and controlled ventilation to those rooms ensure that there will be no adverse noise impact at night time should the wedding venue go ahead. This was done in accordance with the recommendations of the acoustic consultant and would mitigate any increased noise adversely impacting the proposed dwellings.

In addition, there will be a lot of screening between the approved entertainments venue and the proposed site including a retained red barn on the site of Tullymurry House, an existing mature hedge, a proposed secondary hedge, an acoustic fence and proposed trees.

Considering these noise control measures and the findings in the report produced by the acoustic consultant it is felt that the application meets the requirements set out in the SPPS Paragraph 4.11.

There is a belief that Environmental Health are taking an overly cautious approach based on proximity of the buildings rather than the data provided by a professional acoustic consultant.

END

Planning Committee hearing 15/11/2023**Planning Application LA07/2022/1776/F: Proposed infill development at site between 4 Tullymurry Rd and 1 Tullymurry Cottages, Newry, BT34 1NQ**

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Regarding speaking rights regarding the above, the issues that will be covered are as follows:

1. **The reason for refusal** *The proposal is contrary to Paragraph 4.11 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), in that the development, if approved, would be adversely impacted by the development of Tullymurry House approved under LA07/2018/1086/F.*

The reason for this refusal is because Environmental Health consider that the proposed dwellings will be too close an approved wedding venue at Tullymurry House (LA07/2018/1086/F) and as result the future residents of the proposed development would suffer noise annoyance, nuisance from the approved entertainment venue.

2. **Reasons we believe the application should not be refused.**

The site was assessed by an acoustic consultant Rey Gaston from FR Marks, who has more than 30 years' experience in the field and has dealt with similar scenarios many times.

He found that there would only be a 6dB level increase between 1 Tullymurry Cottages and the proposed nearest infill dwelling should the wedding venue go ahead. This is not significant and is still well within acceptable noise levels.

The proposal includes improved glazed windows to the bedrooms of the proposed infill dwellings and controlled ventilation to those rooms ensure that there will be no adverse noise impact at nighttime should the wedding venue go ahead. Also allowing bedroom windows to be kept shut on a warm night and still be comfortable through adequate ventilation and temperature control. This was done in accordance with the recommendations of the acoustic consultant and was based on the very worst-case scenario in terms of noise generated from the wedding venue and it would adequately mitigate any increased noise adversely impacting the proposed dwellings.

As part of the approval for the wedding venue at Tullymurry House, noise reducing infrastructure has been included such as an acoustic barrier/fence, a double lobby arrangement to the venue and additional insulation to the roof.

There will be a lot of screening between the approved entertainments venue and the proposed site including a retained red barn on the site of Tullymurry House, an existing mature hedge, a proposed secondary hedge, an acoustic fence and proposed trees.

The conference and wedding venue is subject to the renewal of their entertainment licence annually, so it is not 'carte blanche' or in their interest to cause unreasonable disturbance.

Considering these noise control measures and the findings in the report produced by the acoustic consultant we feel that we have met the requirements set out in the SPPS Paragraph 4.11.

3. **The intended occupants of the proposed dwellings**

The occupants of these proposed dwellings will be the applicant's son and daughter – his son Josh got married at Tullymurray House, as such the entire family are aware of the noise levels and have no issues in building and living here.

They have a long-standing good relationship with the owner of Tullymurray House.

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 COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting Consultee response.	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	NIEA requested further information. Agent advised	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	Amendments with Consultee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 27 JULY 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	Pat Rooney	Site visit 10-08-2022 – on agenda for meeting on 24-08-2022 – defer to allow for further discussions to take place with the agent,	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				applicant and planners	
		PLANNING COMMITTEE MEETING 16 NOVEMBER 2022			
LA07/2020/1651/F	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry.	Defer for a site visit at December Planning meeting	P Rooney	Site visit – 18-01-2023 – return to Planning Committee on 08-02-2023 Defer for clarification in relation to the points raised by Legal	N
		PLANNING COMMITTEE MEETING 08 FEBRUARY 2023			
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N
		PLANNING COMMITTEE MEETING 08 MARCH 2023			
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carrivekeeny Road Newry Co. Down.	Defer	P Rooney/A Donaldson		
		PLANNING COMMITTEE MEETING 05 APRIL 2023			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2022/0210/F LA07/2022/0226/F	Ground Floor, Unit 12, Seaview, Warrenpoint	Defer both for site visit by Members and allow time to get more input from Environmental Health with regard to potential environmental health implications	P Rooney		
LA07/2022/1179/O	Lands approximately 8m south-east of no.143 Tullyah Road, Whitecross	Defer for a site visit	A McKay	Approved at September Planning Committee	Y
PLANNING COMMITTEE MEETING 28 JUNE 2023					
LA07/2022/1313/O	2 storey dwelling and garage on an infill site under Policy CT&8 of PPS21 – Lands to the immediate East of 3 Bog Road, Killeen	Defer to next meeting of Planning Committee	A Donaldson	Approved at August Planning Committee	Y
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0819/F	Proposed rear extension – 7 Courtney Hill, Newry	Defer to next meeting of Planning Committee	M Keane	Tabled at August Planning Committee	N
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access – 4 Majors Hill, Annalong	Defer to next meeting of Planning Committee	M Keane	Tabled at August Planning Committee	N
LA07/2022/1384/F	50 Carrickbroad Road, Drumintee, Newry	Defer for a site visit by Members	M Fitzpatrick	Approved at October Planning Committee	Y
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick		N

PLANNING COMMITTEE MEETING 23 AUGUST 2023					
LA07/2022/0819/F	Proposed rear extension – 7 Courtney Hill, Newry	Defer for a site visit by Members	M Keane	Site visit arranged for 7 September 2023 Approved at September Planning Committee	Y
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access – 4 Majors Hill, Annalong	Defer determination to explore further options regarding the development of a lay-by for the proposed application.	M Keane		N
PLANNING COMMITTEE MEETING 20 SEPTEMBER 2023					
LA07/2022/1714/F	Lands 71m SW of No52 Ribadoo Road, Ballyward, Castlewellan	Defer for a site visit by Members	A McAlarney	Site visit arranged for 9 October 2023 Approved at October Planning Committee	Y
PLANNING COMMITTEE MEETING 18 OCTOBER 2023					
LA07/2023/2587/F	Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border. 4m wide timer boardwalk	Defer for a site visit by Members	P Manley	Site visit arranged for 18 October 2023	N