



June 10th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 12th June 2024 at 10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

Item 6 - Cllrs Finnegan, Larkin, King, McAteer, D Murphy, S Murphy attended a site visit on 23 May 2024

4.0 Minutes of Planning Committee held on 15 May 2024

 [Planning Committee Minutes 2024-05-15.pdf](#)

Page 1

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

For Decision

 [Addendum list - 12-06-2024.pdf](#)

Page 21

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

6.0 LA07/2022/1696/O - Land approx. 58m East of No.11 Flagstaff Road, Newry - Proposed dwelling and detached domestic garage on an infill site

For Decision

REFUSAL (On agenda as a result of the call in process)

In line with operating protocol no further speaking rights are permitted on this application.

Declan Rooney, agent, and Stephanie Malone, applicant, will be available to answer any questions members may have.

 [LA07.2022.1696 - CO Report.pdf](#)


Page 22

Development Management - Planning Applications for determination

7.0 LA07/2023/2415/F - 91 Windmill Road, Cranfield, Kilkeel - Replacement Single Storey Dwelling

For Decision

APPROVAL


 [LA07.2023.2415 - CO Report.pdf](#)

Page 27

-
- 8.0 LA07/2022/0128/F - 147 Kilkeel Road, Annalong - Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings. Provision of hard and soft landscaping including communal amenity space. Provision of in-curtilage car parking spaces and all associated site works.**

For Decision

APPROVAL


 [LA07.2022.0128 - CO Report.pdf](#)

Page 38

- 9.0 LA07/2023/3581/F - Newtownhamilton GAC, 47 Dundalk Street, Newtownhamilton - Proposal for 2no. ball stops at either end of existing playing field**

For Decision

APPROVAL


 [LA07.2023.3581 - CO REPORT.pdf](#)

Page 67

- 10.0 LA07/2022/1201/F - 67 & 67a Ballyhornan Road, Ballyalton, Downpatrick - Demolition of Existing Licensed Premises and Proposed Erection of 2no Dwellings**

For Decision

APPROVAL


 [LA07.2022.1201 - CO REPORT.pdf](#)

Page 70

- 11.0 LA07/2023/2511/O - Lands South of 32 Moneyscalp Road, Kilcoo - New dwelling and associated works on a farm.**

For Decision

REFUSAL

 [LA07.2023.2511 - CO REPORT.pdf](#)

Page 85

12.0 LA07/2023/2374/F - 80 Dublin Road, Drumena, Newry - 2 No glamping pods with associated landscaping


For Decision

REFUSAL (On agenda as a result of the call-in process)

Speaking rights have been requested in support of the application by Martin Bailie, agent.

 [LA07.2023.2374 - CO REPORT.pdf](#)

Page 95

 [12. LA07.2023.2374.F.pdf](#)


Page 108

13.0 LA07/2023/3328/F - Lands at 43 The Heights, Downpatrick - Replacement dwelling and garage (Amendment to previously approved LA07/2022/0974/F)


For Decision

REFUSAL (On agenda as a result of the call-in process)

Speaking rights have been requested in support of the application from John Scally, Senior Planner, Carlin Planning Limited and Tiernan FitzLarkin, Town Planner, Carlin Planning Limited

 [LA07.2023.3328 - CO REPORT.pdf](#)

Page 109

 [13. LA07.2023.3328.F.pdf](#)


Page 116

14.0 LA07/2023/3063/O - Between 64 The Heights & 32 Teonnaught Road, Loughinisland - Infill dwelling and garage

For Decision

REFUSAL (On agenda as a result of the call in process)

Speaking rights have been requested in support of the application from Gerry Tumelty and R Mulholland

 [LA07.2023.3063 - CO REPORT.pdf](#)

Page 118

 [14. LA07.2023.3063.O.pdf](#)

Page 125

15.0 LA07/2023/2576/O - NE of No. 35 Downpatrick Road and SE of No. 43 Downpatrick Road, Ardglass - Site for dwelling and garage

For Decision

REFUSAL (On agenda as a result of the call-in process)

Speaking rights have been requested in support of the application from Ryan McBirney and Cllr Sharvin

 [LA07.2023.2576 - CO REPORT.pdf](#) Page 127

 [15. LA07.2023.2576.O.pdf](#) Page 136

 [15. LA07.2023.2576.O 2.pdf](#) Page 140

16.0 LA07/2023/3054/F - Lands opposite 2-6 Drumee Drive, Castlewellan - Proposed single storey dwelling

For Decision

REFUSAL (On agenda as a result of the call in process)

Speaking rights have been requested in support of the application from Sinead Collins, NIHE and Paul Fox, Rural Housing

 [LA07.2023.3054 - CO REPORT.pdf](#) Page 141

 [16. LA07.2023.3054.F 2.pdf](#) Page 153

 [16. LA07.2023.3054.F.pdf](#) Page 155

17.0 LA07/2023/2773/O - Lands North of 49 Bridge Road, Burren, Warrenpoint - Infill dwelling

For Decision

REFUSAL (On agenda as a result of the call in process)

Speaking rights have been requested in support of the application from Colin Dalton, Grey Design

 [LA07.2023.2773 - CO Report.pdf](#) Page 157

 [17. LA07.2023.2773.O.pdf](#) Page 166

18.0 LA07/2022/1777/F - 75m SE of No. 169 Longfield Road, Forkhill - Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground was water tank to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as per NAP requirements

For Decision

REFUSAL (On agenda as a result of the call-in process)

THIS HAS BEEN DEFERRED TO A FUTURE DATE

For Noting

19.0 Historic Action Sheet

For Information

📄 *Planning Historic Tracking Sheet - 2024.05.15.pdf*

Page 168

Invitees

- Cllr Terry Andrews
- Cllr Callum Bowsie
- Fionnuala Branagh
- Cllr Jim Brennan
- Cllr Pete Byrne
- Cllr Philip Campbell
- Cllr William Clarke
- Cllr Laura Devlin
- Ms Louise Dillon
- Cllr Cadogan Enright
- Cllr Killian Feehan
- Cllr Doire Finn
- Cllr Aoife Finnegan
- Ms Joanne Fleming
- Cllr Conor Galbraith
- Cllr Mark Gibbons
- Cllr Oonagh Hanlon
- Cllr Glyn Hanna
- Cllr Valerie Harte
- Cllr Roisin Howell
- Cllr Tierna Howie
- Cllr Jonathan Jackson
- Cllr Geraldine Kearns
- Miss Veronica Keegan
- Mrs Josephine Kelly
- Mrs Sheila Kieran
- Cllr Cathal King
- 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
- Maureen/Joanne Morgan/Johnston
- Cllr Declan Murphy
- Sinead Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy

Cllr Siobhan O'Hare
.....
Mr Andy Patterson
.....
Cllr Áine Quinn
.....
Cllr Henry Reilly
.....
Cllr Michael Rice
.....
Mr Pat Rooney
.....
Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Nicola Stranney
.....
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 15 May 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

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 Tinnelly

Officials in attendance:

Mr Conor Mallon, Director Economy, Regeneration & Tourism
 Mr J McGilly, Assistant Director of Regeneration
 Mr Pat Rooney, Principal Planning Officer
 Mr Peter Rooney, Head of Legal Administration
 Ms A McAlarney, Senior Planning Officer
 Ms P Manley, Senior Planning Officer
 Ms M Fitzpatrick, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Ms S Taggart, Democratic Services Manager (Acting)
 Ms F Branagh, Democratic Services Officer
 Mrs N Stranney, Democratic Services Officer

P/038/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Campbell.

The Chairperson advised that item 12 had been removed from the agenda as a duplication from a previous meeting and that item 19 had been deferred to a future date. He also noted that as Councillor Hanna was due to be late, item 7 would be heard at the end of the meeting, in closed session.

P/039/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/040/2024: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

Item 6 - Cllrs Finnegan, Hanna, Larkin, D Murphy and M Rice attended a site visit 26.03.2024.

MINUTES FOR CONFIRMATION

**P/041/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING
WEDNESDAY 10 APRIL 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 6 March 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Finnegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 April 2024 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/042/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 15 May 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Tinnelly, seconded by Councillor S Murphy, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 15 May 2024:**

- **LA07/2023/2455/F** - 4 Railway Street, Newcastle - Change of use of ground floor from retail (Class A1) to hot food takeaway (sui generis), installation of extraction and ventilation equipment, and minor external alterations
APPROVAL
- **LA07/2020/0346/O** - Land adjacent to and south of 3 and 25 Carnagat park and NE of 22 and 24 Crannard Gardens, Newry, BT35 8SE - Erection of 4 dwellings
APPROVAL
- **LA07/2023/2048/F** - Approximately 50 meters North West of 78 Upper Dromore Road, Warrenpoint - Proposed dwelling and detached garage (infill site) (renewal of LA07/2018/0785/O)
APPROVAL
- **LA07/2023/2407/F** - 3 Church Street, Downpatrick - Proposed subdivision to existing apartment to form 2 apartments & change of use of use of store to 1 apartment with amenity space off existing alleyway
APPROVAL

DEVELOPMENT MANAGEMENT

P/043/2024 **PLANNING APPLICATIONS FOR DETERMINATION (WITH**
(1) **PREVIOUS SITE VISITS)**
 LA07/2022/1696/O

Location:

Land approx. 58m East of No. 11 Flagstaff Road, Newry.

Proposal:

Proposed dwelling and detached domestic garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

The Chairperson stated as there had not been a quorum at the site visit in March, a full presentation of the application with speaking rights would be permitted.

Mr Pat Rooney reminded Members of the detail of the application, outlining which policies it had been considered against and what requirements had not been met, reminding Members there were no objections to the application. He stated that the Planning Department did not feel the proposed development constituted a continuous built-up frontage and felt that Brogies Road broke up the frontage that the applicant was relying on. He further advised that some buildings did not form part of the same frontage. He noted that the Planning Department felt that the site could hold 3 dwellings, which would lead to a suburban type of development. He stated that the application of the policies was more than a mathematical exercise as suggested by the applicant, and the site needed to be looked at to understand that.

Speaking rights:

Mr Declan Rooney presented the reasons he believed that the application of the relevant policies were incorrect stating the applicant was applying for permission for one dwelling, not two or three. He stated that the site was irregular in size and felt that this had not been acknowledged by the Planning Department. He advised that the site layout was reflective of the surrounding area and argued that Brogies Road did not constitute a break in the frontage. He referenced a number of Planning Appeals Commission (PAC) where applications with similar attributes and conditions to the application had been overturned.

Councillor Tinnelly queried whether the Planning Department considered PAC rulings when applying policies to certain applications, given there was the possibility of an application being overturned.

Mr Pat Rooney advised that the Planning Department was led by the policy requirements that any application was considered against, and a decision made based on that information. He reiterated that the Planning Department felt that Brogies Road broke the frontage that the application relied on, and although the PAC may overturn that, the Planning Department could only consider an application against current policy.

Councillor Tinnelly then queried of Mr D Rooney whether he accepted the Planning Department's application of the relevant policies, to which Mr D Rooney responded by advising that his interpretation of the relevant policy was that there was a continuous frontage, regardless of the location of Brogies Road.

Following the discussion Councillor Larkin proposed a site visit, which was seconded by Councillor McAteer. This proposal was put to a vote, with the results as follows:

FOR: 10
 AGAINST: 0
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to defer planning application LA07/2022/1696/X to allow for a site visit.

DEVELOPMENT MANAGEMENT

P/044/2024 TO AGREE REASONS FOR REFUSAL OF APPLICATION

(1) LA07/2022/0546/F

Location:

Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel

Proposal:

Installation of a 20m pole to host integrated antenna and 2no. 60mm dishes plus ancillary equipment, feeder cables and equipment cabinets.

Conclusion and Recommendation from Planning Official:

Approval

AGREED: It was agreed to postpone discussion on this item until later in the meeting.

Councillor Byrne left the meeting at this stage – 10:50am

P/045/2024 PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2020/1567/F

Location:

Ballyholland Harps GAA grounds, Bettys Hill Road, Ballyholland, Newry BT34 2PL

Proposal:

Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works.

Conclusion and Recommendation from Planning Official:

Approval

It was noted that the objectors were not present despite having requested speaking rights. The Chairperson stated that this application had been deferred from April's Committee meeting to address some concerns raised by objectors, but since it had been in progress since 2020, he was happy to proceed with the item in order to not cause any further undue delay to the applicant. This was unanimously agreed by the Committee.

Power-point presentation:

Ms Patricia Manley outlined the detail of the application and utilised numerous images of the application site to show the existing site layout, alongside the proposed new site layout. She stated that previous planning permission had been granted in July 2014 and outlined the differences in the proposals. She detailed the various consultations and further re-consultations with statutory bodies such as NI Environment Agency (NIEA), Environmental Health, NI Water, DFI Roads, Rivers Agency, Natural Heritage, Regulations Unit and Water Management Unit and advised that these had occurred due to the number of objections that had been raised during the course of processing the application, and further reminded the Committee that all statutory consultees had no objections to the application, subject to conditions. She further outlined the policies that the application had been considered against, and how the Planning Department decided upon a recommendation for approval. She detailed those further objections that had been received prior to the application being tabled before Committee and highlighted that these had been further considered in the addendum report dated 29/04/2024.

Ms Manley stressed that the Planning Department was satisfied that all objections had been fully considered and they did not raise any issues that had not already been considered by all statutory consultees. She advised that as objections were still being made as recent as the early hours prior to the Committee meeting, that they were to be highlighted before the Committee and noted how they were considered in relation to the application.

- Objector email received 15/05/2024 at 2:11am - The email requested that the application be removed from the scheduled Committee Meeting as they had shown that policies and laws had not been properly applied or followed. Ms Manley advised that the Planning Department saw no reason to remove the application from the schedule and that the issues raised in the email had been fully considered within the planning report and addendum report.
- Email received 14/05/2024 at 08:26pm - Correspondence from Friends of the Earth enclosing correspondence that had been sent to NIEA on 07/04/2024 but had never formally been sent to the Planning Department. This email did not add any new information but rather challenged NIEA on their analysis and correspondence of 27/08/21, 25/08/22 and 24/07/23. Mrs Manley advised that the latest correspondence from NIEA following further consultations was dated 21/03/2024 and NIEA remain content with the application, subject to restrictive conditions being placed on lighting, which was detailed within the planning report.
- Phone call of 14/05/2024 - A call was made from Friends of the Earth to advise that NIEA had been made aware of issues in relation to wetlands and the impact to bats. The call was returned, and the Planning Department again noted that NIEA had no objection to the application, subject to conditions being met.
- Email of 13/05/2024 at 11:19pm - email stated that important documents had been withheld; that the application would have numerous issues such as an impact on wildlife, tree planting, use of heavy machinery and light pollution; Planning Department had broken the Code of Practice; and asked for the application to once again be removed from Committee. Ms Manley noted again that all statutory consultees had been consulted numerous times given the number of objections and the latest correspondence showed that all consultees were content with the application subject to conditions. In relation to a potential breach of the Code of Conduct, this was the reason why the application had been removed from the previous months Committee to allow further time for details to be reviewed by the public.

- Email of 13/05/2024 at 01:51pm - email stated that access to information had not been provided and there was an inadequate timeframe to respond to documents. It also stated that there was a need on the Department to notify the public on changes to planning applications for transparency and fairness. Ms Manley advised that the Planning Department had reviewed all information to ensure that any information on the hard copy file had been uploaded to the Mastergov portal between 29/03/2024 and 03/04/2024. The Planning Department was satisfied that this had been completed and sufficient time had passed to allow for consideration of all information available. She further advised that there had been no significant changes to the proposal under consideration and highlighted that every objection raised had resulted in further consultations with statutory bodies, who had no objection subject to conditions, and this information was available on the planning portal.
- Email of 12/05/2024 at 10:09pm - email stated that the application had not been processed correctly, laws and policies were not being applied correctly and therefore the application had to be removed from the Committee meeting to allow for investigation of this matter. Ms Manley advised that the Planning Department were satisfied that all issues had been addressed as documented within the planning and addendum report.
- Objection email received 11/05/24 at 01:08am - email claimed that NIEA clearly stated that the area would be devastated and must not be touched should the application go ahead. Ms Manley advised that this email referenced NIEA comments dated 23/08/2013 in relation to the previous application on site and reiterated that NIEA had no objections subject to conditions on the current application.
- Emails received 10/05/2024 at 09:49am and 09/05/24 at 04:18pm - objectors stated that information was being withheld and not passed to relevant Departments such as NIEA. They queried if documentation sent to Council had been passed to NIEA and others. Ms Manley again reiterated that every objection was duly considered and had resulted in numerous consultations with statutory consultees.
- Email received 09/05/2024 at 03:08pm - email again cited the NIEA response of 2013 regarding wildlife in the area and requested that the item be removed from the agenda to allow for further investigation into the allegations. It also stated that the floodlights did not adhere to regulations. Ms Manley further stressed that consultee replies from Environmental Health and NIEA advised that they were content with the application subject to conditions.
- Email received 06/05/2024 at 11:13pm - email raised concerns that not all information had been made publicly available and remained solely as hard copy. Further queried the zoning of the area as E2, and why the applicant was allowed to propose floodlights fit for Zone E3 or E4. It further noted the amount of material published in relation to wildlife would require a specialist to understand. Ms Manley advised that when this application was first made, all information was held on a hard copy file, prior to being uploaded to the Mastergov planning portal. She highlighted that some data had not been published due to potentially ecological sensitive information, however after discussion with NIEA these were published. It was further noted that all data had been uploaded and in the public domain since 29 March 2024, and as such no one had been prejudiced by the process. She further reiterated that Environmental Health had no objections, and the latest response from NIEA dated 21/03/2024 advised that they were content with the application, subject to conditions.

Officer Report. Planning Officers be delegated authority to impose any relevant conditions.

Councillor Hanna joined the meeting during the above discussion – 11:21am

(4) LA07/2022/0910/F and LA07/2022/0912/DCA

Location:

10-12 Scotch Street Downpatrick

Proposal:

Demolition of existing derelict building in conservation area and replacement with proposed building incorporating 6 apartments with amenity space. New boundary wall to rear of building and link to existing alleyway leading to Church Street.

Demolition of vacant buildings at 10-12 Scotch Street

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

The chairperson advised that items 16 and 17 would be heard simultaneously as they were linked.

Ms Annette McAlarney detailed the application, stating it was located on a pedestrianised street within the primary retail core, the Downpatrick conservation area and in an area where Council aimed to maintain ground floor retail space. She highlighted two objection letters received and confirmed that Historical Enforcement Division (HED) had no objections to the application. She outlined that the applicant had submitted an engineering report that had utilised visual assessment only. Upon request from the Planning Department regarding a structural assessment carried out by an engineer accredited in conservation, this report determined that the building fabric had deteriorated but not to the point of structural instability and therefore did not support demolition.

Ms McAlarney then detailed the application for the new build and outlined how it was at odds with the conservation of the area, the proposed balconies outlined a space of 7m² for floor 1 and 2 whereas the standard minimum was 10m². She advised that they backed onto a beer garden of a nearby bar and Environmental Health advised that noise mitigation measures would be needed to guard the residents. She further highlighted that the application did not provide parking for the residents and the applicant was relying on nearby Council owned parking, despite a policy driven requirement of 8 spaces for the proposed apartments.

Speaking rights:

In Support:

Mr Kevin Rogan and Mr Jonathan Maze spoke in support of the application and outlined their reasons why this application should have received a recommendation for approval. Mr Rogan queried why the demolition was not permitted on this site given how little of the building remained and expressed his confusion about its contribution to the street. He noted that there was no demand for retail space and stated that there was sufficient parking within the town, both on street and paid parking. He further advised that the engineer had informed him that the building was held up with timber, walls had no foundations and an internal steel beam needed to be removed and replaced. He further stressed that it was not financially

viable to rebuild as suggested by the case officer and highlighted that this application would help develop the town by removing eye sores.

Councillor Hanna queried at what point did a building become significant to the character and scope of the street and noted that he believed the shops on the street were from the 1970s or 1980s. He further queried the economic viability of repair as opposed to demolition and rebuild and stated that while everything could be restored for a price, at what point did regeneration become a considering factor.

Ms McAlarney confirmed that the area was designated a conservation area, therefore all buildings in the area were deemed to be worthy of protection. She noted that any financial implications were not a material consideration of Planning Department when applying policies to an application and reminded Members that neither report commissioned by the applicant had recommended demolition of the building.

Councillor Hanna then queried of Mr Peter Rooney regarding the economic viability of demolition versus rebuilding. Mr Peter Rooney advised that it was not unreasonable to state that anything could be repaired, however this was not a planning issue when applying policies to an application. He stated that the issue regarding conservation had been answered by the Planning Department and the necessity of demolition had not been evidenced.

Councillor Enright reminded members that another application on Scotch Street had been discussed recently and stated that there was a general belief that empty shops would not be occupied. He queried if it was possible that planning policy was hindering bringing derelict buildings into use and whether policies were out of date and therefore preventing proper development of the town.

Mr Pat Rooney stated that Councillor Enright's query was a general point and not specific to this application and further advised that conservation areas were designated for a number of reasons, to both protect and enhance the historic character of buildings and townscapes. He further advised that if applications for demolition were to be continuously approved this could erode the historic character of the town and therefore the Planning Department had to carefully assess the individual and cumulative impact of such applications on the townscape. He further advised that should demolition be allowed on this site, the put back proposed was out of keeping with the scale and character of the area.

Following a query regarding the parking requirements of the site from Councillor Enright, Mr Maze advised that the conclusion of their parking survey confirmed that nearby car parks and on street parking provided enough parking options for any residents.

Following a further query regarding the proposed application, Mr Maze advised that he was amenable to reducing the size of the apartments to better fit with the area. He further noted that he did not believe the current buildings had not been amended from when they were originally built and his proposed three storey apartments were to help camouflage issues on nearby builds such as an unstable and unsightly chimney stalk.

Councillor Tinnelly queried whether there were any circumstances when conservation became no longer fit for purpose, as if this application was denied the street would continue to deteriorate to a point of inaccessibility and were there any circumstances when the conservation policy could be put aside, and material consideration be given to preservation.

Mr Pat Rooney noted that this was a valid question and highlighted that policy requirement was to preserve and enhance the character of the conservation area, accepted the point regarding the cost of the refurbishment but the weight to be attached to this was for the

Replacement Dwelling with detached garage, existing listed building retained as ancillary accommodation. New entrance pillars and gate with associated site works.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Ms McAlarney outlined the application and noted that there were no objections from consultees, advised that the justification for the application was that the dwelling was located in an area of flood risk, but highlighted that the flood maps showed that it was located outside the 1 in 100-year flood plain and that only part of the access road was located in the 1 in 200 year coastal flood plain. She advised that the Planning Department assessed the application against relevant policies and had recommended a refusal as the offsite development would cause a greater visual impact, which was contrary to policies.

Speaking rights:

In Support:

Mr David Donaldson outlined the reasons for the application in that it was to guarantee the safety of the home in relation to flood risk. He reiterated that the family had no intention to demolish the listed building, but merely wanted to separate their home from the listed building, ensure the listed building remained in situ and relocate their main dwelling to a higher elevation point to ensure its safety. He informed Members that HED had no objections to the application and that they stated that the relocation of the main dwelling would highlight the prominence of the listed building.

Councillor Larkin noted that the listed section of the residence was on the very shore of Strangford Lough and queried the elevation of the proposed new build.

Mr Donaldson advised that the new build would be based on ground 2m higher than existing.

A discussion then ensued regarding the elevated ground and the difference in ridge height between the existing dwelling to later be demolished, the listed building that was staying in situ and the new proposed new build and the potential prominence of the new build within the countryside. Mr Donaldson advised that the new build would be nestled into the existing landscape and trees.

Councillor Hanna then queried whether the applicant would be amenable to a condition being placed on the development to ensure that the new build integrated into the area in relation to design and materials.

Mr Donaldson advised that had the proposed site been located on an open and exposed site on the edge of the lough the applicant would have no issue with this but stated that as this application was able to be nestled into an existing copse of trees, he didn't feel such a condition was necessary. He reminded Members that HED were content that the existing foliage remain and as such the listed building site would also be enhanced.

Councillor Hanna advised that the photo representation of the new build didn't detail potential windows and queried if the dwelling would be sympathetic to the character of the area, to which Mr Donaldson advised that it was designed to be contemporary but with traditional materials to ensure it blended into the landscape.

Following a query from Councillor McAteer regarding the number of buildings to be on site, Mr Donaldson advised that the existing build was linked with the listed building and would be

separated and demolished only after the proposed new build was complete, that there would be two buildings on site and reminded Members that HED were in support of this.

In response to a further query from Councillor McAteer regarding the potential impact on addresses for the buildings, Mr Donaldson advised that the address would remain the same and the listed building would be used as ancillary accommodation.

Ms McAlarney urged Members to remember that HED had commented solely on the listed building and had not considered the proposed new build. The Planning Departments recommendation for refusal had arisen from the greater visual impact from the proposed new build and further cautioned Members about setting a precedent in allowing the replacement of a dwelling within the countryside.

Mr Peter Rooney wanted to advise Members that the current buildings were linked and therefore had one address, but this would change if the application was recommended for approval by the Committee. He reminded Members that HED had only considered the listed building and were not concerned with licensing in regard to postal addresses or separate dwellings within the countryside with the same address.

Following a query from Councillor Larkin in relation to the policies applied to listed building status, Ms McAlarney advised that this was a case that had not been witnessed before. She advised that any similar application would have requested a conversion of the listed building to a store or garage and not retain any features of a house but that this application did not include this. This application was for a listed building and attached dwelling to be separated, and a second dwelling to be built nearby which would result in two houses on the same site and would have a greater visual impact.

Councillor Hanna queried the extreme height of spring tides and the impact on the residents, and a lengthy discussion ensue regarding climate change and the impact on water levels, the location of the current residence in relation to flood plain maps and the potential impact on the residents should water enter their home and the property become unavailable.

Ms McAlarney reminded Members that DFI Rivers advised that the site was not located within the flood plains, although part of the access road was. She urged Members to be cautious about disregarding the weight of a statutory consultee in relation to the application.

Following the discussions, Councillor Hanna proposed to overturn the Officer's Recommendation and issue an approval for the following reasons:

- This was an exceptional case of a family trying to protect their living space for the future
- The proposal did not seek to demolish the listed building but rather keep the heritage intact and would improve the status of the listed building.
- The proposal would improve and enhance the environment.
- The new development would be well enclosed within the established foliage of the area
- It was considered to be sustainable development within the area.

He further advised that a condition be placed on the new build to ensure it would be sympathetic to the character and build of the area. This was seconded by Councillor D Murphy.

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

FOR: 8
 AGAINST: 1
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2022/1331/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

Councillor Enright rejoined the meeting during the above discussion –12:20pm

The meeting did then recess – 12:50pm

The meeting did then resume – 01:12pm

Councillor Tinnelly left the meeting at this stage – 1:13pm

(6) LA07/2023/2171/F

Location:

Between 28 Forkhill Road and 1 Mountain Road, Newry

Proposal:

Erect 2 dwellings with detached garages & associated siteworks

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Maria Fitzpatrick outlined the application history and what policies the application was considered against, reminded Members that a similar application on the site in 2022 had been refused with the same reasons for refusal as issued with this application. She advised that no objections had been received in relation to the application, outlined the Planning Departments reasons for a recommendation of refusal and highlighted that the frontage required for the application was broken by Mountain Road and that the applicant was relying on two separate roads to create a gap site. She stressed that this application failed to qualify for the exception to be allowed to proceed.

Speaking rights:

In Support:

Mr Brendan Quinn utilised a power point presentation to put forth his reasons why he believed that the application should be recommended for approval. He outlined similar applications that had been issued for an approval that were similar to this application and stated that the policies did not advise on road breaks in relation to frontage for a ribbon development.

Refusal

Power-point presentation:

Ms Fitzpatrick outlined the details of the application and noted that no objections had been received. She advised that the application site was located within the Ring of Gullion Area of Outstanding Beauty (AONB) and adjacent to Killeavy Castle and was not actually set within the grounds of the Castle. She outlined the policies that the application had been considered against and noted that this dwelling was an existing dwelling and not considered a locally important building in relation to the application of the policies in design, architectural or historic value.

Speaking rights:

In Support:

Mr John Cole spoke in support of the application and outlined his understanding of the policies applied and how he felt they should have recommended an approval for the application. He advised that the dwelling was situated on the grounds of the hotel, contrary to what the case officer had stated. He further outlined that the exterior of the dwelling was not going to be significantly amended, and the application would allow for more employment and generate more visitors to the area. He further noted that the proposed work was in line with the sustainable ethos of the Castle as it utilised existing buildings rather than build new.

Councillor McAteer queried which policy actually covered the aims of the applicant in relation to this application and whether they could have been applied differently should the dwelling have been within the actual confines of the hotel grounds, and not just on land owned by the hotel.

Mr Pat Rooney advised that it would depend on what the applicant was trying to achieve. If the applicant had been trying to provide self-catering accommodation within the grounds and linked to the hotel there was scope for this within planning policy, but this application was to change the use of an existing dwelling in the rural area to provide tourist accommodation and there was no scope for that within policy.

A discussion then ensued in relation to the house and on what lands it was located, whether it belonged to the hotel or merely sat within land owned by the hotel with the result being that the house was located on lands owned by Killeavy Castle but was not located within the confines of the Castle hotel itself, alongside clarifying that the Castle owned the majority of the surrounding land.

Councillor D Murphy queried the status of the farm associated with Killeavy Castle and the understanding that there was sustainable development, and whether the Castle was 10 years into a 25-year restoration project.

Mr Cole advised that this was correct and the land was farmed for the purposes of cattle grazing as part of the hotel's operation and restoration works completed to date had been carried out sympathetically and respectfully to showcase the best of South Armagh.

Following a query from Councillor Larkin regarding whether an approval would have been recommended had the house been located within the grounds of the hotel, Mr Pat Rooney advised that there was no provision within the policies for this type of application, the application would need to include one or more new units. He noted that it seemed to be an anomaly within the policy but stressed that the policy applied to a new build only.

Following discussions, Councillor Finnegan proposed to overturn the officer's recommendation based on the points that had been discussed today and the questions raised by Councillor Larkin. This was seconded by Councillor Larkin.

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

FOR: 9
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Finnegan, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/2413/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

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

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed the Committee come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

FOR APPROVAL

P/046/2024 POLICY REVIEW PAPER ON HOUSING IN SETTLEMENTS

Read: Report dated 15/05/2024 from Mr J McGilly, Assistant Director Regeneration, regarding LDP: Planning Policy Review – Housing in Settlements. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Enright, seconded by Councillor Finnegan, the following was agreed:

- Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and
- Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (subject to further consultation engagement, sustainability appraisal and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.

At this stage of the meeting, it was agreed to resume discussions around P/044/2024: To Agree Reasons for Refusal of Application.

P/044/2024 TO AGREE REASONS FOR REFUSAL OF APPLICATION

(1) LA07/2022/0546/F

Location:

Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel

Proposal:

Installation of a 20m pole to host integrated antenna and 2no. 60mm dishes plus ancillary equipment, feeder cables and equipment cabinets.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

The Chairperson advised that this item was returned to Committee to agree reasons for refusal, in line with policies, to then share with applicant. Members voted on the presented reasons for refusal, and voting was as follows:

FOR:	7
AGAINST:	2
ABSTENTIONS:	0

The proposed reasons were declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Enright, the reasons for refusal of the application were agreed.**

P/046/2024 HISTORIC ACTION SHEET

Read: Historic action sheet for agreement (**Copy circulated**)

AGREED: **It was agreed on the proposal of Councillor King, seconded by Councillor Rice, to note the historic action sheet.**

There being no further business the meeting ended at 02.38pm

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 12 June 2024**

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

- **LA07/2023/2415/F** - 91 Windmill Road, Cranfield, Killeel - Replacement Single Storey Dwelling
APPROVAL
- **LA07/2022/0128/F** - 147 Killeel Road, Annalong - Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings. Provision of hard and soft landscaping including communal amenity space. Provision of in-curtilage car parking spaces and all associated site works
APPROVAL
- **LA07/2023/3581/F** - Newtownhamilton GAC, 47 Dundalk Street, Newtownhamilton - Proposal for 2no. ball stops at either end of existing playing field
APPROVAL
- **LA07/2022/1201/F** - 67 & 67a Ballyhorman Road, Ballyalton, Downpatrick - Demolition of Existing Licensed Premises and Proposed Erection of 2no Dwellings
APPROVAL
- **LA07/2023/2511/O** - Lands South of 32 Moneyscalp Road, Kilcoo - New dwelling and associated works on a farm
REFUSAL

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1696/O

Date Received: 20.10.2022

Proposal: Proposed dwelling and detached domestic garage on an infill site.

Location: Approx. 58m East of No. 11 Flagstaff Road, Newry, BT35 8NP.

Site Characteristics & Area Characteristics:

The site includes a roadside portion of a larger agricultural field that is located just outside the development limit for Newry City and within the countryside and designated AONB. The site is above the public road and the remaining land falls quite significantly to the East. The surrounding area is generally agricultural and residential with economic activity also notable. Development pressure is increasing in the area.

Site History:

Application Number: LA07/2020/0815/O

Decision: Permission Granted

Decision Date: 10 September 2020

Proposal: Off site replacement dwelling and detached garage

Application Number: LA07/2021/0191/RM

Decision: Permission Granted

Decision Date: 05 May 2021

Proposal: Off-site replacement dwelling and detached garage

Consultations:

DFI Roads –No objections subject to compliance with attached condition.

NI Water – approval with standard conditions.

Objections & Representations

7 Neighbours notified on 26.01.2023 and the application was advertised on 15th and 16th of November 2022. No objection or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

Consideration and Assessment:

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

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

The site is located in the countryside / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections from the Area Plan and decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 21 – Sustainable Development in the Countryside / Strategic Planning Policy Statement for Northern Ireland

Policy CTY 8 of PPS 21 makes an exception to ribbon development for the development of a small gap site sufficient only to accommodate up to a maximum of two houses provided the dwelling is located within an otherwise substantial and continuously built up frontage and also that it respects the development pattern of the frontage. The definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In terms of the gap to be developed, the agent has advised in his supporting statement that he takes this to be between the closest part of the industrial building (Crilly's Sweets) and the new dwelling immediately west of the site recently constructed. This gap amounts to approximately 87m. However, taking out the Brogies Road section which is obviously undevelopable and measuring the frontage between the corner of the field and the boundary fence of the new build to the west of the site, this leaves a road frontage of approximately 90m. The agent describes the average road frontage to be 37m however this figure must be considerably lower given only the newbuild dwelling immediately west of the site is 36m with the remaining development in the mid-20s according to the additional information sent by the agent. Further west towards Nos 9 and 11 the frontage becomes smaller again.

With the above in mind and a field frontage of 90m at least 3 dwellings at 30m each could be accommodated. A shorter site measurement could be used to give more room to the last dwelling in the corner of the field closest to the Brogies Road. Whilst the agent has ruled out this area and it is accepted that it may not neatly match the other dwellings, a smaller 'L' shaped dwelling could be accommodated with a frontage that matches the surrounding area and a refusal on other matters would prove difficult to justify.

The proposed arrangements that are before the Council leave a frontage of 59m which is considerably above any conceived average along the frontage no matter how generous you apply the mathematics to the frontage. For these reasons, I do not consider the gap to represent a small gap sufficient only to accommodate a maximum of two dwellings.

Considering the site in isolation, it is respectful to the pattern of development in that it is very close to the dimensions of the adjacent new build to the west and considerations around size, scale and siting could be conditioned. The issue for the Planning Dept is that the site must be considered in relation to the whole gap and not in isolation.

The policy notes that the definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The new build dwelling to the west of the site benefits from 2 substantial buildings particularly given the visual appreciation of the garage from the public road. The third building as considered by the agent is the industrial factory further east of the site (Crilly's Sweets). It is the Planning Departments view that the road between Crilly's and the proposed site (Brogies Road) represents a feature that breaks the frontage and therefore the frontage cannot be defined as 'continuous' – rendering the proposal contrary to policy.

The agent contends that this represents a break in the frontage and notes planning reference LA02/2023/1512/O which was an infill dwelling approved in Mid and East Antrim Council. Whilst the retained planning policies are considered province wide (unless a new LDP as been adopted) each Council area is autonomous on how it interprets that policy and similarly are not bound by decisions made by other Council areas. For this reason, the approval of this application does not material affect the decision-making process of Newry Mourne and Down District Council.

Planning Appeal Ref 2017/A0009 an appeal in this Council area and dismissed by the PAC is of particular note which deals specifically with this issue. Quoting from the Commissioner's report he says "Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and continuously (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site and consolidates the Planning Authority's position.

The agent has made reference to the visual linkage referred to by the Agent is misplaced in that the test for the exception to ribbon development is not noted as being a visual test within policy. Where a visual test is noted within policy is when defining ribbon development, not the exception to it.

Consequently, as a result of the above, I do not consider the proposal to meet the guidance in Building on Tradition and the exception test of policy CTY 8 and instead would add to the existing ribbon of development along Flagstaff Road. The proposal is also contrary to policy CTY 1 in that it does not meet any of the exceptions listed and there are no overriding reasons why the proposal could not be located within a settlement.

The site benefits from a good back drop of rising land to the rear. Whilst natural boundaries are poor for the site, I have attached weight to the context of the built up surrounding area and the siting of the newbuild dwelling immediately west of the site that has similar site conditions which would also offer a sense of enclosure to one side of the dwelling. On balance I consider the proposal to meet the policy requirements of policy CTY 13.

Whilst I do not consider the proposal prominent in the landscape, the proposal does not meet the exception test of policy CTY 8 and therefore would contribute to build up when considered with the surrounding development and add to ribbon development. For these reasons the proposal is contrary to policy CTY 14 part (b) and (d).

The applicant proposes to use a Septic Tank to deal with foul waste. Any approval notice could be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Following consultation with DFI Roads, the Department has responded confirming it has no objections to the proposal in relation to PPS 3 subject to compliance with the attached RS1 form. This will form part of a condition for further consideration at RM stage.

Planning Policy Statement 2 – Natural Heritage

As the site lies within the AONB policy NH 6 is engaged. As the proposal does not meet the exception at policy CTY 8 and policy provisions of CTY 14 of PPS 21 I am not content the siting is sympathetic to the special character of the AONB in general and of the particular locality. The scale of the proposal can be conditioned to ensure it is appropriate for the area and will be a matter reserved. The proposal will not impact on features of importance to the character, appearance or heritage of the landscape and materials, design, colour boundaries and architectural styles will be assessed in further detail at RM stage. The proposal is contrary to policy NH 6 part (a).

The proposal has been considered in light of Planning Policy Statement 2 in terms of priority habitats and species. I have considered the site in light of DAERA guidance and conclude there is no perceived adverse impacts on priority species or habitats.

Planning Policy Statement 3 Parking Movement and Access / DCAN 15

DFI Roads was consulted with regard to the above policy and guidance and has confirmed it has no objection to the proposal subject to compliance with the attached RS 1 form to be conditioned and considered in detail at RM stage. For this reason, I am content the proposal is in compliance with PPS 3/ DCAN 15.

Recommendation:

Refusal – supporting statement from agent considered.

Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to a ribbon development along Flagstaff Road and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting would, if permitted be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Ashley Donaldson 11/12/2023

Authorised Officer: Maria Fitzpatrick 12/01/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2023/2415/F
Date Received:	07.03.2023
Proposal:	Replacement single storey dwelling
Location:	91 WINDMILL ROAD CRANFIELD KILKEEL DOWN BT34 4LP

1.0 Site Characteristics and Area Characteristics

The application site is located outwith any defined settlement development limit as designated in the Banbridge, Newry and Mourne Area Plan. The application site is approximately 3 miles west of the Settlement Development Limits of Kilkeel. The application site is located within an NIEA Seascape Character Area as well as the Mourne Area of Outstanding Natural Beauty.

The dwelling to be replaced subject to this application is a hipped roof bungalow which has a number of returns to the rear and front. The dwelling is finished with a slate roof and roughcast render. The dwelling is enclosed via a stone wall which defines the curtilage of the application site. There is a small outbuilding to the rear which is finished in the same finishes as the dwelling. The dwelling is located on windmill road which is a small narrow road the portion of the road the dwelling is located on has tracks but is grassed and not tarmac. There is bushes, grass and vegetation within the curtilage of the dwelling. The proposal incorporates an onsite replacement albeit a slight change in orientation of the dwelling. As well as the dwelling the proposal also incorporates the replacement of the store to the rear.

The dwelling proposed is a single storey dwelling which incorporates similar characteristics to the existing dwelling on site to include varying ridge heights. The store to the rear also resembles that currently on site.

Image 1: Extract from the Site Location Plan

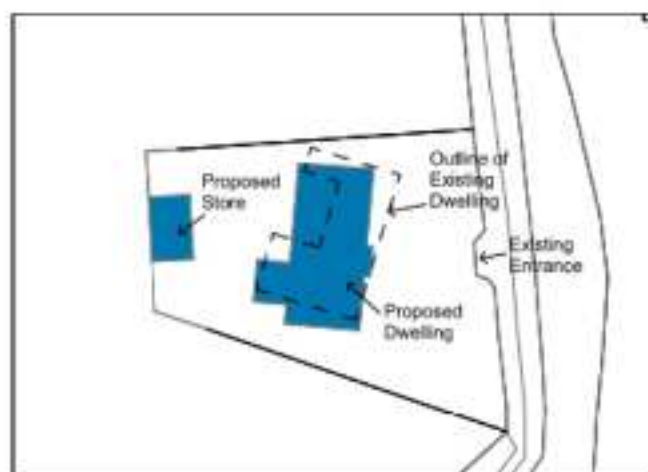


Image 2: Dwelling to be demolished



**Image 3:
from Site**

**Extract
Layout**



2.0 Planning Policies and Material Considerations

This planning application has been assessed against the following policies:

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

3.0 Site History

The Planning history of the application site has been investigated. There are no known applications on the application site.

4.0 Consultations

Consultations were issued to the following consultees:

- DFI Roads – Content with the proposal provided the dwelling to be replaced could be reasonably occupied at present
- DFI Rivers – Content with the proposal as presented
- NI Water – Content with proposal as presented with conditions and specific conditions
- Shared Environmental Services – The response concluded that Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern

Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 12/09/2023. This found that the project would not be likely to have a significant effect on any European site.

- NIEA – Marine and Fisheries have considered the impacts of the proposal and on the basis of the information supplied recommend refusal for this application. This is due to the location of the proposed development as it is in close proximity to a section of coastline considered to be at high risk of coastal erosion with the access road (Windmill Road) being directly adjacent to this high risk coastline

The Planning Department note NIEA's comments and concerns with regards to coastal erosion however, the Planning Department must take a balanced approach when considering this application. The proposal is for a replacement dwelling which is currently being resided in by the applicant. At the time of site visit the dwelling was evidently being lived in and had been for some time. The proposal proposes an on site replacement albeit slightly re-orientated. The dwelling is not moving closer to the coastline. Given that the proposal is an onsite replacement and is inhabited as well as the fact that Shared Environmental Services have no objections to the proposal the Planning Department must take a balanced approach and conclude that the proposal will have no greater risk than the existing dwelling on the application site.

5.0 Objections and Representations

The application was advertised in the local press on the 17th May 2023. No neighbours were identified to be notified. No objections or representations have been received to date (21.05.2024)

6.0 Assessment:

Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 5.0 Replacement is relevant to this application. The guidance

sets out how replacement projects can help to reinvigorate our rural landscape ... and further elaborates on the guidance set out with PPS 21 on eligibility for replacement, size, scale and form; it is imperative that these design principles are incorporated and considered when applying for a replacement dwelling. The guidance further explores how priorities should include retaining all mature trees, hedgerows, walls and boundaries where possible as well as access points. The proposal complies with building on tradition with a sympathetic dwelling proposed of a modest size. Further, access and boundaries are retained as per that on site.

PPS 2 Natural Heritage

Policy NH5 – Habitats, Species or Features of Natural Heritage Importance

The policy states: Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

There is no change to the boundaries or access of the application site. A number of surveys were carried out on the application site to include a preliminary ecological assessment – which concluded no further surveys were required. The boundaries on site are currently stone wall and therefore it is considered that the proposal would not have a negative effect on the policy provisions of NH5.

NH 6 Areas of Outstanding Natural Beauty

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

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

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

c) the proposal respects:

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

The application is for an onsite replacement dwelling and proposed store to the rear. The dwelling itself is of a similar scale, footprint and size to the existing dwelling and thus considered sympathetic to the application site. The proposed dwelling has similar characteristics and is single storey in form. The dwelling proposed would be considered appropriate in context to the AONB in that it wouldn't be obtrusive or offensive. There are similar dwellings within the wider area. The proposal retains existing boundaries and materials proposed are not uncommon on site and within the surrounds. The proposal would not create a build up of dwellings within the area and therefore taking into account the above it is considered that the proposal complies with the policy provisions of PPS 2.

PPS 3 Access Movement and Parking

The proposal intends to utilise the existing access onto Windmill Road. DFI Roads were consulted with regards to the proposal and are content with the application as presented provided the dwelling could be reasonably occupied at present. During a site visit it was confirmed that the dwelling subject to this application was occupied. The proposal complies with the policy provisions of PPS 3.

PPS21 Sustainable Development in the Open Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3. The proposal is for an off-site replacement dwelling.

CTY 3 Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

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

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Following a site inspection it is evident that the building coloured green on the site is a dwelling and exhibits the essential characteristics of a dwelling for the purposes of CTY 3 and its policy provisions. The dwelling is currently occupied at present.

In addition to the above further guidance is set out within CTY 3 upon which all replacement cases should comply with.

The proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

The proposed dwelling is to be located on site on the footprint of the existing dwelling albeit slightly orientated to face the access. The dwelling is to be accessed via the existing vehicular access.

the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

The dwelling proposed is similar in size and scale to the existing dwelling on site. The proposed dwelling is single storey in height and has a slight return to the front elevation (similar to that currently on the application site currently and a rear return (again similar to the existing dwelling). The kitchen/dining area proposes a large glass window to the side return; whilst not normally acceptable it is noted that there are no neighbouring properties within a close radius and given the location of the dwelling at the coast the Planning Department understand the want to have a coastal view from the dwelling.

The proposal would not have a larger visual impact than that currently on the site,

the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; • all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

The proposal is located with no neighbouring properties within proximity to the application site. As set out above the design of the proposal is considered acceptable as it is considered it would have no greater impact than that currently on the application site. The finishes of the proposed dwelling include:

- Walls – White render

- Roof – Blue/Black Slate
- Windows – UPVC Coloured
- Doors – Coloured UPVC

The materials proposed are not offensive and would not have a demonstrable harm on the application site. It is considered the dwelling proposed is of a modest size and scale and simplistic in design which is similar and demonstrates similar characteristics to the dwelling currently on site thus is considered acceptable.

Garage/Outbuilding Replacement

There is a small outbuilding to the rear of the application site. The applicant intends to replace this building. The building is small and similar in character to the main dwelling house. The proposed outbuilding is of a similar character with sash windows and red doors. The proposed use is as a store. The Planning Department have no objection to this small outbuilding on the application site and would consider that it is appropriate as presented.

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

DFI Roads were consulted with regards to the application and offered no objections. The proposed dwelling is accessed via the existing vehicular access on site.

Policy CTY 13 Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

The proposal is for an onsite replacement which is of a similar height and scale to that existing on site as well as this the proposed replacement has similar design concepts to that existing on the application site. It is therefore considered that the proposal would not lead to a build up of dwellings in the area/site. The proposal would not be a prominent feature in the landscape due to the fact it is a

replacement. The curtilage is defined by a block wall which is to remain as is. The application site has an established curtilage and does not rely on new landscaping for integration. The proposed design of the dwelling is appropriate for the site and surrounds. It is considered that the proposal is compliant with CTY 13.

Policy CTY 14 Rural Character

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

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

As this is a replacement dwelling it is replacing a dwelling on site and thus would not be considered unduly prominent in the landscape. The proposal would not lead to a build up of development when viewed on site and would not create a ribbon of development. The proposal does not require any visibility splays as it meets DFI Roads requirements for replacement dwellings and intends to utilise an existing access. The proposal is considered compliant with CTY 14.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of development. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this treatment plant and associated soak-aways. The proposal appears to conform to Policy CTY 16

Amenity

It is considered the dwelling proposed is sited a sufficient distance from any other existing/approved dwelling to prevent any unacceptable impact or loss of amenity.

Recommendation

Drawings in which the application relates to 01A, 02, 03

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: 01A, 02, 03

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

3. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved Site Location 01A is demolished, all rubble and foundations have been removed in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside

5. A formal water connection application must be made for all developments prior to occupation, including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

6. All services within the development should be laid underground

Reason: In the interests of visual amenity

7. Development shall not be occupied until the surface and foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

8. No development shall be commenced until a requisition for a water main extension has been made to NI Water in accordance with Article 76 of the Water and Sewerage Services (Northern Ireland) Order 2006 to serve the proposed development and no part of the development shall proceed beyond sub-floor construction until such water main extension to serve the development has been provided.

Reason: To ensure a practical solution for the delivery of a public water supply

Informatives

1. 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.

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. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries

4. For single properties where there is no sewer NI Water provide an annual septic tank desludge/emptying service. Further information is available by contacting Waterline on 03457 448800 or waterline@niwater.com .
Desludge/emptying request is also available via NIW Self Service Portal at <https://selfservice.niwater.com/DesludgeOpen>

5. E01, E02, E03 E06

Case Officer Signature: Roisin Bird
Date: 21.05.2024
Appointed Officer Signature: M Keane
Date: 21-05-24



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

Application Reference: LA07/2022/0128/F

Date Received: January 2022

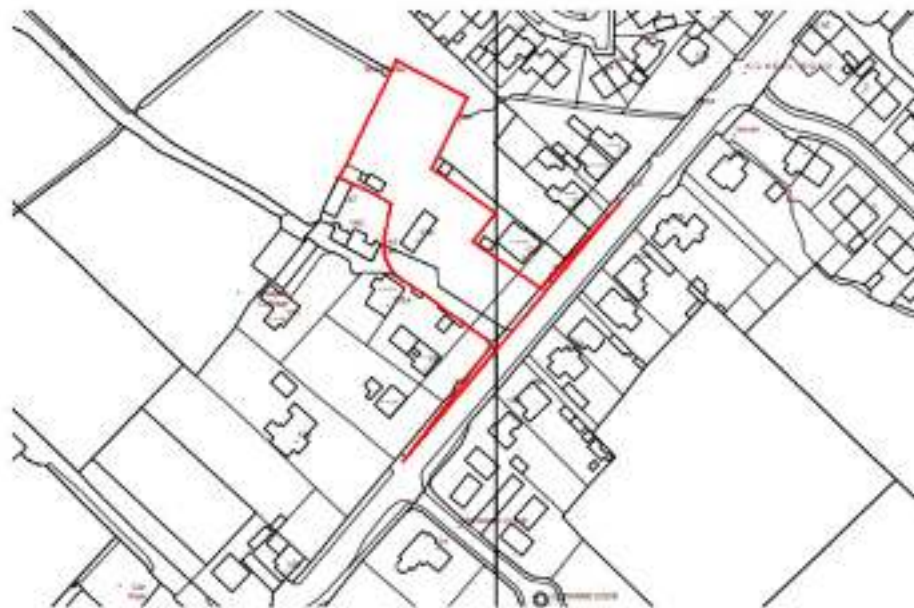
Proposal: Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings. Provision of hard and soft landscaping including communal amenity space. Provision of in-curtilage car parking spaces and all associated site works

Location: 147 Kilkeel Road Annalong

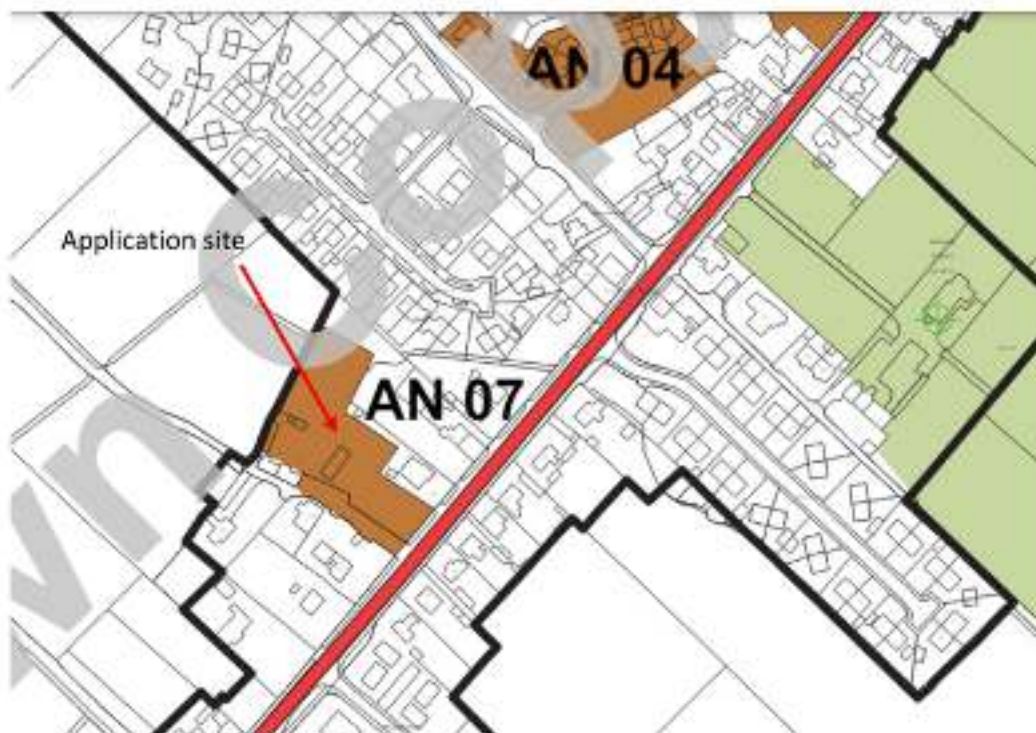
Site Characteristics & Area Characteristics:

The lands outlined in red form an irregular shaped plot zoned for housing (AN 07) located within the development limits of Annalong and Mournes Area of Outstanding Natural Beauty. The site is accessed off the Kilkeel Road which is a Protected Route and comprises a derelict two and a half storey whitewashed building aligned north-east to south-west, with its main elevation to the road. This building is shown on the 1834 map as part of the Water Guard Station. A single-storey rocket house aligned with a two-storey square pigeon house abutting its rear gable (Grade B1 Listed Building - HB16/01/022) is located to the rear of the site. There is a row of two storey dwellings outside the red line boundary to the west. The site rises upwards from road level southeast to northwest by approx. 5m to the rear of the site. The roadside boundary is defined by a low stone wall.

Given the site's location within the settlement development limits, the main land use of the area is predominantly residential whereby there is a mixture of house types, plot sizes and development patterns located along Kilkeel Road and within adjacent housing developments. The open countryside abuts the application site to the north-west.



Site location map



Development limits of Annalong – Map No. 3/07

Site History:

- P/1974/0247 – Kilkeel Road, Annalong – Erection of a trailer park – Permission refused June 1974
- P/1974/0875 – Kilkeel-Newcastle Road – Proposed extension to existing car park – Permission granted March 1975
- P/1977/0020 – Kilkeel Road Annalong – Proposed extension to farm machinery sales – Permission granted April 1977
- P/1977/0433 – 147 Kilkeel Road Annalong – Proposed extension and improvements to existing dwelling – Permission granted July 1977
- P/1979/1240 – 141, 143 and 145 Kilkeel Road Annalong – Extension and improvements to dwellings – Permission granted January 1980
- P/1985/0852 – 143 Kilkeel Road Annalong – Extension and improvements to dwelling – Permission granted October 1985
- P/2004/1946/F - Lands at Nos 139 & 147 Kilkeel Road, Annalong (comprising the Former Coastguard Station, associated Rocket House and vacant dwelling, with frontage located between Nos 137 & 155 Kilkeel Road) - Erection of residential development comprising revised proposal for 20No. (two-bedroom) apartments, to include the conversion of former Rocket House building to 1No. apartment with extension and alterations, associated road layout (that incorporates amended access provision for Nos. 141, 143, 151, 155 & 155a Kilkeel Road and local agricultural land to the north-west / west), parking provision and ancillary works (with demolition of existing dwelling at No. 147 Kilkeel Road). Application being considered in conjunction with that for Listed Building Consent, under File Ref. P/2008/0321/LB, for conversion works to former Rocket House building – Permission granted July 2010
- P/2008/0321/LB - Lands at Former Rocket Tower to the rear of No. 139 Kilkeel Road (Former Coastguard Station), Annalong - Conversion of former Rocket Tower building to two-bedroom residential unit (apartment) with extension and alterations (being considered in conjunction with full application, under File Ref. P/2004/1946/F, for wider development comprising 20 No. apartments in total, on lands at Nos. 139 and 147 Kilkeel Road, Annalong (comprising the Former Coastguard Station and Rocket House, with site frontage located between Nos 137 & 155 Kilkeel Road) – Consent granted July 2010
- LA07/2023/2524/LBC - The 'Rocket House', adjacent and north east of 147 Kilkeel Road, Newry, BT34 4TL - "Like for like" Repairs to Rocket house consisting of repairs to walls, rainwater goods, roof and provision of windows – Under consideration

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
- PPS 7 – Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- 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:

- NI Water issued a final response in February 2023 recommending approval.
- DfI Rivers – FLD 1: DfI Rivers Flood Maps (NI) does not indicate a floodplain associated with the undesignated watercourse that is located along the northern boundary of the site.
 FLD 2: There is an undesignated watercourse that flows through the northern boundary of this site. In accordance with Revised PPS 15, FLD 2 (point 6.32), it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities.
 FLD 3: The submission of a Drainage Assessment was originally requested as the initial proposal was for a residential development comprising 10 dwelling units or more. During the processing of the application, the scheme was reduced whereby 7 dwellings are now proposed. The hard surfacing shown on the proposed site layout does exceed 1000sqm, however consideration must also be given to the existing hard surfacing on the site whereby the new hard surfacing would not exceed 1000sqm. The lands within the red line boundary are not in excess of 1 hectare.
 FLD 4: Under FLD 4 of Planning Policy Statement 15, Planning Service will only permit artificial modification of a watercourse in exceptional circumstances. This will be a matter for Planning Service. Any artificial modification approved by Planning Service will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973. The watercourse already appears to have been culverted.
 FLD 5: Not applicable based on the information provided.

Further consultation with DfI Rivers is therefore not required.

- DfI Roads issued a final response in May 2024 offering no objections subject to conditions.
- Environmental Health have no objections in principle to the application.
- HED issued a final response in March 2024.

Historic Monuments: Please refer to our previous response in which we advised that any approval for this scheme should be conditional on archaeological mitigation ahead of site works, as per Policy BH 4 of PPS 6.

Historic Buildings: Subject to a condition, the proposal satisfies the policy requirements of SPPS para 6.12 and PPS 6 BH11.

- NIEA issued a final response in June 2023 whereby NED 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.

The consultee responses will be discussed in further detail below in relation to the relevant planning policies.

Objections & Representations:

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

A number of representations have been received below. The main points of concern include ownership (incorrect ownership certificate completed and no notice served on landowners, right of way running through site to Grove Road and neighbouring farm lands, electricity running through site and possibility of complaints regarding smell, animal waste and potential noises resulting from proximity of development to neighbouring farm.

1. Robert McKnight - 21 Hillsborough Road, Co. Down
 - Right of way over land for farm animals to cross into neighbouring agricultural fields.
 - No 'cow pass' shown on plans.
2. Ulster Farmers' Union obo Mr Thomas Purdy
 - Right of way over application site to his farms for over 100 years.
 - Likelihood of potential complaints from any future homeowners regarding smell, animal waste and potential noises.
 - Health and safety implications in permitting residential development so close to cattle handling facilities.
3. Thomas Purdy – 18 Moneydarragh Road, Annalong
 - Existing lane is used to move cattle across main road to adjacent farm land
4. Occupier of 14 Golf Links Road, Newcastle
 - Development includes land not owned by applicant (Nos. 141, 143 and 145 Kilkeel Road).

- Public right of way through application site which is used by farmers to access neighbouring farmland.
 - Certificate A has been completely and is not the correct Certificate.
 - Listed Building Consent is required as well given Listed Building on site.
5. Seamus – no address provided
- Public right of way runs through site
 - Historic building on site
6. R S Vasseur - – no address provided
- Development includes land not owned by applicant (Nos. 141, 143 and 145 Kilkeel Road).
 - Public right of way through site to Grove Road and several farms
 - Listed Buildings on site
7. Mr and Mrs Fairley - 107 Derryboye Road, Crossgar
- Owners of No. 143 Kilkeel Road and associated parking space.
 - P2A form not issued
8. Mackenzie and Dorman Solicitors obo Mr and Mrs Fairley
Mr and Mrs Fairley's property (143 Kilkeel Road) falls within the boundary of the application site.
Incorrect Certificate completed
9. Katy Carson – no address provided (obo Mrs Fairley)
- No. 143 Kilkeel Road not owned by the applicant. Leasehold and monthly rates bill provided.
 - Adjacent cottage also not owned by the applicant.
 - Parking space associated with No. 143 Kilkeel Road within application site also.
10. Bill McKibben (155A Kilkeel Road) obo Anne McKibben – 155 Kilkeel Road, Annalong
- The green line is incorporating part of No.155 garden along the main road and up the laneway.
 - No permission for this to be used in this development.
 - Electricity runs through the proposed development
- Note: (Mr McKibben was viewing the interactive map shown on the Planning Portal which is plotted manually by officers, therefore the boundary may not be completely accurate. The Planning Department provided a copy of the site location map to Mr McKibben whereby the red line boundary does not include any land associated with No. 155).
11. Olive Fairley – 143 Kilkeel Road, Annalong
- Confirmation of ownership of No. 143 Kilkeel Road
12. Gordan Bell & Son Solicitors obo Gordan Kerr – 145 Kilkeel Road, Annalong
- Mr Kerr owns No. 145 Kilkeel Road and does not consent to his property or any part thereof being the subject of this or any other planning application.
 - Certificate A incorrectly completed.

Note: A further round of NN and re-advertisement was undertaken on receipt of the amended red line boundary and site layout plan.

A letter from McShanes Solicitors obo the applicant confirmed that the applicant owns all lands within the application site and there are no express easements registered on the associated folio. I am now satisfied that the correct certificate (Certificate A) has been completed following the submission of amended plans.

Moreover, planning permission does not confer title and does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. It is the developers' responsibility to ensure that existing lines (electricity and water) are not impacted by the development and that the correct consent is granted by the relevant authorities if existing/proposed connections need to be altered/made.

The new dwellings are not any closer to existing farm buildings than those already existing adjacent to the site.

Consideration and Assessment:

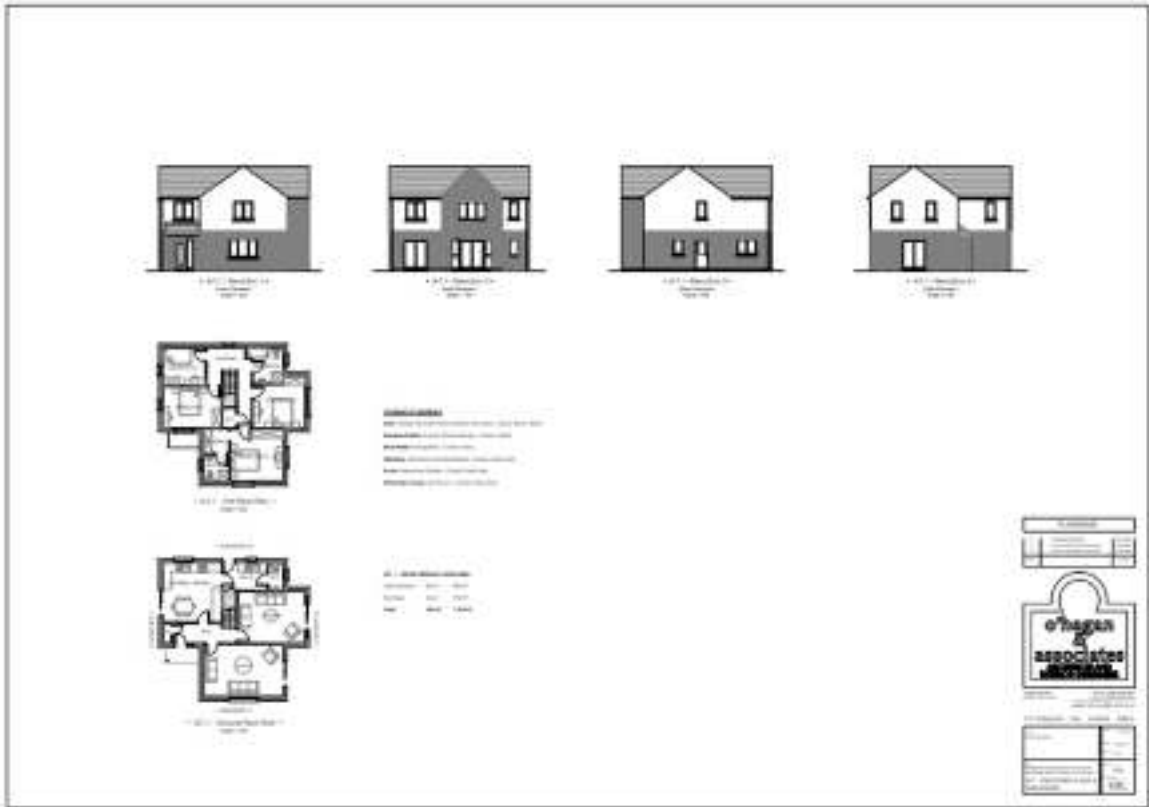
Full planning permission is sought for a residential development, comprising the erection of 7 no. dwellings - 2no semi-detached, 5no detached dwellings. The existing 2 ½ storey building within the application site will be demolished whilst the Rocket House will be retained. A Listed Building application has been submitted regarding 'like for like' repairs to the Rocket House - LA07/2023/2524/LBC. The existing buildings outside the application site to the north-west are to remain untouched as outlined above regarding the representations received.

The site will be accessed off Kilkeel Road as is currently the case. There are three house types proposed: HT1, HT2A and HT2B (mirrored) and HT3. Ridge heights vary from 7.5m from GL to 8.7m from GL.

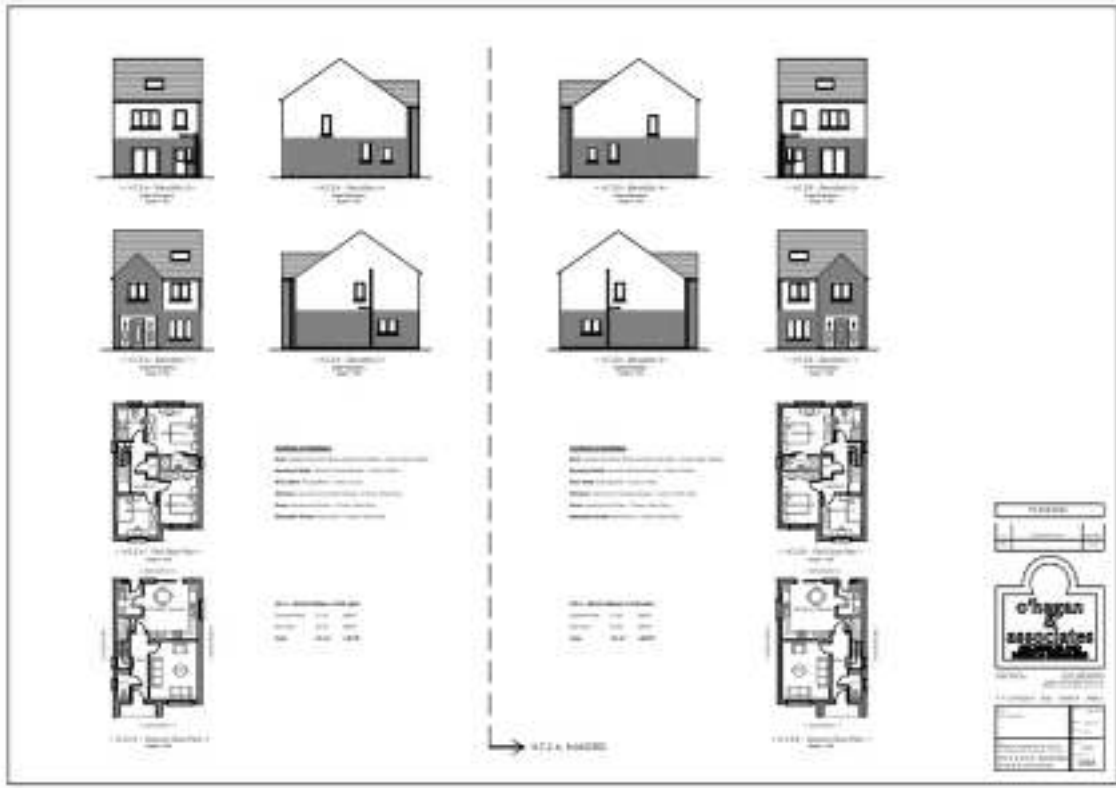
Proposed materials include 'Marley Thrutone' fibre cement roof slates (blue/black), smooth plaster rendered walls (white), facing brick (grey) where shown, aluminium windows and rainwater goods (grey) and hardwood timber external doors (dark grey). Varying boundary treatments are proposed and shown on the site plan. In-curtilage parking is provided for all dwellings. The proposed plans are shown below.



Site plan



HT 1



HT 2A and 2B



HT 3

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 limit of Annalong. The site is zoned for housing (committed) – AN 07.

Policy for the control of development on zoned sites is contained in Policy SMT 2 in Volume 1 of the Plan. Zoned land will be developed in accordance with all prevailing regional planning policy and with any relevant Plan Policies and Proposals including, where specified, key site requirements. As this settlement is within the Mournes AONB, particular attention should be paid to dwelling design, site layout and landscaping and use of materials. These should reflect the character of the vernacular architecture of the local area. Dry stone walls and hedgerows along site boundaries should be integrated into the proposed development where possible.

Committed sites include approved housing sites developed in full or in part since the commencement of the Plan period and sites with planning permission for housing. The Plan does not stipulate key site requirements for committed sites because future development will be subject to the conditions attached to planning permission. However, in the event that such permission may lapse, the Department may alter existing conditions or attach new conditions to any subsequent approval to take account of prevailing regional planning policy and the Plan Proposals.

Policy SMT 2 of the Plan states that planning permission on zoned sites will be granted for the specified uses as well as any range of uses included within the Key Site Requirements and any specified complementary uses.

As outlined above, there are no KSRs associated with the application site. Planning permission was granted in 2010 for the erection of a residential development comprising 20No. (two-bedroom) apartments, to include the conversion of former Rocket House building to 1No. apartment with extension and alterations. The proposal is of a significantly lower density than that approved in 2010.

The use of the site for housing is compliant with the Plan.

The NI Regional Development Strategy 2035

The RDS supports both urban and rural renaissance (RG7) and recognises that regeneration is necessary to create more accessible, vibrant city and town centres which offer people a choice for shopping, social activity and recreation. Urban renaissance is described as the process of development and redevelopment in urban areas to attract investment and activity, foster revitalisation and improve the mix of uses. It advises that innovative ways should be developed to bring forward under-utilised land and buildings particularly for mixed use development with a focus on integrating new schemes within the existing townscape.

RG8 of the Regional Development Strategy 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 principle of developing this site within the urban footprint is in line with the regional 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 adjacent housing developments including Kilhorne Court and Linden Brae have been noted. A mix of house types and sizes can be 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 made up of a mixture of detached and semi-detached dwellings. An access will be provided directly off Kilkeel Road, as existing.

The house types proposed are shown above and comprise detached and semi detached 2 storey dwellings. The size, form, scale, mass, design, appearance and external finishes will not detract from the appearance and character of the surrounding area given the mixed house types within the wider residential area in that there are a range of house types with varying designs, scales, forms, proportions and finishes.

The dwelling on plot 1 with frontage onto Kilkeel Road and the internal access road is double fronted which presents an attractive outlook facing onto all roads.

The building line of plot 1 along the frontage of the site respects the existing building line of the adjacent dwellings immediately to the northeast and southwest.

Small grassed front gardens are proposed (with the exception of plots 5 and 6 to the rear of the site) which reduces the appearance of hard surfaced areas and creates a pleasant space for residents. Areas of planting are also shown on the site plan which contributes to the attractiveness of the development. Suitably sized private amenity space/rear garden areas are proposed.

The FFLs of the dwellings range from 23.5 (plot 1) to 24.7 (plot 3) which is reflective of the topography. Appropriate boundaries are proposed. A planting strip is shown along the northwestern boundary of the site to define the edge of the development limit.

(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 proposed site contains the former Annalong Waterguard/Coastguard Station, a site of industrial archaeology (IHR ref: 03620:000:00). A single-storey rocket house aligned with a two-storey square pigeon house abutting its rear gable (Grade B1 Listed Building - HB16/01/022) is located to the rear of the site.

The industrial heritage impact assessment submitted recommended that a Level 3 Historic Building Survey is conducted prior to their demolition/repairs. It also recommended that a topographic survey of the industrial heritage complex be carried out.

Historic Monuments advised that any approval for this scheme should be conditional on archaeological mitigation ahead of site works, as per Policy BH 4 of PPS 6.

Historic Buildings advised that the proposal satisfies the policy requirements of SPPS para 6.12 and PPS 6 BH11 subject to conditions.

The application site is within the Mourne AONB, as such Policy NH 6 of PPS 2 applies. Given the urban context of the area whereby the predominant land use adjacent the site is residential comprising a mixture of house types with various architectural styles and finishes. As such, the Department is satisfied that the proposal does not offend NH 6 of PPS 2.

(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;

This proposal involves the construction of 7 dwellings. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits.

Given the fact that 7 dwellings are proposed, the provision of open space in this instance is not a requirement. Each unit has its own individual private amenity space with sizeable rear gardens which is considered acceptable and in accordance with the guidance contained within Creating Places.

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

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 close proximity to facilities within Annalong including a school, place of worship, GP surgery and several shops and restaurants.

(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 footpath lined streets and a convenient pedestrian footway link to the main road thus providing a good movement pattern that supports walking and cycling leading directly to the 'centre' of Annalong Village. The proposal offers proximity to good public transport links and neighbourhood facilities. The

gently sloping nature of the site ensures that the needs of people whose mobility is impaired are met.

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

The proposal includes:

- 1 no. 4 bed detached dwelling
- 4 no. 3 bed detached dwelling
- 2 no. 3 bed semi detached dwelling.

As per Parking Standards, 18 parking spaces are required. The Parking Layout shows that the parking requirements have been met.

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

As mentioned above, the house types proposed are considered acceptable in terms of size, layout, appearance, scale, form, materials and details. The character of the existing area and built form is noted, whereby it is considered the development proposed is in keeping and respectful.

(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;

Plot nos. 1, 2, 3 and 4 abut No. 137 Kilkeel Road. Rear to rear separation distances between plots 3 and 4 and No. 137 are approx. 20m. The Department notes that the application site is at a slightly higher level than the existing dwellings along the Kilkeel Road, however the separation distances between plots 1-4 and No. 134 ensures that there is no unacceptable overlooking, loss of light and overshadowing will result of the adjacent property in this urban context. There is an upper floor window on the gable of Plot 1 facing No. 134, however this window does not serve a habitable room.

Nos. 155 and 155A Kilkeel Road abut the application site to the southwest and are accessed using the same access as proposed off Kilkeel Road. There will be an intervening access road between the new buildings and Nos. 155A and 155 with a separation distance of approx. 15m and 28m respectively. The separation distance and similar FFLs is sufficient to alleviate any amenity concerns of Nos. 155 and 155A Kilkeel Road.

The row of two storey dwellings to the rear of the site, Nos. 141, 143 and 145 Kilkeel Road are to the west of plots 2 and 3 and are at a higher level (approx. 2m) than these plots. There is a separation distance of approx. 17m between the closest plot (plot 2) and the closest terraced dwelling (No. 141). Again, the separation distance and topography is considered sufficient to alleviate any amenity concerns of the adjacent terraced dwellings.

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.

The Department acknowledge the representations received regarding ownership. This has been outlined in detail above.

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

The boundaries proposed are adequate to deter crime and promote personal safety. The amenity space is enclosed by existing and proposed development. Pedestrian routes, cycle linkages and parking provision is overlooked by the the fronts of the dwellings which provides a suitable degree of surveillance.

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 application site comprises zoned housing land within the development limits of Annalong. The density and general layout, plot sizes, house types, form, appearance and pattern, are in keeping with the existing character and developments of the adjacent housing developments. The size of the proposed dwellings also complies with the size standards provided in Annex A.

PPS 2 - Natural Heritage

The site is not in close proximity to adjacent designated sites including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs. The closest designated site is Samuel's Port ASSI which is approx. 450m from the site. There is a culverted watercourse that

runs along the northern boundary of the site that flows in the ASSI. The new dwellings closest to the culverted watercourse are approx. 10m away.

The application site currently comprises a number of disused buildings, rank vegetation, scrub and areas of hardstanding. Photographs of the site are shown below.







Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

The site is used by foraging bats and the buildings on site have potential to be used by roosting bats as well as nesting birds.

The proposal involves the demolition of an existing building. The proposal also involves the removal of stone walls along the northern boundary and vegetation/shrub throughout the site. As such, there is the potential for the loss of priority habitats and adverse impact on priority species.

The PEA and Emergence Survey Report submitted by the Applicant identified a bat roost that is located outside the site boundary. Given the roost's location, NED determined that any lighting resulting from the proposal will not illuminate it. As such, NED are content that roosting bats are unlikely to be significantly impacted by the proposal.

Planting proposals include a 5m wide planting strip along the northwestern boundary of the site. Native species trees are to be planted sporadically throughout the site. The compensation planting will create new habitats to compensate for impacted habitat through the removal of the buildings, stone walls and vegetation on the site ensuring that biological communities are able to relocate to a suitable nearby location.

NIEA Natural Environment Division (NED) 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.

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.

The application site is within the Mourne AONB, as such Policy NH 6 of PPS 2 applies. Given the urban context of the area whereby the predominant land use adjacent the site is residential comprising a mixture of house types with various architectural styles and finishes. As such, the Department is satisfied that the proposal does not offend Policy NH 6.

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

PPS 3 – Access, Movement and Parking

The proposed development is to be accessed off Kilkeel Road which is a Protected Route. The layout includes a footpath to either side of the road from the existing footway link along Kilkeel Road. Each property will have its own in-curtilage parking as required by Policy AMP 7 of PPS 3 and in line with the requirements set out in Parking Standards.

Policy AMP 3 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

- a) where access cannot reasonably be taken from an adjacent minor road; or
- b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

As mentioned above, the site is currently accessed off the Protected Use. The existing access is to be used. Access cannot reasonably be taken from an adjacent minor road. DfI Roads has been consulted throughout several stages of this application with regards to the Access, Movement and Parking, who offer no objections to the proposal in principle.

PPS 6: Planning, Archaeology and the Built Heritage

The proposed site contains the former Annalong Waterguard/Coastguard Station, a site of industrial archaeology (IHR ref: 03620:000:00). A single-storey rocket house

aligned with a two-storey square pigeon house abutting its rear gable (Grade B1 Listed Building - HB16/01/022) is located to the rear of the site.

The industrial heritage impact assessment submitted recommended that a Level 3 Historic Building Survey is conducted prior to their demolition/repairs. It also recommended that a topographic survey of the industrial heritage complex be carried out.

Historic Monuments advised that any approval for this scheme should be conditional on archaeological mitigation ahead of site works, as per Policy BH 4 of PPS 6.

Historic Buildings advised that the proposal satisfies the policy requirements of SPPS para 6.12 and PPS 6 BH11 subject to conditions.

PPS8 – Open Space, Sport and Outdoor Recreation

As mentioned above, Policy OS 2 'Public Open Space in New Residential Development' requires at least 10% of the total site area must be dedicated to the provision of open space if they meet a certain threshold. Given the fact that 7 dwellings are proposed, the provision of open space in this instance is not a requirement. Each unit has its own individual private amenity space with sizeable rear gardens which is considered acceptable and in accordance with the guidance contained within Creating Places.

PPS 15 – Planning and Flood Risk

FLD 1: DfI Rivers Flood Maps (NI) does not indicate a floodplain associated with the undesignated watercourse that is located along the northern boundary of the site.

FLD 2: There is an undesignated watercourse that flows through the northern boundary of this site. In accordance with Revised PPS 15, FLD 2 (point 6.32), it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. The site layout plan submitted shows no buildings or other structures over the line of the culverted watercourse to facilitate replacement, maintenance or other necessary operations.

FLD 3: The submission of a Drainage Assessment was originally requested as the initial proposal was for a residential development comprising 10 dwelling units or more. During the processing of the application, the scheme was reduced whereby 7 dwellings are now proposed. The hard surfacing shown on the proposed site layout does exceed 1000sqm, however consideration must also be given to the existing hard surfacing on the site whereby the new hard surfacing would not exceed 1000sqm. The lands within the red line boundary are not in excess of 1 hectare.

FLD 4: Under FLD 4 of Planning Policy Statement 15, Planning Service will only permit artificial modification of a watercourse in exceptional circumstances. This will be a matter for Planning Service. Any artificial modification approved by Planning Service will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973. The watercourse already appears to have been culverted.

FLD 5: Not applicable based on the information provided.

Recommendation:

The proposed scheme is on zoned housing land (committed) within the development limits of Annalong. Given the zoning and existing residential nature of the locality, the use of this site for housing is appropriate. Having had regard to the development plan, planning policy and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance, and there are no grounds to sustain a refusal. Accordingly, approval is recommended subject to conditions.

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: 01B, 02J, 03C, 04A, 05A, 06A, 07A, 08D, 09A, 12, 15C and 16C.

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.15C Private Streets Determination.

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.15C Private Streets Determination 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 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.

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure'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.

9. The repairs to the Rocket House as approved under LA07/2023/2524/LBC shall be completed prior to occupation of the new dwellings.

Reason: To secure the Rocket House's ongoing survival as a building of special architectural and historic interest for future generations.

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and

- Preparation of the digital, documentary and material archive for deposition.

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

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition no. 10.

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

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition no. 10. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

13. 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. Prior to the occupation of any dwelling hereby approved, planting shall be carried out in accordance with approved plan no. 02J. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

14. No development shall take place on the site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

Reason: In the interest of public health.

15. No development shall take place on site until the surface water drainage works on-site and off-site have been submitted to and approved by the relevant authority. These works shall be constructed and operational prior to the any part of the building coming into use.

Reason: To safeguard the site and adjacent land against flooding and standing water.

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

Reason: To protect human health.

17. A working strip at a minimum width of 5 metres located adjacent to the culverted watercourse adjacent the northern boundary as shown on Drawing No. 02J shall be maintained in perpetuity to provide clear access and egress at all times.

Reason: To facilitate future maintenance by DFI Rivers, other statutory undertakers or riparian landowners.

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. 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.
 5. 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
 6. 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.
 7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor. The Road drainage works for this development to be agreed with DfI private streets section prior to commencement.
 8. The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement.
 9. Street furniture to be placed to the back of footway.
 10. 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.
 11. 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.
 12. BATS (all species)
The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
 - a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;or

- e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557. To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered 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 between 1st March and 31st August.

14. POLLUTION PREVENTION

The applicant should refer and adhere to all relevant Guidance for Pollution Prevention. A full list is available here:

<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

15. 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.



Case Officer Signature: Eadaoin Farrell Date: 10.05.24
Appointed Officer Signature: M Keane Date: 10-05-24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3581/F

Date Received: 03/11/2023

Proposal: Proposal for 2 no. ball stops at either end of existing playing field.

Location: 47 Newtownhamilton GAC, 47 Dundalk Street, Newtownhamilton, BT34 0PB



Site Characteristics & Area Characteristics:

The site is located within the settlement limit of Newtownhamilton as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within a 'Major Area of Existing Open Space'.

The site includes existing football goal posts at each end of the playing field where the ball stops are proposed. The site is located on the southwestern edge of the settlement limit adjacent to a river and bounded by open agricultural fields to the west and south. There is an existing playing field to the north of the site with a large building (Rural Hall) and car parking facilities to the east.

Site History:

- P/1976/0463 - Proposed access roads and car parks, toddlers play area and playing flds.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS3 - Access, Movement & Parking
- PPS8 - Open Space, Sport and Outdoor Recreation
- DCAN15 - Vehicular Access Standards

Consultations: N/A

Objections & Representations:

1 Neighbour within close proximity of the site was notified on 28/03/2024. This application was advertised in the local press on 10/04/2024. No objections or representations have been received to date.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015. The application site is located in the settlement development limit of Newtownhamilton within the site of an existing playing field. The proposal seeks to install 2 no. 50m x 10m ball stops directly behind the two goals at either end of the existing playing field. Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015) states that planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;
- 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;
- there are satisfactory access, parking and sewage disposal arrangements.

Case Officers are content that, subject to conditions, the proposal will have no impact on the amenity of any residents. It is not considered that the proposal would have a significant detrimental effect on biodiversity nor would it prejudice the development of surrounding lands. Given that the proposed plans show no removal of vegetation or proposed changes to surrounding habitats it is the professional opinion of Case Officers the proposal is unlikely to add significantly or pose a detrimental effect on biodiversity particularly given the present use of the wider site. The development is proposed on an existing playing field with a further existing playing field adjacent and north of this location and as such the proposal is considered to be in keeping with the character of the site and surrounding area. The proposal does not require any additional access requirements and is unlikely to have any impact on the existing access and parking associated with the wider area. The proposal is considered to be in accordance with Policy EDU1.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for outdoor sport developments following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 8 - Open Space, Sport and Outdoor Recreation

The development is located within an established sports facility within an open space zoning. PPS8 OS1 Protection of Open Space, states that development will not be permitted that would result in the loss of existing open space. An exception will be permitted where it is clearly shown that the redevelopment will bring substantial community benefits outweighing the loss of the open space. In this instance the development proposed is ancillary to the open space zoning and adding development which supports the use of the lands as open space. The proposal is considered in line with this policy.

PPS 3 - Access, Movement and Parking

The proposed development will have no impact on existing access, parking or turning within the established leisure centre site and as such the proposal will not offend PPS3 or DCAN15. The proposed development is considered acceptable and in keeping with the existing sports use at the site.

Recommendation: Having considered the relevant policy, the proposal does meet with the criteria as set out in Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015, OS1 of PPS 8 and approval is recommended.

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 001a, 002a, 003, 004a and 005a

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

3. The materials to be used in the construction of the development hereby permitted, shall be in accordance with those detailed on the approved drawing No 005a.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding area.

Case Officer Signature: Matthew Hunniford
Date: 23/04/2024
Authorised Officer Signature: Maria Fitzpatrick
Date: 24/04/2024

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/1201/F	Target Date:
Proposal: Demolition of Existing Licensed Premises and Proposed Erection of 2no Dwellings	Location: 67 & 67a Ballyhornan Road Ballyalton Downpatrick
Applicant Name and Address: Garrett Dynes 64 Ballygelagh Road Kircubbin BT22 1AE	Agent Name and Address: 2a Bridge Street Lisburn BT28 1XY
Date of last Neighbour Notification:	19 August 2022
Date of Press Advertisement:	17 August 2022
ES Requested: No	
Consultations: see report	
Representations: yes – see report	
Letters of Support	0.00
Letters of Objection	70
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The is located at 67 & 67a Ballyhornan Road, Ballyalton Downpatrick



Date of Site Visit: 25th November 2022

Characteristics of the Site and Area

The site outlined in red comprises the building and associated grounds of no.67 (vacant public house and yard). The site is located along the main Ballyhornan Road and is sited between the developments of Actons Crescent and Ballyalton Park. The existing former public house building on the site fronts and opens directly onto Ballyhoman Road and is 2 storey high finished in painted render and traditional roof slates part hipped roof where the windows have vertical emphasis. There is a footpath along the site frontage along Ballyhoman Road. There is a sizeable car park/ area of hardstanding to the east of the public house. An approx. 1.5m smooth rendered wall encloses the site to the east and south and increases in height further along the southern boundary. The site adjoins residential properties with a mix of house types and designs.

Ballyalton is a small settlement which has become built up in recent years with new housing developments, and this settlement limit has been drawn up to prevent further spread of development into the countryside. The village is lined by housing with 2 new housing estates (Ballyalton Park and Actons Crescent) which are largely detached and semi-detached being 1, 1 1/2 and 2 storey. The older properties in the village are largely 1-1 1/2 storey detached dwellings while the newer properties include higher density semi-detached dwellings which are 1 1/2-2 storey high.

Description of Proposal

Demolition of Existing Licensed Premises and Proposed Erection of 2no Dwellings

Planning Assessment of Policy and Other Material Considerations

The site is located within the development limit of the small settlement of Ballyalton as identified in the Ards and Down Area Plan 2015. The site is also within an AONB as identified in this plan.

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI (Planning Strategy for Rural Northern Ireland)
- Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 7
- Planning Policy Statement 12

Guidance

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

PLANNING HISTORY**Enforcement**

Application Number: R/2005/0122CA

Decision: closed

Proposal: Non Compliance

Address: 67 & 67a Ballyhornan Road, Ballyalton Downpatrick

Application Number: R/2007/0229CA

Decision: closed

Proposal: Breach of Planning Condition

Planning (and surrounding area)

Application Number: R/1979/0540

Decision: Permission Granted

Decision Date:

Proposal: Replacement Offices And Stores
Address: 67 Ballyhornan Road, Ballyalton Downpatrick

Application Number: R/1993/0105
Decision: Permission Granted
Proposal: Replacement shop, post office and petrol filling station

Application Number: R/1990/0883
Decision: Permission Granted
Proposal: Alterations and extension to public house
Address: Between 63 & 67 Ballyhornan Road, Ballyalton Downpatrick

Application Number: R/1997/0151
Decision: Permission Granted
Proposal: Internal alterations to and change of use of existing vacant shop/post office to licenced premises

Application Number: R/1979/0974
Decision: Permission Granted
Proposal: Replacement Store And Office

Application Number: R/2001/0986/Q
Decision: Enquiry: Other Letter Issued
Decision Date: 08 August 2001
Proposal: Bed and Breakfast

Application Number: R/2002/0438/F
Decision: Permission Granted
Decision Date: 03 June 2003
Proposal: Proposed private housing development (amended proposal for 25 units).

Application Number: R/2003/1094/F
Decision: Permission Granted
Decision Date: 19 December 2003
Proposal: Proposed change of house type and amended layout previous approval R/2002/0458F.

Application Number: R/2005/0307/F
Decision: Permission Granted
Decision Date: 06 May 2006
Proposal: Erection of no. 03 dwellings (Amended Roads Layout and Concept Plan Submission).

Application Number: R/2005/1453/F
Decision: Withdrawal
Decision Date: 28 February 2007

Proposal: Proposed housing development (amended plans).

Application Number: R/2006/1070/F

Decision: Withdrawal

Decision Date: 14 November 2007

Proposal: Proposed 2 No shop units with first floor residential apartment.

Application Number: R/2007/0206/F

Decision: Permission Granted

Decision Date: 30 June 2008

Proposal: Proposed Housing Development to Replace Existing Bungalow (Proposed 6no Dwellings) (amended proposal description & plans).

Consultations

NI water – No objections (final response 30/04/2024)

DFI Roads – No objections subject to conditions

NIEA Water management – No objections – refer to standing advice

Objections & Representations

In line with statutory requirements neighbours have been notified on 19/08/2022. 70 letters of objection have been received in relation to the proposal. The application was advertised in the Down Recorder on 17.08.2022. This includes objections from 6 different residents from 6 different addresses.

- The Roadhouses Pub is a vital part of the social infrastructure in Ballyalton
- ties the community together
- centre attraction (main focal point) in Ballyalton and the only community meeting point/space in the village.
- If planning is agreed on this site the village of Ballyalton will lose its only communal/commercial/shared space
- If this communal space/hub is lost it will have a detrimental effect on the community atmosphere within the village and the surrounding rural area
- there has always been a Pub/shop/Petrol Station/Post Office/community hub at this location in Ballyalton.
- If it is replaced by houses it will have a detrimental and negative effect on Ballyalton and its surrounding rural area which it will never recover
- One of the main reasons that planning was passed for these new developments over the last 20 years in Ballyalton was the fact that the Roadhouses Pub was located in the village.
- This planning application goes against all policies mentioned in the Ballyalton Community Area which is vital for the continued development and survival of the village.

- The previous owner who sold it to the developer made a gentleman's agreement when he bought it that it would never be sold for anything else other than a pub.

A total of 70 objections have been received in relation to the proposal. This is a summary of the main points of the objections, however, all letters have been read in full and are available to read on the public planning portal.

Consideration and Assessment:

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

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Ballyalton which is identified as a small settlement with the ADAP 2015.

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

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

Principle of development

The application site is located within the Settlement Limit of Ballyalton as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1. Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

The Planning Authority has to work within the parameters of planning policy and in this respect, the public house building is not listed, nor does it impact on the setting of buildings which are listed. In addition, it does not lie within any designations that would strengthen its protection, i.e. it is not within a Conservation area nor Area of townscape Character. Reference is made by the objectors to the Ballyalton Village Renewal Plan, published by Newry Mourne and Down Council in 2018. This document was produced by ARUP after a detailed consultation with residents and the wider community. The paper references the Public House as a focal point for Ballyalton Village which has been endorsed by residents based on the number of objections. Residents are concerned that the loss of this focal point will be extremely detrimental to the heart of the village. This document while produced by the Council is not Planning policy and carries negligible weight in the determination of this planning application. It is noted that the public house has been vacant for some time and that it is privately owned by the applicant.

On this basis the aspect of the objections which deal with the loss of the pub as a focal point for Ballyalton have been taken into consideration however, determining weight would not be attached for the reasons as outlined and the principle of development is accepted.

Policy DES 2 of the PSRNI

This policy requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. It would be difficult to argue that design of dwellings, which are similar in form, design, scale and choice of materials to the already existing housing found within Ballyalton do not make a positive contribution to the streetscape. The proposal will be discussed further under PPS 7.

Ards and Down Area Plan 2015.

The site is within the settlement limits of Ballyalton.

Planning Policy Statement 7 – PPS 7

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

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions,

massing and appearance of buildings, structures and landscaped and hard surfaced areas;

Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. The proposal is for 2 dwellings.

This site is characterised by a former public house which is currently vacant and enclosed by railings to restrict access. The site involves demolition of the public house and erection of two dwellings. The layout is such that it involves the erection of 2no, two storey dwellings, which front onto the main Ballyhornan road, similar to the adjoining properties along this stretch of the road with parking to the side.

The scale and massing of the dwellings is similar to previous schemes and surrounding approved schemes in the immediate streetscape. The proposal involves the use of hard landscaping to the side of the sites to provide incurtilage car parking which is in keeping with the character of the area. The character is defined with small front garden with low walls and parking to the side. There is no defined building line along this part of the road, and while the buildings are closer to the main road, the public house was closer. Further along at No 2a, the building is also set closer to the road and in this context the buildings are considered acceptable. The layout of the detached dwellings are similar to those previously approved in the immediate area.

On this basis the development is considered to respect 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 and complies 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;

Constraints of the site have been identified and noted, there are no issues with regard to archaeological and built heritage or landscape features.

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

Given the size of the site and scheme, the provisions of PPS8 OS2 do not apply.

Criterion (c) seeks to ensure that adequate provision is made for private open space. When read with paragraph 4.31 of the amplification to the policy, it is clear that the provision of private open space is regarded as particularly important for new family dwellings, described in general terms as those of three or more bedrooms. Paragraph 5.19 of CP supplements policy on this issue and explicitly mentions 'back garden provision'. It indicates that this should be calculated as an average space standard for the development as a whole and should be around 70 sqm per house or greater. Private amenity space has been incorporated into the design of the scheme and the proposed detached dwelling at site 1 will provide approx. 110sqm of side and rear amenity space, while site 2 will provide approx. 175sqm to the rear. The proposal complies with criterion c.

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

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

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

The development is accessed directly onto the public footpath within the small settlement of Ballyalton. Public transport is available already to serve the settlement.

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

Parking is provided at 2 spaces per unit. This is in keeping with DOE parking standards.

The parking requirement is therefore satisfied. The site has an area of hardstanding at present due to its former commercial use. The provision and placing of parking is considered acceptable and in line with DOE Parking Standards.

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

The proposal is for 4 bedroom dwelling, materials and finishes of the dwelling including roof finish to be blue/black flat concrete tile, wall finish to be rendered and left for painting. Windows to be white uPVC double glazed, gutters, down pipes, and fascias to be white uPVC. The house type and finishes are similar to the already erected dwellings in the immediate vicinity and are deemed to be acceptable.

(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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

The proposal has been assessed against Creating Places: Achieving Quality in Residential Environments. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties. The history on the site is an important material consideration where the site was formerly a public house at ground level with upper floor residential accommodation. Some of the residents at No 2, 2A and 2b have raised issues regarding loss of privacy and overlooking. While it is noted that the site at No 1 is slightly more constrained than No 2, the relationship with upper floor windows would not be any more detrimental than the relationship that exists at present when the public house and upper floor accommodation was operational, taking into account the intervening garage with No 2B, it would be difficult to sustain a refusal in this instance and is deemed to be adequate. The separation distances at site 2 are also considered acceptable.

On balance, it is deemed that that there should be no issues of overlooking, overshadowing, noise or disturbance to neighbouring properties that would warrant refusal of the application. Consequently, it is considered that the proposed development would not have an adverse impact on neighbouring properties. The proposal complies with criterion (h).

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

The layout has been designed so as not to lead to an unsafe environment for residents. The proposed development complies with the requirements of PPS 7 QD1.

On balance 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 and accords with criteria a -i of PPS 7.

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

Policy LC1 guides that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites

(including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria (a) to (c) set out under LC1 are met:

(a) the proposed density would not be higher than that found in the established residential area is appropriate to its setting in this small settlement location.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area as discussed under PPS7;

(c) Both dwellings are proposed to be built in adherence to the details as set out in Annex A.

PPS3 – Access / Movement and Parking

The proposal seeks to two accesses onto Ballyhornan Road similar to the other properties along this stretch of the road. DfI Roads are content that the accesses meets PPS3 and DCAN15 requirements, subject to attached conditions. The parking as discussed under PPS7 is acceptable to DOE Parking Standards.

PPS 12 - Housing in Settlements

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

Other Matters - NI Water

Initial consultation with NI Water confirmed that there is available capacity at the Waste Water Treatment works, however, an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. NI Water have therefore requested a Wastewater Impact Assessment.

Following further discussions with NI Water and the agent which has added to the delay in processing the application and following submitted calculations from the agent from a qualified civil engineer (Lisbane Consultants), NI water have agreed that due to the former use of the site a like for like solution has been found and NI Water now offer no objections.

Summary

All material considerations have been considered as part of the assessment including the objector's concerns and positive consultee responses and it is deemed that on balance it is concluded that the proposal is acceptable to prevailing policy requirements discussed above, subject to the attached conditions below being met.

Recommendation:

Approval

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

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

Site Location Plan – 01

Site layout Plan - 02

Floorplans and Elevations - 03

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: 01, 02, 03.

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

3. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with approved plan 02 **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.

4. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The dwellings hereby permitted shall not be occupied until a new rendered boundary wall is erected, to match the wall at 71 Ballyhornan Road, along the front of both sites. Thereafter the hereby approved boundary treatments shall be permanently retained and maintained.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

6. The materials and finishes of the dwellings hereby approved shall include: roof finish to be blue/black flat concrete tile, wall finish to be rendered and left for painting. Windows to be white uPVC double glazed, gutters, down pipes, and fascia to be white uPVC.

Reason: In the interest of visual amenity

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

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

Informatives

1. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is 129 Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.

2. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
3. 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.
4. 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.

Neighbour Notification Checked	Yes
Summary of Recommendation	
Case Officer Signature: C Moane	Date: 01 May 2024
Appointed Officer: A.McAlarney	Date: 03 May 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2511/O	Target Date:
Proposal: New dwelling and associated works on a farm.	Location: LANDS SOUTH OF 32 MONEYSALP ROAD KILCOO DOWN BT34 5JZ
Applicant Name and Address: Martin McClelland 32 Moneyscalp Road Kilcoo Newry BT34 5JZ	Agent Name and Address: Nicholas O'Neill 147 Main Street Dundrum Newcastle
Date of last Neighbour Notification:	17 July 2023
Date of Press Advertisement:	21 June 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • DAERA • DfI Roads • Northern Ireland Water • DfC Historic Environment Division • Environmental Health 	
Representations: No objections or representations have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> • Principle of development in the countryside • Integration 	

- Rural Character
- Access and parking
- Historic Environment
- Impact on neighbours
- Impact on natural environment
- Impact on AONB

Site Visit Report

Site Location Plan:



Date of Site Visit: 24 Jan 2024

Characteristics of the Site and Area

The site is comprised of a rectangular 0.14hectare portion of land cut out of a roadside field on Moneyscalp Road. It is fairly level with the public road falling gently in a west to east direction. The site is defined at the roadside and along the lane to No 32 by a low dry-stone wall and post and fence. The rear boundary to the north is currently undefined while that to the west is comprised of a dry stone wall and some scrappy vegetation.

Moneyscalp Road is located within the rural area, outside any settlement limit as identified in the Ards and Down Area Plan 2015. The site is located within the Mourne Area of Outstanding Natural Beauty (AONB) and is affected by a local monument - Rath and Soutterain DOW043:075.

The area is characterised by agricultural land predominantly used for grazing with small farm holdings and single dwellings dispersed throughout the area.

Description of Proposal

New dwelling and associated works on a farm.

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, PPS 21 (CTY 10, 13 and 14), in addition, to the history and any other material consideration.

PLANNING HISTORY

Planning

R/1999/0772/F Decision: Permission Granted Decision Date: 27 November
1999 Proposal: Retirement Farm Dwelling & Garage

LA07/2017/0919/F Decision: Permission Granted Decision Date: 04 September
2017 Proposal: Variation of condition No. 2 of planning approval R/2013/0253/RM
regarding visibility splays

SUPPORTING DOCUMENTS

- Application form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan – Existing & Proposed
- Farm Maps

CONSULTATIONS

The following bodies were consulted regarding the proposal

- DAERA
- DfI Roads
- NMDDC Environmental Health Dept
- Northern Ireland Water

REPRESENTATIONS

No objections or representations have been received from neighbours or third parties of the site.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the

transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks outline planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal.

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) has been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has confirmed this Criteria B has been met.

The proposed site is located to the immediate south of the applicants dwelling at No 32 Moneyscalp Road and the associated farm buildings.



The site is considered to be visually linked or sited to cluster with established buildings on the farm as can be seen in the image above.

Policy CTY 8

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The justification and amplification section of CTY 8 states clearly that ribbon development has been consistently opposed and will continue to be unacceptable in the countryside. It continues that a 'ribbon' does not necessarily have to be served by individual access not have a continuous or uniform building line. Buildings staggered or at right angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked.

This is the case here, a dwelling on the proposed site would be visually linked with Nos 32, 32a, 34, 38 and 40 Moneyscalp Road and their associated out buildings / garages etc when travelling in both directions along the road. As such the proposal would create ribbon development along this part of the road contrary to Policy CTY 8 of PPS 21 and the related provisions of the SPPS.

CTY13

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

When travelling along Moneyscalp Road in both directions, it is considered that a dwelling on the proposed roadside site would be a conspicuous feature given the lack of established natural boundaries. As described above the site and apparent in the attached photo, the site is absent of vegetation on 3 of its boundaries. Given the reliance on new planting as shown on indicative site layout Drawing No.P02, which would take time to mature, the development would not visually integrate into the landscape and is therefore contrary to Policy CTY 13 of PPS 21.

CTY14

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

A new building will be unacceptable where:

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

As discussed above, the proposed development would result in the creation of ribbon development. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

PPS 2

Policy NH 6 of PPS 2 titled 'Areas of Outstanding Natural Beauty', states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where the following circumstances are met.

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

Although the proposal in itself would not undermine the AONB designation as a whole, for reasons discussed above the siting of the proposal would be detrimental to the rural character of this particular locality, and in this respect would therefore be unsympathetic to the AONB and contrary to Policy NH 6 of PPS 2.

PPS 3

The proposal seeks to create a new access onto Moneyscalp Road.

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

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

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

PPS 6

The site is located within the vicinity of a Rath & Soutterain DOW043:075. DfC Historic Environment Division : Monuments were consulted regarding the proposal and have no objections advising 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.

Neighbour Notification Checked	Yes
---------------------------------------	-----

Summary of Recommendation

On balance and taking into account all the supporting information and consultation responses, it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is therefore unacceptable to prevailing policy requirements.

Reasons for Refusal:

1. The proposed development is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that no over-riding reasons have been provided to justify that the proposed development is essential in this rural area.
2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal lacks long established natural boundaries and relies primarily on the use of new landscaping for integration;
3. The proposal is contrary to the SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal would create a ribbon of development along this section of the Moneyscalp Road.
4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2 – Natural Heritage in that it could not be accommodated within the landscape without detriment to local rural character of the AONB.

Case Officer Signature: C COONEY

Date: 22 March 2024

Appointed Officer: A.McAlarney

Date: 28 March 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2374/F	Target Date:
Proposal: 2 No Glamping Pods with Associated Landscaping	Location: 80 Dublin Road Drumena Newry Down BT34 5HT
Applicant Name and Address: Sean Devlin 80 Dublin Road Kilcoo Newry BT34 5HT	Agent Name and Address: Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS
Date of last Neighbour Notification:	05 June 2023
Date of Press Advertisement:	10 May 2023
ES Requested: No	
Consultations: see report	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: 80 Dublin Road, Drumena Newry.



Date of Site Visit: 26th June 2023

Characteristics of the Site and Area

This planning application relates to a site at 80 Dublin Road, approximately 1 mile to the NE of Kilcoo village. The proposed development comprises an area of 0.28ha and is currently located to the rear of No 80, which is a single storey bungalow with slate roof and dashed walls. While it is not set out lawn/garden like the remaining part of the garden, it is accepted as being part of the overall curtilage of No 80. The roadside boundary of the site is delineated by a low level picket fence with pillars. The rear SE boundary has some vegetation and stone wall, while the SW boundary is comprised of a wooden ranch style fence which runs the length of the boundary. There is a retaining wall directly to the rear of the bungalow, so the land where the pods will be situated is higher and rises to the rear of the plot. The site in general rises from the roadside to the southern part of the site.

The surrounding area is rural in character, comprising of single detached residential dwellings, farm holdings, and agricultural land. Lough Island Reavy is located directly opposite the site. The site is located outside any development limits, within the open countryside and is within the Mourne Area of Outstanding Natural Beauty (AONB) as per Ards and Down Area Plan 2015.

Description of Proposal

2 No Glamping Pods With Associated Landscaping.

Planning Assessment of Policy and Other Material Considerations

The Ards & Down Area Plan 2015 identifies the site as being located within the countryside, outside any defined settlement limits. The site is located within the Mourne Area of Outstanding Natural Beauty and is not subject to any further environmental designations.

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

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 6 Planning Archaeology and the Built Environment
- PPS 16 Tourism
- PPS 21 Sustainable Development in the Countryside
- Ards and Down Area Plan 2015

Published guidance documents will also be considered such as:-

- DCAN 15
- Parking standards

PLANNING HISTORY**Planning**

Application Number: R/1985/0873

Decision: Withdrawal

Proposal: FARM DWELLING.

Application Number: R/1986/0554

Decision: Permission Granted

Proposal: FARM DWELLING.

Application Number: R/1989/0311

Decision: Permission Granted

Decision Date: 03/05/1989

Proposal: Farm dwelling

Application Number: R/2004/0768/O

Decision: Withdrawal

Decision Date: 09 December 2004

Proposal: Site for erection of 8 Fisherman Cottages.

Address: 10m West of No 80 Dublin Road, Kilcoo, Newry.

Proposal

The application seeks full planning permission for 2 glamping pods. The pods measure approximately 3.05 metres (in height) by 3.3 metres (width) by 6.0 metres (length) and are finished in timber sheathed with entire glazed window/door to the front. There will be a timber deck measuring 17m² which will have a hot tub, fire pit, barbecue and sitting out area. A 1.8m timber privacy screen will separate the pods from each other, with a 1.1m fence on the opposite side. The internal floorplan shows a shower/room, bed, living area and sink with limited units.

Objections & Representations

In line with statutory requirements neighbours have been notified on 05/06/2023. The application was advertised in the Mourne Observer on 10.05.2023. No objections or letters of support have been received in relation to the proposal.

Consultations

DFI Roads – No objection – subject to conditions

Northern Ireland Water - No objections

Environmental Health - No objections subject to assurance that the existing septic tank is adequate to deal with the increased effluent, which should also take account of the hot tub wastewater

DfI Rivers – No objection

Shared Environmental Services – informally consulted – there are no hydrological connections to any European sites and concluded that there are no viable pollution pathways for effects on any European site.

Consideration and Assessment

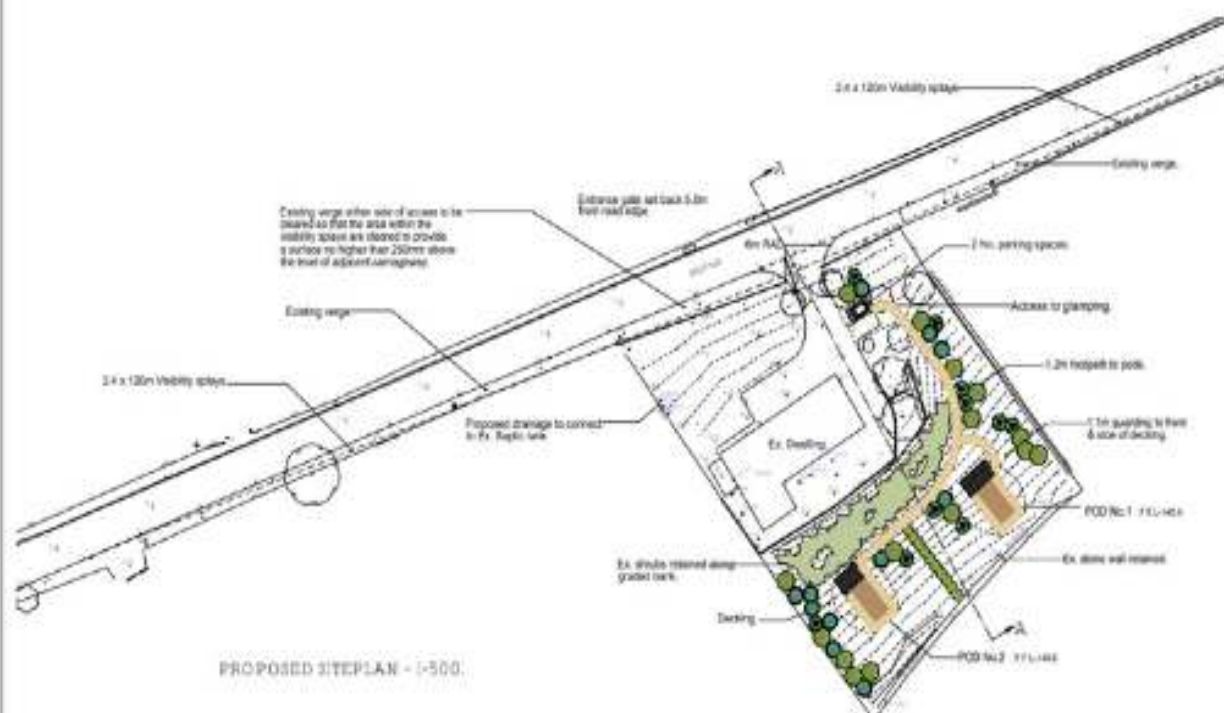
Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

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

Within the SPPS Paragraph 6.255 sets out the aim in relation to tourism development which is to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment.

The main considerations in the determination of this application relate to; principle of development, integration and rural character, tourism, residential amenity and access



Proposed Site layout

Principle of Development

Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states there

are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. It goes on to state that planning permission will be granted for tourism development in accordance with the TOU policies of the PSRNI. However, those policies have since been superseded by the provisions of Planning Policy Statement 16 – Tourism (PPS16). It follows that if the development complies with the relevant provisions of PPS16 it will comply with Policy CTY1 of PPS21. The proposal comprises 2 No glamping pods for tourism purposes and therefore PPS 16: Tourism will be a relevant consideration.

Tourism

PPS 16 is silent on glamping pod development, however, as the pods are of similar scale to a caravan and have limited facilities, Council has been using Policy TSM 6 to assess these types of proposals.

TSM 6 New and Extended Holiday Parks in the Countryside

Policy TSM 6 of PPS 16 relates to new and extended holiday parks in the countryside. New holiday parks will be deemed acceptable where it is demonstrated that the proposal is a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the proposal must respect the surrounding landscape, rural character and site context.

Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

- (a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
- (b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. 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 its integration with the surrounding area;
- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;
- (d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;

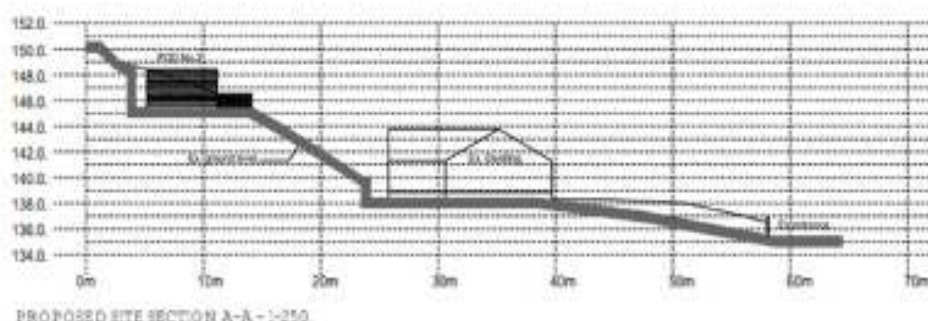
(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

(f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;

(g) Mains water supply and sewerage services must be utilised where available and practicable.

During processing of the application concerns were raised regarding the proposal, no changes were made, but a section was submitted showing the pods in relation to the dwelling at No 80. The site layout plan shows that parking is at the entrance to the site and a footpath is used to access the two pods. New planting is proposed to the NE side of this pathway along with new planting to the SW boundary. A new hedge will separate the two pods.

Due to the steep nature of the topography of the site, the pods would not be considered inappropriate for development of this nature due to their impact on visual amenity and rural character.



The pods would occupy a prominent position on the site. TSM 6 is clear that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a *high quality* (my emphasis) and sustainable form of tourism development. The policy provisions reflect the importance of design, layout and landscaping in order to achieve high quality development that integrates into the landscape and respects the surrounding rural context as well as providing a pleasant environment for users of the holiday park. Planning is of the opinion that the overall layout lacks coherent design and cannot be viewed as a high quality

holiday park. As such it is considered that the proposal would detract from landscape quality, be detrimental to the visual amenity and as a consequence harm rural character.

Policy TSM 7 of PPS 16 advises that tourism development must be compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area. The site location in this instance is considered unsuitable as there is a lack of integration with surrounding area. The proposal will detract from the landscape quality and local character found along this part of the road with Lough Island Reavy on the opposite side of the road and within the Mourne Area of Outstanding Natural Beauty. More specifically, TSM 7 outlines a range of Design Criteria and General Criteria for Tourism Development to which proposals must comply. Criteria (b) advises that the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity. While it is recognised that there is a backdrop of rising land to the rear of the pods, the nature of their siting would be inappropriate due to the prominent nature of the site which would involve cutting into the site and located perched above the existing bungalow, the proposed landscaping would be considered insufficient in terms of visual integration. The proposal also fails General Criteria (g). The proposal would not be considered compatible with surrounding land uses and due to the nature and positioning of the development on the site it would detract from the landscape quality and character of the surrounding area. In general, the proposal does not assist in the promotion of the Departments published guidance on sustainability.

Proposed Site, Integration and Rural Character

Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

The proposal is contrary to Policy CTY 13 of PPS 21 in that the pods occupy a prominent position on the site. Critical views of the pods would be from coming from the south west along Dublin Road and also from Bog Road, where the pods would fail to blend with the landform and would be inappropriate for the site and its locality.

Rural Character

Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

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

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

The proposal is contrary to Policy CTY 14 of PPS 21 in that the proposal is considered prominent and does not respect the traditional pattern of development found in the area. Dublin road is characterised primarily with a small number single dwellings and farm holdings dispersed at various locations. The impact of this development would damage rural character. The development does not respect the traditional pattern of settlement in the area, and the proposed development and ancillary works will damage the rural character of this AONB location.

CTY 16 Development relying on non mains sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. As noted above the applicant intends to use the existing septic tank at No 80, Environmental Health need assurances that the tank has the capacity to deal with the increase.

The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. On this basis conditions could be placed on the

decision notice to ensure that before development commences the septic tank is sufficient to service the scheme and that a consent to discharge is obtained by the relevant authorities.

Planning Policy Statement 2 - Natural Heritage

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

Policy NH 1 - European and Ramsar Sites

Shared Environmental Services (SES) were informally consulted as part of the proposal who state that the proposal will have no conceivable effect on the conservation objectives or qualifying features of Murlough SAC, either alone or in combination with other projects. Formal consultation with SES was therefore not necessary. The proposal complies with policy NH1.

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

While the choice of materials and the design of the buildings are considered acceptable in the AONB the overall siting and layout of the development in its totality is not sympathetic to the AONB. The proposal is contrary to NH6 of PPS 2.

Planning Policy Statement 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 3 Access to Protected Routes (Consequential Revision) Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

(a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.

(b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. Access arrangements must be in accordance with the Department's published guidance. The remainder of Policy AMP 3 as set out in the October 2006 Clarification, including the justification and amplification, remains unaltered.

DFI have been consulted and find the proposal acceptable. The proposed site plan shows the sight visibility splays of 2.4m x 120m in both directions. The DfI comments are on the basis that Planning are satisfied with the proposed parking and turning arrangements in consideration of the existing usage of the application site.

It is also noted that the A25 is a Protected Traffic Route and Planning must be satisfied that this application falls within the exceptions listed in the policy relating to accesses onto protected routes. If this application does not fall within the exceptions listed, then it should be Refused.

The proposal would fall under part d of Annex 1 of PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking (in that tourism would fall under part d). It is recognised that this is not a new access but intensification of the existing access onto a Protected Route. Planning is content that with the visibility splays of 2.4m x 120 the access can be made safe and would comply with Annex 1 of PPS 3 and AMP 3 of PPS 3.

On this basis DFI Roads object to the proposal and have offered a reason for refusal.

Residential Amenity

As mentioned the application is in close proximity to the No 80, however, they have a financial interest in the scheme.

Conclusion

Taking into account the content and requirements of the relevant policies and consultee responses, it is acknowledged that while sustainable tourism development can contribute positively to the countryside it must be appropriate to its setting. In this case it is concluded that it has not been demonstrated that the proposed development will not result in an unacceptable impact on the character of this area due to its size, location, extent and nature. The proposal is contrary to the policies listed and it is recommended that the application be refused.

Recommendation: Refusal

The plans considered as part of this assessment include:

Location plan – 25408NW

site plan -2637 /SP01L B

Proposed glamping pod elevations and floor plans – 2637/PL01

Refusal Reasons:

1. The proposed development, by virtue of its form and layout with prominent features, would have unacceptably harmful effect on the character and appearance of the local area, which is a designated AONB. As such, it conflicts with the SPPS and policies TSM 6 and TSM 7 of PPS16, Policy NH 6 of PPS 2 and policies CTY 1, CTY13 and CTY14 of PPS21.
2. The proposal is contrary to SPPS, PPS 21 – Annex 1 - Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking, in that the proposal fails to meet the criteria for development in the countryside under category D.

Informative

The plans to which this refusal relate include: 25408NW, 2637 /SP01L B, 2637/PL01

Neighbour Notification Checked

Yes

Summary of Recommendation - Refusal

Case Officer Signature: C. Moane

Date: 29th April 2024

Appointed Officer: A.McAlarney

Date: 29 April 2024

STATEMENT FOR PLANNING COMMITTEE	Planning Application Number : LA07/2023/2374/F	ITEM NO 12 OF 12/6/24 MEETING.
-------------------------------------	---	-----------------------------------

Description of the application – PROPOSED 2 No GLAMPING PODS WITH ASSOCIATED LANDSCAPING AT 80 DUBLIN ROAD, KILCOO

Proposed decision (including reasons if the decision is refusal) – REFUSAL FOR THE FOLLOWING REASONS.

1. The proposed development, by virtue of its form and layout with prominent features, would have unacceptably harmful effect on the character and appearance of the local area, which is designated AONB. As such it conflicts with the SPPS and policies TSM 6 and TSM 7 of PPS16, Policy NH 6 of PPS2 and policies CTY1, CTY14 of PPS21.
2. The proposal is contrary to SPPS, PPS21-Annex 1- Consequential amendment to Policy AMP 3 of PPS3 Access, Movement and Parking, in that the proposal fails to meet the criteria of development in the countryside under category D.

I WISH TO COMMENT ON EACH REASON FOR REFUSAL AS FOLLOWS;

1. Reason 1 of refusal. This reason for refusal has listed a number of Policies which the Department deem relevant but at the heart of the matter is whether or not the proposal is prominent and if it integrates into the landscape. The focus of the Case Officers report are the views of the pods from Bog Road and when approaching the site from the south west on the Dublin Road. In my opinion the views from the Bog Road would be minimal if any and from the south west on the Dublin Road the site can be viewed for only a 100m stretch of road. It is conceded in the Case Officers report that the site would not be visible when approaching the site from Castlewellan. I would ask the Committee to investigate the case Officers opinion and to query why there are no photographs in the report to substantiate the recommendation. The site section provided as part of the application clearly shows how through minimal excavations on site the pods which are tiny in size compared to a dwelling, will fully integrate into the landscape. If after discussions the Committee wishes to visit the site then we would welcome this.

2. Reason 2 of refusal. If reason 1 of the refusal is not sustained then this reason for refusal must be dropped. Also, and of more significance on the Dublin Road, approximately 1 mile from the application site a glamping development has been approved under Planning Ref LA07/2020/1291. It should be noted that DfI Roads have no objections to the proposed access in principle.


IN SUMMARY

The Case Officers report refers to 2 critical viewpoints on the Dublin Road approaching the site from the south west and Bog Road. These locations as previously stated in my opinion offer only limited views if any at all on the Bog Road. The Committee must have the opportunity to cross examine Planning and if necessary visit site to get a proper feel for the site as no photographic evidence has been provided by the Case officer. If prominence and integration of the site is found to be acceptable then the first reason for refusal cannot be sustained. Also, Planning approved a much larger pod development on the Dublin Road, under reference LA07/2020/1291 on what is a more prominent site visible from circa ½ mile of the Dublin Road. In the interest of administrative fairness the same standards should be adopted when assessing our application as took place when assessing the approved application.

As for the second reason for refusal a larger pod development has been approved on the Dublin Road approximately 1 mile from our site so The Committee must have the opportunity to explore why this site and vehicular access was approved and yet they deem the access to this site unacceptable. As previously stated DfI Roads have no objections to the proposed access so why are Planning going against the recommendation of their expert Consultee.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/3328/F	Target Date:
Proposal: Replacement Dwelling and Garage (Amendment to Previously Approved LA07/2022/0974/F)	Location: Lands at 43 The Heights, Downpatrick, BT30 8PY
Applicant Name and Address: Clara Miskelly 36 Crabtree Road Ballynahinch BT24 8RH	Agent Name and Address: Tiernan FitzLarkin Suite 1 Bamford House 91 - 93 Saintfield Road Belfast BT8 7HN
Date of last Neighbour Notification:	24.02.2024
Date of Neighbour Notification Expiry:	09.03.2024
Date of Press Advertisement:	18.10.2023
Press Expiry:	01.11.2023
ES Requested: No	
Consultations:	
<p>NI Water was consulted in relation to the application and responded with no objections subject to conditions.</p> <p>DFI Roads was also consulted and responded with no objections to the proposal subject to pre commencement conditions.</p>	
Representations:	
The application was advertised and one neighbour notified as detailed above and to date no representations have been received.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: No issues have arisen as a result of the neighbour notification and publicity process.	

Site Visit Report
Site Location Plan:

Date of Site Visit: 25.04 2025
Characteristics of the Site and Area
<p>The site in question is a roadside site located along The Heights Road, Louginisland. On site at present the dwelling house still stands but is not occupied, the dwelling is a two storey dwelling with a two storey central rear return. The dwelling is finished in a mix of pebble dash and cement render. Clearance has commenced on adjacent outbuildings and there appears to have been infilling of ground adjacent to the dwelling and on the northern section of the site. The large evergreen planting remains intact, in particular the planting to the south of the site.</p>
<p>The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located in open countryside on elevated lands within a topography of rolling drumlins. There are no other site specific constraints identified.</p>
Description of Proposal

Replacement Dwelling and Garage (Amendment to Previously Approved LA07/2022/0974/F)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

LA07/2022/0974/F – Lands at 43 The Heights, Downpatrick – Replacement Dwelling and Garage – granted – 31.10.2022

R/2002/1444/O – Teconnaught Road, Loughinisland – Immediately east of 43 The Heights – site for two storey dwelling and garage – appeal dismissed – 27.07.2004

CONSIDERATION AND ASSESSMENT

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined within PPS 21 and the principle of a replacement dwelling on this site was accepted under the consideration of the recent approval LA07/2022/0974/F and as this application is a change of design to an extant approval and it is noted that the dwelling to be replaced was still standing on the day of the site inspection the principle of development does not need revisited and the application can be considered under the remainder of provisions under CTY 3, CTY 13 and CTY 14.

In terms of CTY 3 All Replacement Cases is considered which states that proposals for a replacement dwelling will only be permitted where all the criteria are met, and again taking account of the extant approval on the site this report will focus on the elements of policy impacted under this change of design.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.



The above elevation is the proposed elevation under this application which shows a large 2 storey dwelling with a hipped roof design and plaster detail to the ground floor, the chimneys have also become more substantial than those on the previously approved dwelling it is also noted that the change in roof design leads away from a dwelling with the appearance of the main section of dwelling and two subordinate returns to a more substantial side elevation that through the design has a much greater visual impact than not only what is on the ground but what has previously been approved. As the approved elevation shows below the scale, massing and design and finishes of the dwelling itself are acceptable under what is approved given what is on the site at present as older roadside dwellings would have had the characteristics exhibited however the amended design does not exhibit the same design akin to rural design and the design has changed to a dwelling more akin to suburban style settings with the use of a hipped roof and decorative plaster and more elaborate statemented chimneys and such a size and scale of a dwelling does not respect the character and appearance found in the surrounding area nor does it respect the roadside plot. The height of the dwelling increases from 8.6m to 9m in height which will make the proposal more dominant within the landscape, the proposed finished floor level remains as approved at 52.00. It is noted that during consideration of the previous permission a varied type of hipped roof had been sought and was rejected by the Planning Office with the design altered to the gable ended style design with a much more narrow main depth and returns which respects the character of the area and what is on site at present. The proposed design has failed to meet with this section of policy.

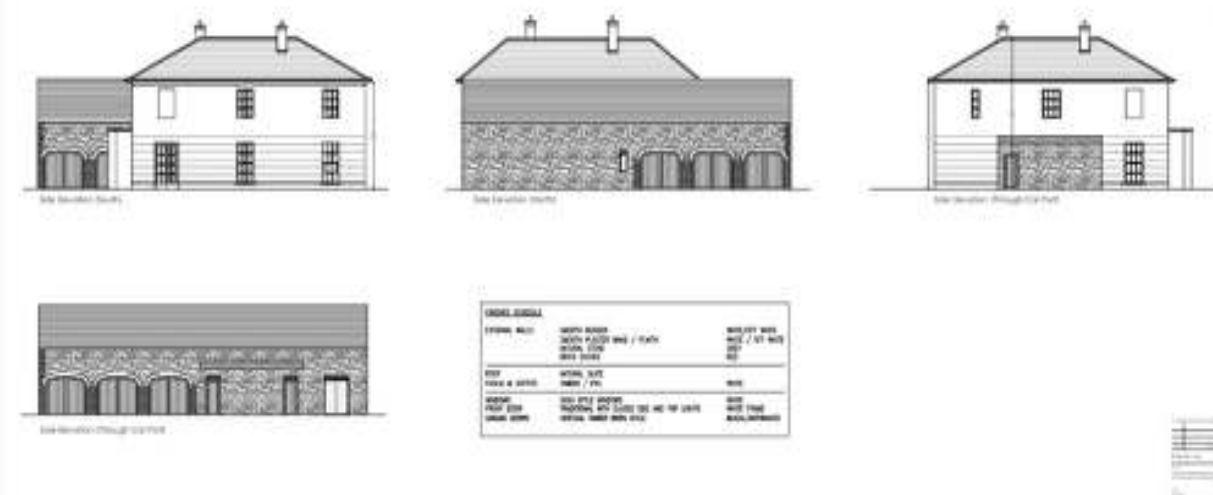


Above shows the elevation approved under LA07/2022/0974/F

Policy CTY 13 is also under consideration and again the extant approval is noted however the amended design is considered to result in the proposal being contrary to CTY 13 part e:

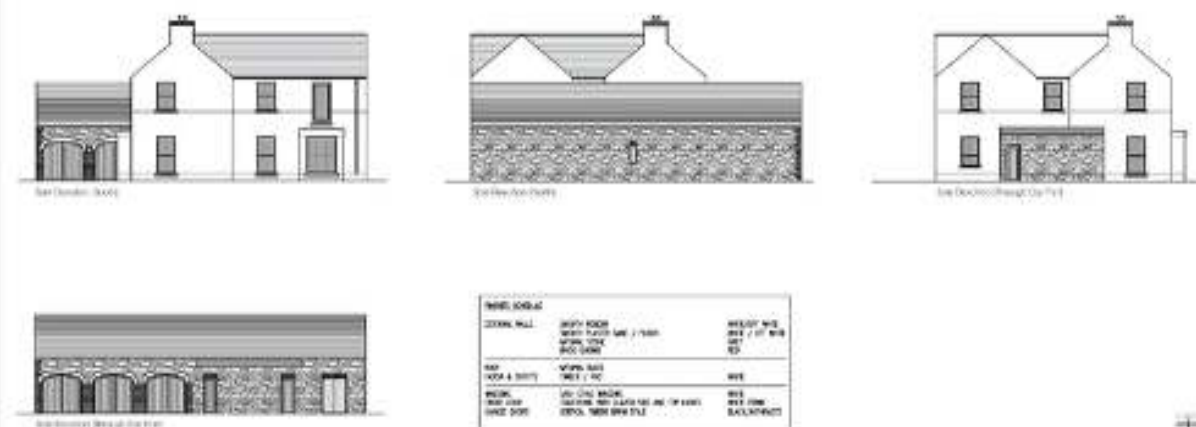
(e) the design of the building is inappropriate for the site and its locality.

As acknowledged previously the site is a prominent, roadside site that is highly visible although it is noted that the proposed dwelling will be set back into the site rather than on the roadside as is with the dwelling to be replaced. The previously approved dwelling respected the key design characteristics found within the area and also a design that respects rural design and character. The roadside plot adds limitations to the potential for development however it is noted that a generous scheme has been approved on the site given the removal of a number of outbuildings. This change in design is not considered to be appropriate for the site or the locality and does not respect or meet with the key design considerations set out in Building on Tradition which advises that replacement dwellings should retain key established site character features which in this case is a dwelling with a pitched roof, reasonable gable depth and subordinate rear returns. The proposed design is considered to be elaborate with a hipped roof, and too much depth on the side elevations which will be visible on the approach though noted the existing screening does lessen the impact. The elaborate chimneys, plastering and front porch detail are not in keeping with dwellings found in the rural area on roadside plots and the proposed design detracts from the character and appearance of the surrounding area. The proposed dwelling is of a design and overall scale that is too big for the site and bears little resemblance to the scale or character of existing out buildings associated with the dwelling. It is not considered that the site can accommodate a dwelling of the overall design presented and the previously approved offers a much better design solution that has already maximised the site potential.



The above elevations show the side elevations of the dwelling and also the proposed out buildings and it is noted that the overall scale and appearance of the building is not considered to be in keeping with the character of the area and offers a much greater

impact than that approved previously and shown below. The site is visible from The Heights Road, Crawfordstown Road and Teconnaught Road mainly and the proposed works will impact negatively on the character of the area. The elevations below show what was approved previously and considered acceptable but would also be considered the maximum development this site can accommodate.



Neighbour Notification Checked Yes

Summary of Recommendation
 For the reasons outlined above a recommendation of refusal is made as the overall design and appearance of the proposed dwelling does not respect the character and appearance of the area and therefore would have a negative impact on the overall character and appearance of the surrounding area.

- Reasons for Refusal:**
1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of Planning Policy Statement 3, Replacement Dwellings in that the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness by way of design and appearance.
 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design of the building is inappropriate for the site and its locality by way of design, scale and appearance.

Case Officer Signature: Fionnuala Murray

Date: 29 April 2024

Appointed Officer: A. McAlarney	Date: 03 May 2024
--	--------------------------

PLANNING APPLICATION REF: LA07/2023/3328/F

ADDRESS: LANDS AT 43 THE HEIGHTS, DOWNPATRICK, BT30 8PY

PROPOSAL: REPLACEMENT DWELLING AND GARAGE (AMENDMENT TO PREVIOUSLY APPROVED LA07/2022/0974/F)

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

The proposed application (*Ref. LA07/2023/3328/F*) is seeking full planning permission for an amendment to the previously approved replacement dwelling application Ref. LA07/2022/0974/F at 43 The Heights, Downpatrick, BT30 8PY.

The principle of development for the replacement dwelling has been acknowledged by the council under the previous planning application (Ref. LA07/2022/0974/F). The main amendment involves changing the roof type from an ornamental pitched roof with an overly complex design, which causes numerous construction issues due to the depth of the property, to a simpler and more practical hipped roof. The concerns raised by the council are related to the design, appearance, and scale of the proposed dwelling, specifically focusing on the hipped roof, decorative plaster, and the chimney design. We do not agree with the council and consider this view to be inherently subjective, particularly in light of the objection to the hipped roof, which is present on several existing properties in close proximity to the application site.

The Council claim that the amendments have resulted in a building that now is considered unacceptable in terms of size and scale when compared to that previously approved. We would reiterate to Members that the amended design is identically sited to that previously approved and comprises dimensions consistent with the previously approved. The only minor difference in dimensions is the height has increased by 40cm and porch has been widened by 50cm, however it is acknowledged the the ground floor of the property will be screened significantly by existing and proposed landscaping. Photographs of the existing vegetation are included within the PowerPoint presentation, which illustrate the maturity of the existing vegetation and the effectiveness it will have in screening the development, which is set further back than the existing dwelling.

The only potential views of this property will be glimpsed views when travelling north to south along The Heights. The roof form approved through the previous application is clearly over-complicated and the proposals offer a simpler roof form more appropriate to the rural character. The previously approved pitched roof presented design challenges in the form of long load spans, which require robust structural support to ensure even weight distribution

and the structural integrity of the property. The proposed hipped roof mitigate these issues more effectively. Its sloping sides provide more even weight distribution, reducing the need for large trusses and additional support structures and are more practical for properties with greater depth.

We do not believe that it can be reasonably concluded that the an increase in height of 40cm would result in a significant, or a 'much greater' detrimental impact on the character of the area, so much so that it would warrant the refusal of this application.

The reasons for refusal also claim that the design in relation to the hipped roof, chimneys and decorative plaster is out of keeping with the area and are not characteristics consistent with the rural character. The incorporation of the proposed hipped roof is not uncommon and forms part of the established character of the area. Nearby examples include properties on Teconnaught Road, Crawfordstown Road, and The Heights. These examples are all located within close proximity of the site and are shown on the PowerPoint presentation and demonstrate that the hipped roof form forms part of the established character of the area.

The proposed chimneys and finish of the property are a smooth white render with very minor detailing included through a smooth plaster band on the ground floor. None of the materials proposed are considered by the Building on Tradition design guidance to be unacceptable or inappropriate in the Countryside and to the contrary are simple materials that are supported by the guidance. This is further complemented by the use of natural stone on the adjoining garage. It is not considered that the minor detailing proposed is 'excessive' and again when coupled with the mature landscaping would not result in a negative impact to the rural character of the area. We would highlight again on the example at Crawfordstown Road, only 500m south of the site the use of similar materials and detailing.

The principle of the replacement dwelling is acceptable, and the applicant seeks very minor design amendments. These amendments in a minor height increase of 40cm, which does not significantly impact the rural character of the area. The proposed design and materials are consistent with the established character of the area, as evidenced by the nearby examples. Combined with existing and proposed landscaping, they do not detrimentally impact the rural character or conflict with planning policy.

The key concerns raised by the council are subjective and given the the minor nature of the design amendments, it is our view that the proposals are supported by planning policy and design guidance. The Committee is well-placed to give appropriate weight to the precedents and the evidence presented, ensuring a fair and balanced decision. We would therefore request that the planning committee approve these amendments.



Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3063/O	Target Date:
Proposal: Infill dwelling and garage	Location: Between 64 The Heights & 32 Teconnaught Road, Loughinisland
Applicant Name and Address: Mr & Mrs D Mulholland 153 BELFAST ROAD LISDOONAN SAINTFIELD DOWN BT24 7HF	Agent Name and Address: Tumelty Planning Services 11 BALLYALTON PARK BALLYNAGROSS UPPER DOWNPATRICK DOWN BT30 7BT
Date of last Neighbour Notification:	14 February 2024
Date of Press Advertisement:	14 February 2024
ES Requested: No	
Consultations: See report	
Representations: None	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located between 64 The Heights & 32 Teconnaught Road.



Date of Site Visit: 19th February 2024

Characteristics of the Site and Area

The application site is a rectangular plot which is comprised of an area of existing grazing land with areas of dense scrub dominated by whinbush. The northeast boundary comprises a stone wall with post and wire fencing and associated scrub vegetation, with the southwest boundary is formed by a hawthorn hedge with post and wire fence and an ash tree. The southeast boundary along the roadside comprises a post and wire fence with a hedgerow while the northwest boundary is currently undefined as the site is cut from a larger agricultural field. No 64 to the SW of the site is a single storey hipped slate roof detached dwelling, which sits back from the roadside with an entrance wall and pillars into the Heights. No 32 is a single storey 'L' shaped dwelling with pitched concrete tiled roof and dashed walls. A single storey stone outbuilding sits directly to the rear of the dwelling. The dwelling is accessed from the Seavaghan Road with walls and pillars at the entrance, however, both buildings have frontage onto Teconnaught Road with the well maintained garden extending to the roadside.

Description of Proposal

Infill dwelling and garage

Planning Assessment of Policy and Other Material Considerations

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. Site located close to Magheralone Site of Local Nature Conservation Importance (SLNCI as per ADAP 2015).

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

PLANNING HISTORY

Planning

N relevant history on the site.

Consultations:

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

NIEA Natural Environment Division – no objections

Shared Environmental Services (informal consultation) – No objections -SES - no viable pathway from the proposal to any feature of a European Site that could be impacted.

Objections & Representations

In line with statutory requirements neighbours have been notified on 30.01.2024. The application was advertised in the Down Recorder on 14.02.2024 (Expiry 28.02.2024). No letters of objection or support have been received to date.

Consideration and Assessment:

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material

considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

It sets out the 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. Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

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

The agent considers that the site is such a gap site, falling within a substantial and continuously built-up frontage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

The site comprises a roughly rectangular plot, and forms part of an agricultural field and has a frontage to The Heights road. Adjacent to this to the north east of the site is No 32 Teconnaught and their associated outbuilding. To the south west is No 64 The Heights with frontage to the road. Beyond No 64 to the SW are outbuildings which have been in association with an application (under LA07/2019/1362/O & LA07/2021/0189/RM and LA07/2021/0896/F. While the buildings at Nos.32 Teconnaught Road and 64 The Heights both share common frontage to the road, however, as these dwellings (and associated outbuilding) front onto two separate road frontages, namely the Teconnaught Road and The Heights Road and not one as prescribed by the policy, they cannot form part of a substantial and continuously built-up frontage. This is position is endorsed in the recent appeal 2021/A0239. The fact that two frontages are being relied upon is fatal to the proposal which seeks to infill a gap along a (singular) frontage. For these reasons, the proposal is contrary to Policy CTY 8.

Accordingly, as there is no substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

It is considered that the development would create a ribbon of development. There would be transient views of the existing buildings and the development in both directions when travelling along The Heights/Teconnaught Road. The development within the site, would create ribbon development along this part of the road as it would visually link with No. 64 The Heights and No. 32 Teconnaught Road contrary to Policy CTY 8 of PPS 21 and the related provisions of the SPPS.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

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

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that the site is cut from a larger agricultural field, and while the loss of the road frontage hedging would open the site up when along the frontage of the site, the main critical views are along the heights. From this viewpoint, a suitably designed single storey dwelling (low elevation) could be accommodated on this site if positioned correctly to make use of existing boundaries without becoming a prominent feature in the landscape. Thus, taking into account the

character of the surrounding dwellings and given the topography of the site a suitably designed dwelling could be integrated on the site.

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Given the above, it is deemed that the application site would result in the creation of ribbon development. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

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

PPS 2 – Natural Heritage

The proposal will involve some removal of hedgerow along the frontage of the site to accommodate sightlines. A biodiversity checklist was requested and this was undertaken by Ayre Environmental Consulting Ltd concluding that there would be no impact on priority species on the site. Whilst it is acknowledged that hedgerows are classed as priority habitats, consideration has been given to the quality of this particular hedgerow which is not considered to be species rich or having a rich basal flora of herbaceous plants. Given the quality of the hedgerow it considered that reinstatement of the lost roadside hedgerow with a species rich native hedgerow would be acceptable and can be conditioned as such if the Council are minded to approve the development. An informative advising the applicant in relation to bird breeding season can be placed on the decision notice. The proposal is not therefore considered to offend protected species or priority habitats.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted as part of the proposal and have no objections subject to the RS1 form at reserved matters stage of 2.0m x 33m of site outlined in red being complied with and the access position to the centre of site outlined in red.

Conclusion

For the reasons given above, the appeal proposal fails to satisfy the requirements of Policies CTY 8, and CTY 14 of PPS 21 and the related provisions of the SPPS. No overriding reasons have been presented to demonstrate how the proposal would be

<p>essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS.</p> <p>Recommendation: Refusal</p> <p>The plans to which this approval relate include: site location plan 01</p> <p>Refusal Reasons:</p> <p>1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings within an otherwise substantial and built-up frontage and would, if permitted, result in the creation of ribbon development along The Heights/Teconnaught Roads.</p>	
Neighbour Notification Checked	Yes
Summary of Recommendation - Refusal	
Case Officer Signature: C Moane	Date: 07 May 2024
May Appointed Officer: A.McAlarney	Date: 07 May 2024

Planning Committee Schedule of 12th June 2024

Planning reference: LA07/20232/3063/O

Proposal: **Infill Dwelling & Garage**

Applicant: **Mr & Mrs D Molholland**

Location **Between 64 The Heights Road & 32 Teconnaught Road, Loughinisland.**

Recommendation: **Refusal**

Reasons

Refusal Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings within an otherwise substantial and built-up frontage and would, if permitted, result in the creation of ribbon development along The Heights/Teconnaught Roads.

Refusal Reason 1 Rebuttal. The development of a small gap site within an otherwise substantial and continuous built up frontage in accordance with Policy CTY8 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is a gap site and its meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

Refusal Reason 2. Rebuttal. Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The application site fits that criteria as the site avails of the gap between No 64 a detached pitched roofed rural single storey style dwelling & No 32 Teconnaught Road an older rural style dwelling single storey in form.

The application site has a frontage with both the Heights Road and The Teconnaught Road. (See **Photograph A**) which indicates that the Teconnaught Road and the Heights Road have the same road frontage and the road which joins them is the minor road as it has give-way road markings, this road is called the Teconnaught Road and it is assumed is the same Teconnaught Road as that which continues to the North on the site map. It has to be assumed that the naming of the roads at such junctions causes confusion as the Teconnaught road is both the main road in the area and the minor road based on naming.

The officer states that both these bookend dwellings and associated outbuildings share common frontage to the road and the only reason for refusal is that the road naming changes from the Heights Road to the Teconnaught Road while the Teconnaught Road joins the Heights Road and runs virtually paralleled as can be seen from the map.

It is contended that the site has a frontage with the road and as such meets the principal of the policy requirement and the only reason for refusal is that the Road changes name, this is not how the policy was proposed to be assessed.

Policy CTY 14. CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The chosen site between existing development with the same backdrop as the existing structures could not be considered prominent and rather than creating a ribbon avails of the gap opportunity and a suitably designed dwelling taking into account the existing dwelling designs in the vicinity and the topography it has to be accepted that this would be in accordance with the Policy. It is assumed that any proposed dwelling would be single storey in nature.

The site is in compliance with the requirements of the said policy and would not be out of keeping and would not be unduly prominent.

The proposed site meets with other considerations by other agencies -

The requested **Biodiversity checklist** concluded no impact on priority habitat or protected species.

DFI Roads issued a RS1 form, suggesting **2.0m x 33m splays** based on access being at the centre of the site frontage.

Conclusion The site as chosen complies with the requirements of a dwelling under Policy CTY8 as it completes the gap that exists on the ground between existing approved developments. The existing vegetation of the proposed site is mature and the only loss of hedging is a road frontage scrappy hedge which is not species rich and as the site will be replanted to rear of the splays with native rich species hedging. The site avails of the backdrop of drumlin countryside while nestling in the gap between the existing developments.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval.



Photograph A

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2576/O	Target Date:
Proposal: Site for Dwelling and Garage	Location: NE of No. 35 Downpatrick Road Ardglass, and SE of No. 43 Downpatrick Road Ardglass
Applicant Name and Address: Conor & Cara Laird & Doherty 35 Downpatrick Road Ardglass Downpatrick BT30 7UW	Agent Name and Address: Ryan McBirney 7 Castle Cove Ardglass Ardglass
Date of last Neighbour Notification:	21 July 2023
Date of Press Advertisement:	7 June 2023
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • NIW – NO OBJECTIONS • DAERA – NO OBJECTIONS • DFI ROADS NO OBJECTIONS • ENVIRONMENTAL HEALTH – NO OBJECTIONS • 	
Representations:	
No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 25 March 2024

Characteristics of the Site and Area

The site is located off Downpatrick Road Ardglass, accessed via a long private lane which serves a number of dwellings and farm buildings.

The site outlined in red straddles two parcels of land, to the west the site is comprised of an open farm yard, while to the east the site is comprised of a portion of land cut out of a large field currently used for grazing as shown below. The two are divided by a post and wire fence.



While the site itself is relatively flat it is located above the level of the public road.

The site is located within the rural area outside the settlement limit of Ardglass.

Description of Proposal

Site for Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

LA07/2018/1201/O Adjacent & North west of 35 Downpatrick Road, Jordans Crew, Ardglass.
Proposal: Proposed dwelling on an infill site Decision: Permission Refused Decision Date: 15 January 2019

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Supporting Statement
- Farm Maps
- Site Location Plan

CONSULTATIONS

- NIW – NO OBJECTIONS
- DAERA – NO OBJECTIONS
- DFI ROADS NO OBJECTIONS
- ENVIRONMENTAL HEALTH – NO OBJECTIONS

REPRESENTATIONS

No representations or objections have been received from neighbours or third parties of the site.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period

planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks outline planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal.

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) has been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has confirmed this Criteria B has been met.

Criteria C requires the new building to visually link or be sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

While it is acknowledged that there is a relationship between the Cultra Farm and the Lenaghan Farm, as detailed in the applicants supporting statement, policy requires the farm dwelling to be located on lands associated with identified Business ID, which in this case is 618093 and which relates to the Cultra Family Farm.



Figure 2 – Site Context

The above plan, provided by the applicant, shows the proposed site in relation to the ownership of the Cultra and Lenaghan land. The Cultra land, shown in yellow, is located to the east of the site outlined in red.

Unfortunately, this portion of the site is not visually linked or sited to cluster with those buildings on the Cultra Farm, which are seen to be located to the NW of the site also shown in yellow. Any farm dwelling to be erected on the Cultra Farm should be sited on lands and adjacent buildings associated with that farm business and not on lands or with buildings of another farm business.

It follows therefore that the proposal does not comply with Criteria C as set out in CTY 10 of PPS 21. **The proposal will be recommended for refusal on this basis.**

CTY13

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality

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

(G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

Paragraph 5.58 of the justification and amplification section of the CTY 13 advises that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings.

5.60 states that the assessment of integration will be judged from critical views along stretches of the public road; shared private laneways serving existing and approved dwellings; public rights of way and other areas of general public access and assembly.

As described above and shown in the attached photos, the site is void of existing mature planting. Paragraph 5.64 advises that new planting alone will not be sufficient for integration purposes. A building on an unacceptable site cannot be successfully integrated into the countryside by use of landscaping. New planting will take a considerable length of time to mature and in the interim will not mitigate the impact of the new development.

The image below shows the site when viewed from the public road (Downpatrick Road). The lack of integration in this wider context is evident.



When viewed from the immediate surroundings of the site along the private laneway serving the site, it is considered that a dwelling would be a conspicuous feature given the lack of established natural boundaries. Given the reliance on new planting the development would not visually integrate into the landscape and is therefore contrary to Policy CTY 13 of PPS 21. **The proposal will be recommended for refusal on this basis.**

CTY 14 Rural Character

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

A new building will be unacceptable where:

(A) It is unduly prominent in the landscape; or

- (B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (C) It does not respect the traditional pattern of settlement exhibited in that area; or
- (D) It creates or adds to a ribbon of development (see CTY 8); or
- (E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

In assessment of the above, it is considered that the proposed development site is located on land which is open and exposed as can be seen in the image above. Consequently a dwelling on the proposed development site would appear unduly prominent in the landscape.

In addition, given the vulnerability of the landscape a dwelling located on the development site would when viewed from, the critical viewpoints of the Downpatrick Road and the private lane accessing the site, appear to extend the existing development along the lane. The proposed dwelling would be read with Nos 35, 37, 39 and 41 Downpatrick Road along the associated sheds as shown below. The proposal would therefore contribute to a ribbon of development which is detrimental to rural character and contrary to both Policies CTY 8 and 14 of PPS 21.



PPS 3

The proposal seeks to utilise an unaltered access on the Downpatrick Road.

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

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

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

Neighbour Notification Checked	Yes
Summary of Recommendation	
<p>On balance and taking into account all the supporting information and consultation responses, it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is therefore unacceptable to prevailing policy requirements.</p>	
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposed development is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that no over-riding reasons have been provided to justify that the proposed development is essential in this rural area. 2. The proposed development is contrary to the SPPS and Policy CTY10 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that it would not visually link or be sited to cluster within an established group of buildings on the farm. 3. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal lacks long established natural boundaries and relies primarily on the use of new landscaping for integration. 4. The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal would if permitted create ribbon development. 	
Case Officer Signature: C Cooney	
Date: 10 May 2024	
Appointed Officer: A.McAlarney	Date: 13 May 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

POLICY CTY10 – DWELLINGS ON FARMS

The only matter in contention is the alleged lack of visual linkage or clustering – please refer to Visual Presentation

POLICY CTY13 – INTEGRATION AND DESIGN OF BUILDINGS IN THE COUNTRYSIDE

Permission will be unacceptable where:

a) It is a prominent feature in the landscape.

The dwelling proposed is sited north-east of no. 35 Downpatrick Road and south-east of 43 Downpatrick Road. The wider cluster does occupy a localised drumlin, but this area has had a significant cluster of buildings on it since the 1830s as evidenced by historical maps – See **Figure 1 – OS County Series 1st Edition (1832 - 1846)** and **Figure 2 - OS County Series 2nd Edition (1846 - 1862)**. The cluster of buildings is a well-known local landmark.

The proposed dwelling site is proposed to closely cluster with the two farm groupings. This is an intentional design decision which will allow a new dwelling to integrate into the building groups without appearing unduly prominent despite the elevated nature of the lands.

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

The lands are relatively flat albeit they are located on a localised drumlin. The drumlin, known locally as Crew Hill, is populated with a large number of existing buildings which comprise agricultural sheds and 5 no. detached residential dwellings. The site straddles an existing boundary, running on a south-east to north-west axis, this boundary comprises of banking, post and wire fencing and scrubby vegetation. On the basis of the case officer assessment regarding the active farm business, the applicant recommends a siting condition to ensure the new dwelling is sited in the lands east of that boundary identified by the ? in yellow shaded area in **Figure 4**.

Part of the south-eastern boundary, which runs along an existing laneway, is defined by post and wire fence with native species hedgerow interspersed with whin/gorse bushes. In addition, there is a further post and wire fence on the opposite side of the laneway (due south) that can be planted out as it is in the control of the applicant.

The north-western boundary of the new site (marked ? shaded yellow) is undefined, as is the north-eastern boundary.

However, the site sits adjacent to a large cluster of buildings which in themselves provide screening and a backdrop for the proposed site from most of the critical viewpoints in the surrounding area. There is no planned alteration or improvement of the public road access. To further aid the integration of the new dwelling the applicants suggest including a siting condition as part of the planning permission and this will help address issues raised by the case officer as the building will be partially tucked behind buildings currently located in the foreground when viewed from the south-east.

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

The site is located in close proximity to the coastline and therefore planting and screening becomes somewhat more difficult. Native species hedgerows perform best in this windy coastal environment. That said, this site is located adjacent to a well-established cluster of development and is capable of being integrated into the local landscape by those buildings as well as existing vegetation. New landscaping in the form of native species hedgerows will be established, but importantly the proposed site does not rely primarily on this for integration as explained above.

d) ancillary works do not integrate with their surroundings.

Not at issue

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

Not at issue

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

The proposed dwelling site is proposed to closely cluster with the two farm groupings. This is an intentional design decision which will allow a new dwelling to integrate into the building groups without appearing unduly prominent despite the elevated nature of the lands. The buildings group provides a strong backdrop and foreground screen for the proposed site when viewed from most of the critical viewpoints. The site benefits from a very generous set back from the public road thus critical views are over mid and long distance. The short distance view on the farm lane, identified by the case officer, will only be discernible to 1 no. household further along the lane (No. 35A), that property is owned by an aunt of the applicant. The existing landform and adjacent building group can accommodate a dwelling without any unacceptable adverse impacts.

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

This has been fully considered under Policy CTY10 – see Visual Presentation.

POLICY CTY14 – RURAL CHARACTER

Permission will be unacceptable where:

(a) it is unduly prominent in the landscape

This is fully considered at Policy CTY13 above and the proposal is not considered to be unduly prominent given the historical building cluster it is situated within.

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

Crew Hill would historically have been considered a clachan style rural development as evidenced by the historical maps of the area dating back to the 1830s. This was a traditional rural grouping of farmhouses and outbuildings, and the clustering nature of the proposed development therefore respects this strong rural character given the nature and layout of buildings. As such it is not suburban in character and this proposal will integrate into this established grouping and respect that longstanding and more haphazard rural character.

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

As above.

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

The building group is clustered in nature and the proposed development will sit within that cluster; therefore, ribboning is not an issue.

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

Not at issue, refer to the consideration above at CTY13 d.



Figure 1 – OS County Series 1st Edition (1832 - 1846)



Figure 2 – OS County Series 2nd Edition (1846 - 1862)

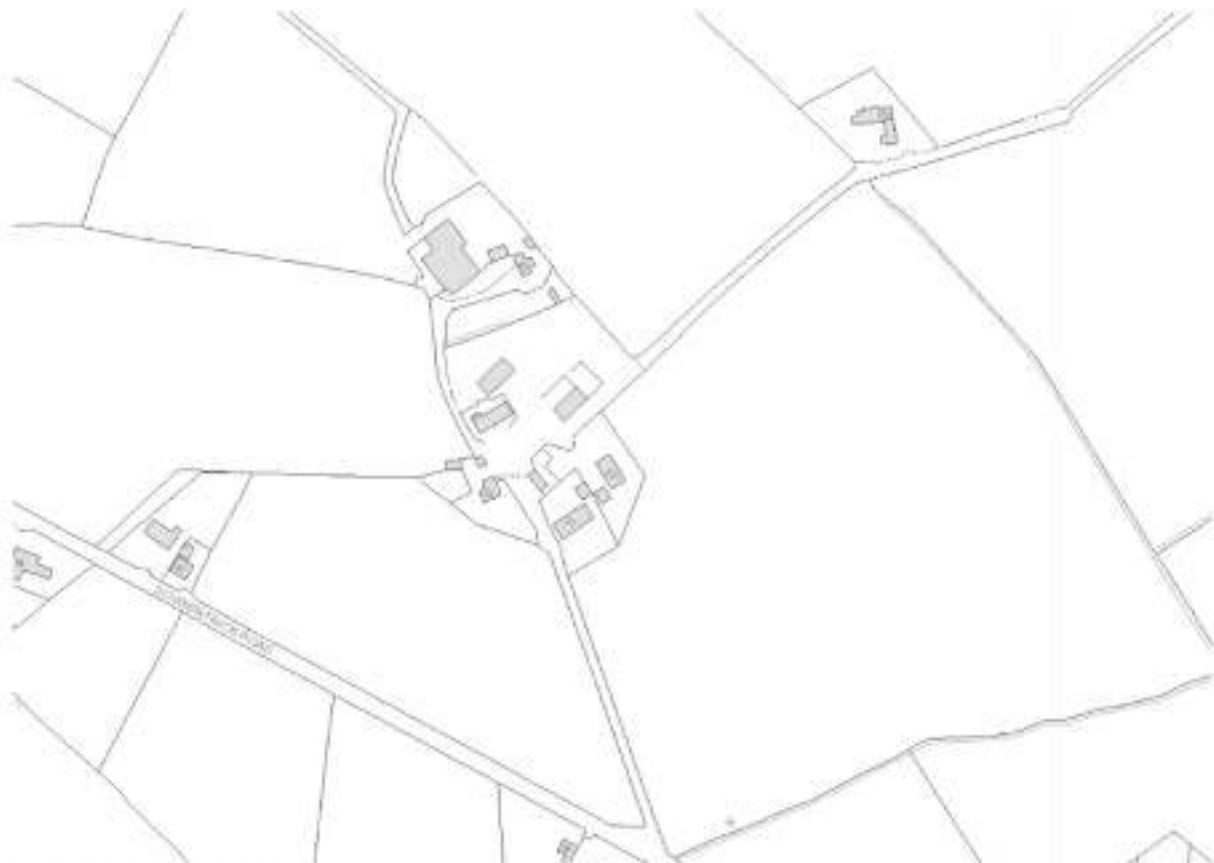


Figure 3 – OS Map 2024

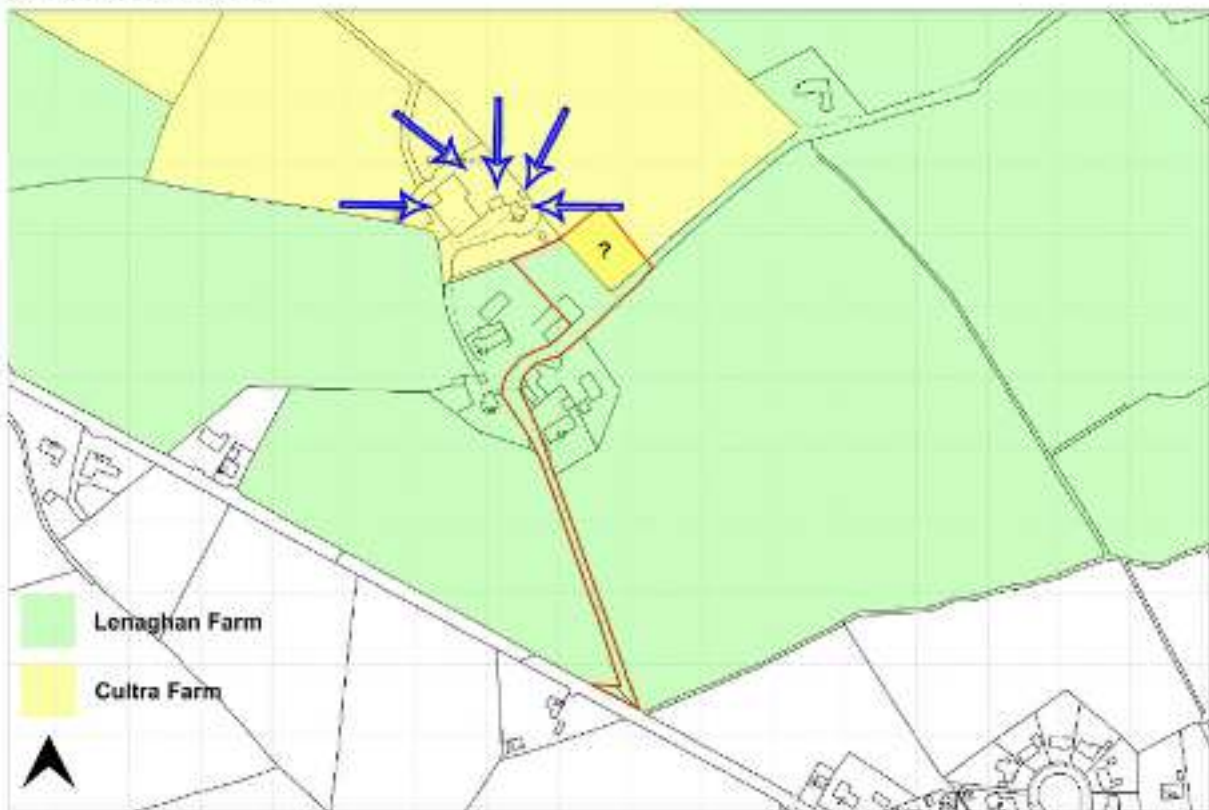


Figure 4 – Recommended Development Site Marked ? and shaded darker yellow
(*Note planning condition can secure actual siting of building towards the rear of this area to address concern re integration)
(*Blue arrows indicated Cultra farm building complex)

Planning committee speaking notes:

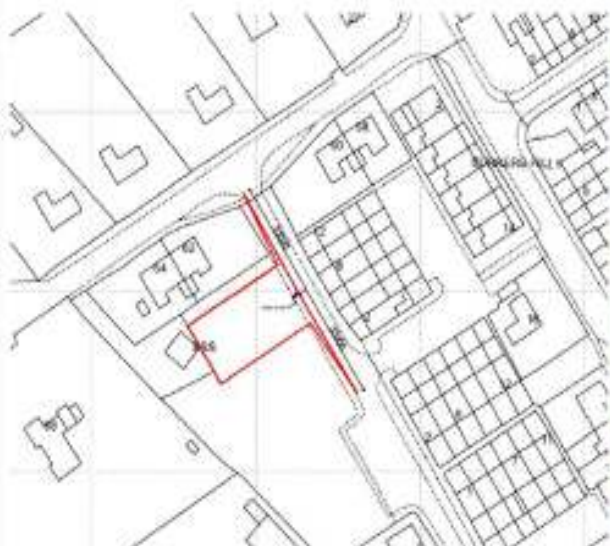
1. When considering Policy CTY10 Dwellings on a farm has 3 no. requirements the agent will speak on how the application clearly meets the needs, and I want to re-enforce that the application clearly displays that it has been active and established for at least 6 years. It also shows no dwellings or development opportunities out-with settlement have been sold off from the farm holding within 10 years of the date of the application. It is also my opinion that the new building is visually linked or sited to cluster with an established group of buildings on the farm.
2. When considering the planners report it is clear that consideration of this application has been one angle viewed when stating that the site does not have linkage to the existing farm buildings/dwellings. It is correct that the one angle presented by the planner does not show linkage, but when you consider all other angle views it clearly shows the proposed dwelling will be linked and closely clustered with two farm groupings. The applicant has shown a clear ambition to integrate into the building groups without appearing unduly prominent.
3. Second area of concern raised is the lack of screening to the site, but as the site is adjacent to a large cluster of buildings they act themselves as a screening to the site, primarily from critical viewpoints also.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3054/F	Target Date:
Proposal: Proposed single storey dwelling for persons with disability/complex needs	Location: Lands opposite 2-6 Drumee Drive, Castlewellan
Applicant Name and Address: Claire Coulter 2 Killyclogher Road Omagh BT790AX	Agent Name and Address: Michelle Scullion 2nd Floor Corner House 64-66a Main Street Coalisland
Date of last Neighbour Notification:	25 October 2023
Date of Press Advertisement:	23 August 2023
ES Requested: No	
Consultations: NI Water – Refusal -see report DFI Roads – No objections subject to conditions Environmental Health – No objections NIEA – Water Management – refer to conditions and informatives	
Representations: Colin McGrath MLA - Support Mr Gerard McFadden - Objection	
Letters of Support	1
Letters of Objection	3
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at lands opposite 2-6 Drumee Drive, Castlewellan.



Date of Site Visit: 12 October 2023

Characteristics of the Site and Area

The site is located on a portion of grassed open space of a rectangular shape measuring c. 450 sqm. The levels are generally flat with a slight fall away from road to the east into the north-western corner. The site is cut from the larger area of grassed open space. The SW boundary is partially defined by security fencing from the NIE poles, equipment and substation. The north of the site runs parallel to the residential housing at No's 62 and 64 Circular Road, by a wooden fence and two cherry blossom trees. The site is separated from the housing at Drumee Drive opposite by an internal road. There are young trees planted along the edge of the open space area to the south of the site. The wider western boundary of the open space is defined by mature trees and hedgerows.

Dwellings to north are a pair of semi-detached single storey dwellings, while the housing along Drumee Drive is two storey terrace dwellings. There is some communal car parking spaces further to the south of the site as part of the Drumee Drive estate. The area is residential in character.



Description of Proposal

Proposed single storey dwelling for persons with disability/complex needs.

Planning Assessment of Policy and Other Material Considerations

The site, which is in use as an existing area of open space, is located within the town of Castlewellan (within the AONB) outside any zonings and within 'whitelands' as per the Ards and Down Area Plan 2015 (ADAP 2015).

The following planning policy statements are relevant to the proposal;

1. The Strategic Planning Policy Statement for Northern Ireland (SPPS)
2. PPS 3 Access, Movement and Parking
3. PPS 7 Quality Residential Development
4. PPS 7 Addendum Safeguarding the Character of Established Residential Areas
5. PPS 8 Open Space, Sport and Outdoor Recreation
6. PPS12 Housing in Settlements

Published Guidance

Creating Places

Living Places - An Urban Stewardship and Design Guide for Northern Ireland

DCAN 8 - 'Housing in Existing Urban Areas'

DCAN 15 Vehicular Access Standards

Parking Standards

PLANNING HISTORYPlanning

Application Number: LA07/2021/2183/PAD

Proposal: One four complex needs dwelling with wheelchair access and four three bed general needs dwellings

Application Number: R/2001/1181/F

Decision: Permission Granted

Decision Date: 08 January 2002

Proposal: External alterations to existing NIHE dwellings.

Application Number: R/2002/0157/F

Decision: Temporary Approval

Decision Date: 18 April 2002

Proposal: Temporary accommodation while work is carried out to executive houses.

Application Number: R/2010/0049/O

Decision: Withdrawal

Decision Date: 23 April 2010

Proposal: Site for residential development.

REPRESENTATIONS

Colin McGrath MLA	Comment: Support
Mr Gerard McFadden	Comment: Objection
Mr Robert Keown	Comment: Objection
Ms Teresa Rice	Comment: Objection

Objections & Representations

In line with statutory requirements neighbours have been notified on 11.10.2023. The application was advertised in the Mourne Observer (Statutory expiry 07.09.2023). One letter of objection and 1 letter of support has been received in relation to the proposal.

- Strongly reject the proposal based on what the community around the location have conveyed.
- Once this green is built on then the rest of the green will be developed
- This will leave no space for the children in the area to play or a common ground for anyone to just escape, walking or whatever their reason.
- A local councillor has informed the people effected by the development that every community should have a green space, trees and the like to provide a connection to nature which is fundamental to mental wellbeing not just building houses upon every free spot available, beside people who don't want them there.

- The family that is getting the dwelling built for them are from the town of Castlewellan and another suitable site can be found to house the family catering for their needs.
- The site is open green space within the estate – children play here and do not want this green space destroyed
- View will be impacted
- Loss of light and loss of parking within the estate
- Transformer located on green area will this have a bearing
- Similar application submitted some time ago and refused

Email of Support from Colin McGrath MLA

- Application has been lodged by Rural Housing – the housing association. It is for a constituent and her family who are suffering from such dire accommodation and additional needs that they have met the criteria for a new build – which doesn't happen very often which highlights how bad their needs are.
- It has taken about a year to gather all the necessary info and evidence from various health bodies and another year to get it to the housing association and to the planning submission stage.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is currently within the remit of the Ards and Down Area Plan 2015 as the council has not yet adopted a local development plan. The application is located within the settlement of Castlewellan, within and with the Mourne AONB within the ADAP 2015.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

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

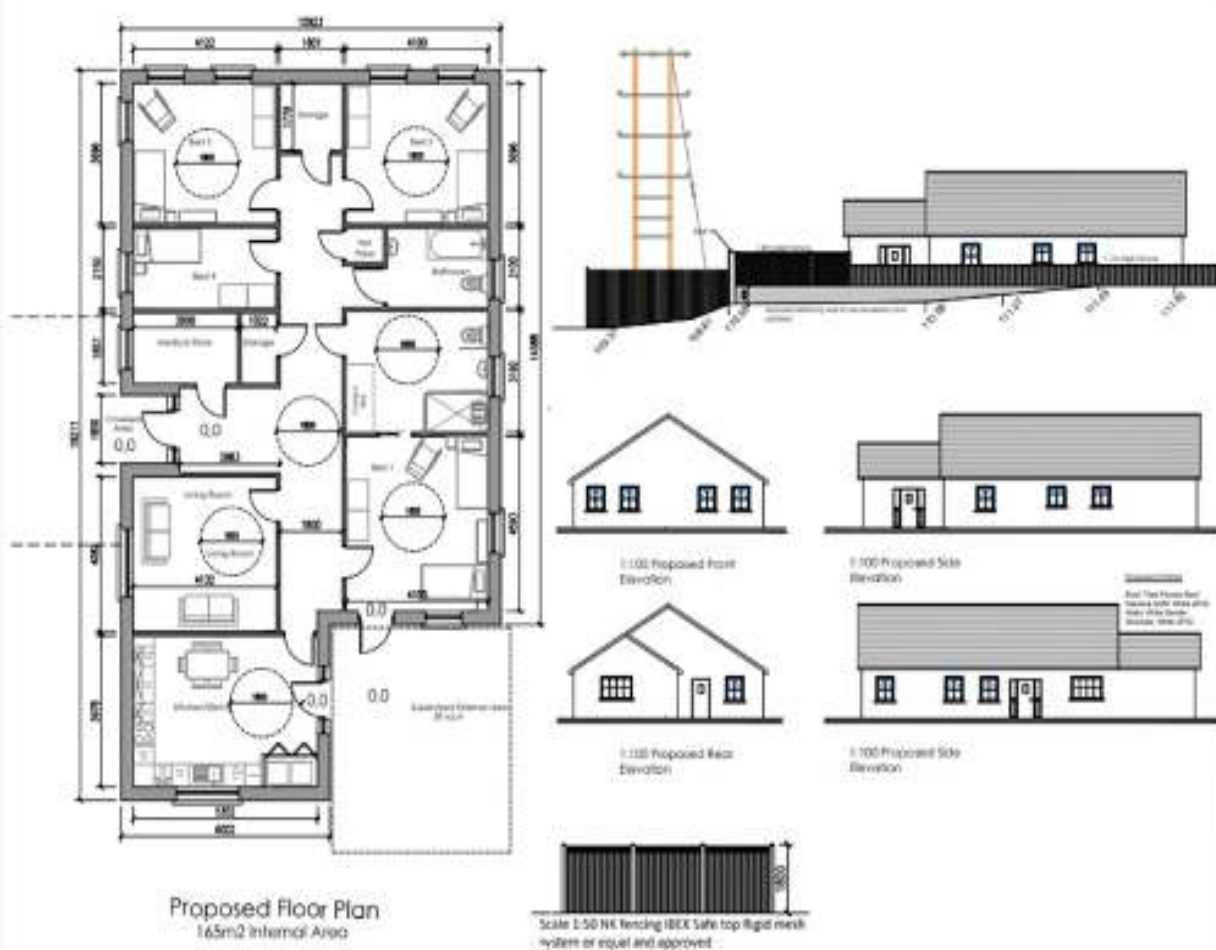
The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming,

its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

Proposal

The proposal seeks planning permission for a single storey dwelling for persons with disability/complex needs.

The application has been submitted by Rural Housing Association (RHA) who are a Housing Association.



Proposed floorplans and elevations

The key information for the housing need assessment area of Castlewellan is shown below:

Projected need to March 2027 = 111*Waiting list at 31 March 2023*

	Single	Small adult	Small family	Large adult	Large family	Older person
Applicants	71	11	57	<10	14	13
Housing Stress	59	<10	49	<10	<10	11
Allocations	<10	0	0	0	<10	<10

Within the area, it was advised that a need has emerged for a family who require a 6 Person / 4 Bedroom complex needs dwelling suitable for wheelchair users. The family consists of 4 adults and 1 child, 3 complex needs bedrooms are to be provided for a child and 3 adults. Occupational Therapists have provided a housing needs report to confirm these requirements, (due to confidentiality to the individual case no details pertaining to the case have been included). The RHA state that an existing dwelling of this nature is not available in the surrounding area and a purpose build is required.

RHA have made a case that there is an acute need for this type of dwelling to be located in this area. A similar type is not available in the area and a purpose build is required. A study was completed by NIHE for a suitable site and it is considered this site is the most appropriate for a number of reasons:

- It is readily available and in the ownership of NIHE;
- It is serviced by an existing roadway;
- Proximity of utilities;
- It is an attractive site with a pleasant view.
- The proposal would provide an increased level of surveillance.
- The current open space equates to 0.4 ha of the Drumee Drive estate. The Drumee Drive estate measures 1.8 ha, therefore the current open space provision equates to 22%. The proposed development on a portion of this open space will see the provision reduce from 0.4 ha to 0.34 ha, which results in 3% reduction to 19% of the Drumee Drive estate being retained as open space.

RHA indicates that there are alternative open space/recreational space close by. Including the GAC pitch and Castlewellan Community Centre (4G Pitch) are located on Circular Road, which is approximately a 3-minute walk from the proposed site. There is also a playground in St. Malachys Drive which is also a 3-minute walk away. They indicate

that these close by facilities provide a function close to the site, which could help with the loss of open space.

A pre-application community consultation meeting took place for the proposed social housing unit located at Drumee Drive, Castlewellan, which was subject to a 6-week public consultation exercise. The proposal was available to view via Rural Housing Associations webpage between 18th May and 29th June 2023. This material can be viewed at appendix A of the agent's supporting statement.

Further information was requested from the agent with regard to the outcome of the public consultation process.

The agent submitted this information and advised that the consultation process consisted of a letter drop to 31 residents in the Drumee Drive, Drumee Gardens, Drumee Walk and Circular Road properties. The letter drop exceeded the suggested 90m radius to ensure as many residents were made aware of the proposal and to obtain as much feedback as possible prior to applying for planning permission.

A presentation was uploaded to their website which residents were directed to. This provided information on the proposed plans, which included location, floor plans, elevations and also information on the Association's housing and maintenance services. Provision to post out hardcopies was made available upon request.

Of the 31 households consulted, the Association took phone calls from 4 residents, which equates to a 13% response.

A summary of the comments made are as follows:

- Loss of play area with direct view from property
- Unhappy that the proposal is directly beside their property.
- Disruption of direct view of the green space
- If the single unit goes ahead, would this open up opportunity to develop the rest of the land.
- Who is the property for, are they local?

The agent has submitted a community consultation analysis and within that they responded to the residents who had the above concerns. This is available to view on the planning portal.

While the area is not zoned for open space in the ADAP 2015, the site and the lands to the south are currently an area of well-maintained open green space. The relevant planning policy provision is provided by Policy OS 1 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation.

PPS 8 - Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation

PPS 8 sets out policies for the protection of open space. PPS 8 states that Open Space is essential in any community and refers to the positive contribution it makes to amenity, recreation, nature conservation, biodiversity, and the quality of the residential environment. It further states that Open Space and the use of such space contributes to the health and quality of life for all. Policy OS1 of PPS8 states that development will not be permitted that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of open space will apply irrespective of its physical condition and appearance. Annex A of PPS8 provides the definition stating that "open space is taken to mean all open space of public value". The Annex also lists a broad range of types of open space that are of public value. This includes amenity green space (most commonly, but not exclusively in housing areas).

The agent has advised that alternative options were explored to try and facilitate this family's needs. This included investigating potential properties on the open market for purchase and adaptation to suit the family's needs. They deem that no suitable solutions were found. There are no new social housing developments programmed for the area and therefore the option to proceed with a planning application to build a bespoke unit for the family on this open space has come about after all other options have been exhausted.

Those immediately affected are the two properties on Circular Road and the properties on Drumee Drive directly opposite the site. However, the application site forms part of a wider, well-maintained portion of open space originally planned as an integral part of the original housing layout and intended to serve all of the residents.

While the SPPS recognises that supporting the delivery of homes to meet the full range of housing needs helps achieve the core planning principle to improve health and well-being, however, PPS 8 policy OS 1 is clear in that that development that would result in the loss of existing open space will not be permitted. Policy OS 1 also states that an exception to the presumption against the loss of existing Open Space will be permitted

where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the Open Space. While the evidence provided demonstrates that there is a need to deliver this bespoke complex needs unit, and while the Planning Authority is sympathetic to the situation, there is no evidence to suggest that there is overwhelming support for the proposal nor that it would bring community benefits, as required by PPS 8. It is considered that, notwithstanding the specific need, as outlined, the loss of this part of an area of planned open space to provide a dwelling house would not constitute a community benefit as envisaged in PPS 8. While the applicant has sought to minimise the extent of the loss of open space, in overall area terms, it is considered that this proposal, if approved, would have a negative impact on the existing area of open space. It would reduce its overall recreational and amenity value and could lead to future piecemeal erosion of this important area of open space. It would have a negative impact on the amenity and character of the surrounding Drumee Drive Housing Area. On this basis the proposal would involve the loss of existing open space, contrary to prevailing planning policy.

Annex A in PPS 8, indicates that the functions of open space include visual amenity, even without public access, people enjoying having open space near to them to provide outlook, variety in the urban scene, or as a positive element in the landscape.

Annex C of PPS 8 – is titled 'Key Bodies which make a valuable contribution to the development of Open Space, Sport and Outdoor Recreation', which makes reference to NIHE. Paragraph C12 makes reference that there are some Housing Executive estates, usually dating from the 1960's and 1970's, where the design has resulted in large areas of ill defined open space - typically taking up to 60% of the estate. Many of these areas have become problematic and difficult to manage. Para C13 goes on to state that 'In such cases it is considered that there can often be substantial community benefit in permitting the appropriate redevelopment of a part of the open space provision where this forms part of a package of measures aimed at restructuring the remaining areas and improving the overall estate layout.' It is considered that this would not apply in this case given that the current open space could not be described as expansive, but appropriate to the size of the estate in Drumee Drive and no other package of measure have been put forward to warrant its loss.

In this case, the proposal would therefore be contrary to policy OS 1 of PPS 8.

Notwithstanding the above and in the interests of completeness, the proposal was assessed against the provisions of Policy Planning Policy Statement 7 (PPS 7) 'Quality Residential Environments. It is considered that the proposal meets with the requirements of the Policy QD 1 of PPS 7. However, given the nature of the proposal and its location

within an existing area of open space, greater weight must be attached to the requirements of PPS 8, in the assessment of this application, as outlined above.

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.

DfI Roads was consulted on the application and following a number of amendments, is now content and has no objections. The proposal complies with AMP 2 of PPS 3. The proposal has sufficient parking and turning.

Other Matters

NIE

The agent indicated that they had submitted an application to NIE in September 2022 who advised there were no issues with regard to where the building is positioned, provided the NIE equipment is untouched. There are 2 existing cables which run up the side of the house where the driveway is shown, which one can be used for connection. As this application has since expired, there is currently an application re submitted with NIE. The granting of planning permission does not negate the need for other consents outside of the planning process.

NI Water

NI Water has confirmed that there is available capacity at the Waste Water Treatment works, however, an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. NI Water has therefore requested a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. The agent has submitted a WWIA in January 2024. Any approval would be subject to a negative condition on any decision notice, that no development commences until the NIW have agreed to a connection.

Conclusion

All material considerations have been considered as part of the assessment including the objector's concerns, the letter of support and the agent's case, including all supporting information. However, on balance, it is concluded that the proposal would result in the loss of open space and it has not been demonstrated that the proposal is an exception to the policy. It has not been demonstrated that the proposal would bring

substantial community benefits that decisively outweigh the loss of the open space and there is no overwhelming support for the proposal, from the community.

Recommendation:

Refusal

Refusal Reason:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy OS 1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that the development, if permitted, would result in the loss of open space and it has not been demonstrated that the proposal is an exception to the policy in that it has not been clearly shown that the proposal will bring substantial community benefits that decisively outweigh the loss of the open space or will have no significant detrimental impact on the amenity and character of the immediate area.

Informative

1. The plans to which this refusal relate include:

Site location plan PL003D

Site layout & Floorplans – PL002F

Proposed Floorplans & Elevations - PL001B

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation - Refusal
--

Case Officer Signature: C Moane	Date: 29 April 2024
--	----------------------------

Appointed Officer Signature: P Rooney	Date: 29 April 2024
--	----------------------------

**RE: Rural Housing Association Request for Speaking Rights at Planning Committee Meeting
Wednesday 12th June 2024**

LA07/2023/3054/F - Lands Adjacent to 2-6 Drumee Drive, Castlewellan

Submission on behalf of Paul Fox, Development and Property Assets Director, Rural Housing Association

In response to the Planning Authorities recommendation to refuse this application, the Association would like to demonstrate to the Planning Committee that approval of this application qualifies for an exemption under PPS8 OS1 for the delivery of a single social housing unit.

Background

The application to develop a single storey dwelling at Drumee Drive, Castlewellan is in response to a family living within the local area who have an acute housing need.

The family are currently tenants of NIHE and Rural Housing Association have been nominated to develop a dwelling suitable for this family's needs.

Between NIHE and Rural Housing Association various options were explored and discounted before bringing forward the option to develop a portion of open space land at Drumee Drive. This was deemed the last option as other alternatives had been exhausted.

From June 2020 the Association searched the open market for properties in the local area that could be adapted to suit the family's need. Castlewellan has a strong housing market which made securing a property difficult. After a number of unsuccessful attempts to identify a suitable property it was agreed that this option was unsuitable to address the family's long term housing needs.

Development land within the area is limited with all zoned housing land as per (Map 3/008a – Castlewellan) being developed out. Identification of brownfield sites have been limited due to factors such as landowners preferring private development opportunities. There are no new social housing schemes programmed in the area.

NIHE undertook an assessment of their landholdings in the Castlewellan area, which consisted of open space within their existing estates. The land at Drumee Drive was the only suitable option as other portions of land were deemed too small to develop.

Policy OS1 PPS8

We would ask that the committee give the following points further consideration as a substantial community benefit against PPS8 OS1.

This new build unit will achieve the following:

- i. Providing a quality social housing unit for a family with 3 individuals with complex needs who are residing in a property that cannot accommodate their basic needs. The bespoke unit will improve their quality of living standards.
- ii. Enhance the area with the proposed unit providing screening to the NIE substation, which will provide a more aesthetically pleasing view.

- iii. Minimal impact on biodiversity as area is currently grassed.

Development of this open space would bring the following community benefits:

- i. This new build dwelling will provide a quality social housing unit for a family with 3 individuals with complex needs. The benefits realised from the delivery of this unit will enhance the living conditions for a family with acute health conditions, but also their support network will greatly benefit. Access to quality housing will positively improve general day to day living which will reduce the strain on carers, health workers and other agencies. These positive social outcomes benefit not only the family but the wider community which they are a part of.
- ii. The development will see employment within the construction industry for the duration of the contract.
- iii. Apprenticeship opportunities for local unemployed people.
- iv. Create an attractive addition to the estate with increased surveillance over the remaining open space.

Loss Open Space

The proposed site measures 0.04ha which equates to 3% of the total open space land available in Drumee Drive. The reduction in open space is minimal, therefore should be considered a weighting factor in the decision of this application. The benefits achieved by the development of this unit are deemed to outweigh the loss of open space at this location.

The land lost due to the proposed development can also be outweighed by the three substantial zoned sites of amenity and recreation space in close proximity of Drumee Drive, at Circular Road and St Malachy's Drive.

The Case Officer has indicated in their report that the proposal would have a negative impact on the existing area of open space by reducing the overall recreational and amenity value and could lead to future piecemeal erosion of this open space. The Association disagrees with this statement as a minimal amount of land has been selected to develop this proposal. This ensures that the maximum amount of land is retained for open space. If a larger area of land was selected, then the argument could be justified. It is difficult to comprehend how using 3% of this land would reduce the overall recreation and amenity value of the open space.

The Association believes it has presented a proposal which fulfils the exemption criteria of Policy OS1 PPS8.

Planning Committee 'Call in' Request Form

155

Delegated Application List w/c: 7 th May 2024	Planning Application Number : LA07/2023/3054/F	Requested by:
---	---	---------------

PLEASE NOTE THAT SUBMISSIONS SHOULD BE ON THIS FORM AND LIMITED TO TWO PAGES. ANY ADDITIONAL INFORMATION BEYOND TWO PAGES WILL BE DISREGARDED.

Description of the application -

Proposed single storey dwelling on lands opposite 2-6 Drumee Drive, Castlewellan

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

Refusal. The proposal is contrary to the SPPS and Policy OS1 PPS8 in that the development, if permitted, would result in the loss of open space and it has not been clearly shown that the proposal will bring substantial community benefits that decisively outweigh the loss of the open space or will have no significant detrimental impact on the amenity and character of the immediate area.

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

1. PPS8 – Policy OS1 – Protection of Open Space. NIHE and Planning Service have a joint protocol regarding an exception to PPS 8. The Council have previously applied this protocol to the following application - LA07/2020/0661/O Housing development and stated that "*Policy OS 1 states that an exception will be PPS8 protocol document agreed between Planning Service and NIHE for assessing applications against Policy OS1 (PPS8) must have relevance in this instance, as it is intended to transfer this site back to the NIHE or their partnering agencies for the provision of social housing and their statement is set out in line with Annex A of the protocol*". It was recognised that social housing was an exception in this instance and in essence represents a substantial community benefit, however the case officer did not explore this exception or the Council's precedent of approval using this protocol in their assessment.
Alternative options – existing properties and sites in the area have been exhausted as required by PPS 8 joint protocol.
2. Principle of Development – The application site is located within the Settlement Limit of Castlewellan as designated in the ADAP 2015. This policy therefore provides broad support for the principle of this proposal.

Planning Committee 'Call in' Request Form

156

Set out why this application should be determined by Committee rather than officers –

The application should be determined at Committee for the following reasons:

1. Policy OS1 PPS8

The exemption Case and additional supporting information should be given further consideration as a substantial community benefit against PPS8 OS1.

This new build unit will achieve the following:

- i. Providing a quality social housing unit for a family with 3 individuals with complex needs who are residing in a property that cannot and will never accommodate their basic needs. This will have both an immediate and long-term impact on the health and wellbeing of the entire family unit. This family have been on the transfer list for an accessible property in this location since 2014, but unfortunately a suitable property has not been identified. Due to an existing shortage of available homes at this location, the Housing Executive and other social housing providers have been unable to identify a suitable alternative over this 10-year period. Through an options appraisal, it was identified that the only remaining option was the identification of a site in the area for a bespoke new build property. This bespoke unit will improve their quality of wellbeing and provide a lifetime home for this family who are settled and connected to this community.
- ii. Enhance the area with the proposed unit providing screening to the NIE substation, which will provide a more aesthetically pleasing view.
- iii. Minimal impact on biodiversity as area is currently grassed.

Development of this open space would bring the following community benefits:

- i. The provision of a social housing unit for a family within this community with acute and challenging housing needs will go some way in reducing further impact and allow them to remain close to their existing and vital support network. The family have occupied a Housing Executive home in Castlewellan since 2003 and have been on the transfer list since 2014. Access to quality housing is positively associated with health, education, and child development outcomes. These positive social outcomes benefit not just the individual but also the wider community of which they are a part.
- ii. The development will see employment within the construction industry for the duration of the contract.
- iii. Apprenticeship opportunities for local unemployed people.
- iv. Create an attractive addition to the estate with increased surveillance over the remaining open space.

2. Percentage of Open Space Lost

The overall % loss of open space should be discussed as a weighting factor in the decision of this application. 3% of the total open space will be lost, however the benefits realised from the proposed unit far outweigh this, which we believe can only be appreciated at Committee level. The open space referred to is not zoned in the ADAP 2015 (Map 3/008a – Castlewellan). On review of the map, there are three substantial zoned sites of amenity open space and recreation in close proximity of Drumee Drive. This should be factored against the decision of the loss of this space at Drumee Drive.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2773/O

Date Received: 22 May 2023

Proposal: Proposed Site for Infill Dwelling

Location: The application site is located lands north of 49 Bridge Road, Burren, Warrenpoint, BT34 3QT

Site Characteristics & Area Characteristics:

The application site is located immediately opposite and east of the junction with Derryleckagh Road, Burren. The site is a triangular roadside agricultural field enclosed at the roadside with mature hedgerows. The site has frontage to the Bridge Road. There is no roadside access to the site. A private laneway is located on the northern boundary which provides access to. An agricultural field gate is located on the northern corner of the application site. Nos.49, 49A and 47 Bridge Road are set back from the roadside by an agricultural field which is the application site. These dwellings do not have frontage to Bridge Road due to their separation distance and the intervening field. There are number of sheds and outbuildings located to the east of the application site. The eastern boundary of the site is defined by timber post fence approx. 1m high. The topography of the site rises steeply away from the roadside towards the rear boundary. A new replacement dwelling, No.46 Bridge Road, is almost complete and located to the west of the application site at the road junction.



**Site History:**

P/1990/0837 Site for Bungalow. South Of No47 Bridge Road Burren Warrenpoint. Withdrawn

P/1995/0674 Erection of replacement bungalow. Bridge Road Burren Warrenpoint (Adjacent to No 49). Permission granted.

Planning Policies & Material Considerations:

This planning application has been assessed against the following:

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

Consultations:

NI Water: - Approved standard conditions.

DFI Roads – No objection in principle subject to the condition below:

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



The Planning Department made the agent aware via email on 10 January 2024 that the proposed site failed to meet policies CTY 8 and 2a. The reasons which will be outlined in further detail in the following sections of this report.

Banbridge, Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside.

Section 4.3 and 4.5 is relevant to this application. The guidance document sets out examples of CTY 2a and CTY 8 in practice. The document states both policies will require care of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

Planning Policy Statement 2 Natural Heritage

Policy NH 5 states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

The proposal is for a new dwelling in an existing agricultural field. The required visibility splays are 2.4m by 90m. Works will be required to achieve the access, and this may require some loss of planting. It is considered any impact will be limited and compensatory measures could be conditioned to offset impact. The roadside boundary includes a mix of fencing and overgrown shrubbery.

Policy NH 6 states that planning permission for a new development in an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered a dwelling (if it meets the principle of development) could be accommodated on the application site without having an adverse impact on the AONB.

PPS21 - Sustainable Development in the Open Countryside

Policy CTY 1 states a range of types of residential development which in principle are considered to be acceptable in the countryside. The description of the proposal as outlined above is for an infill dwelling. Supporting documentation refers to Policy CTY 8 and CTY 2a. Therefore, an assessment against both CTY2a which is to grant permission for a dwelling at an existing cluster and CTY 8 to grant permission of a dwelling on the basis of infill is detailed below. Policies CTY 13 and 14 will also apply as these policies deal with integration and rural character.

CTY 2a – New Dwellings in Existing Clusters

Policy CTY2a indicates that planning permission will be granted for a dwelling at an

existing cluster of development subject to all six criteria being met, the assessment against the criteria is as follows:

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more building (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. There are no farm buildings on the application site and there is no evidence of the land being used for farming activities therefore it is likely that the site is located outside a farm. There are four dwellings in the vicinity of the application site as shown in yellow on the map below. Three are located to west of the site (49, 49A and 47 Bridge Road) and one is located to the east (46 Bridge Road). No 46 Bridge Road has a dual frontage on to Bridge Road and Derryleckagh Road. The other dwellings are set back from the roadside ranging from 40m – 207m, with No 47 the furthest. When travelling along this road or when standing in the application site the dwellings referred to above bear no similar relationship in terms of their siting and spacing between these buildings in line with the thrust of the policy.



Based on the visual relationship of the buildings in the immediate vicinity of the site I feel that the proposal is at odds with the second criterion which indicates that the cluster should appear as a visual entity in the local landscape. The three dwellings to the west - 49, 49A and 47 Bridge Road) are set back from the road, do not have any frontage on to Bridge Road and due to their set back and large separation distances and gaps together with the general topography mean they do not appear as a visual entity. Only one of these dwellings (No.49) is visible from the road which the roof can be seen as it separated from the roadside by an agricultural field (application site).

The others – 49A and 47 are set back a considerable distance from the road and bear no relationship to the road frontage on Bridge Road. For this reason, it is considered the criteria is not met.

The third criterion requires a new dwelling to cluster with a focal point. In this instance the agent has indicated that the focal point is a rath 175m west of the application site as shown in the supporting documentation submitted below. The rath is not visible from the road frontage or from the application site.



The policy requires that the focal point is a social /community **building/facility** (my emphasis). A rath is not a building and in this instance, it does not appear to be a facility used by the community as current aerial photography shows it is part of a garden area of No. 47 as outlined in orange on the map below. Aerial photography



also shows the rath has been cleared somewhat over the last number of years. Furthermore, the application site is located at the junction with Derryleckagh Road and is not at a cross-roads. For the purposes of policy this small rath which forms part of a domestic curtilage is not a community facility. Criterion three is not met.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. It is considered the application site has well established boundaries on the roadside (east) by ex. landscaping and trees. The southern boundary is also enclosed by mature trees. It is fair to say there is a suitable degree of enclosure. In terms of whether the site is bounded by development on two sides within the cluster it is considered the site is bounded by 49 Bridge Road southwest of the site. To the east is No. 46 Bridge Road, however it is separated from the application site by Bridge Road. The site is not bounded by any buildings to the north or south. The fourth criterion is not met.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. It is considered that the development of this site would add to build-up of development in the area. It is considered this site sits in isolation along the Bridge Rd with no development to either side. The fifth criterion is not met.

The sixth criterion requires that the development would not adversely impact on residential amenity. The application site is an adequate distance from nearby residential properties to avoid conflicts with loss of amenity. The proposal meets this criterion.

In summary the proposal fails to meet five of the six criteria in Policy CTY 2a as outlined above.

Policy CTY 8 Ribbon Development

Policy CTY 8 indicates that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built-up frontage. The policy defines this as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. It is considered that the proposal does not represent a gap site in accordance with CTY8. Whilst there are buildings to the west and southwest, these buildings are set back from the road and do not have any frontage on to Bridge Road. These buildings bear no relationship to the common road frontage on Bridge Road. Therefore, if permitted, the proposal would be contrary to the thrust of Policy CTY 8.

Policies CTY 13 and 14

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local

area. In terms of integration and the rural character the site is well enclosed along its boundaries to the east and south by existing mature hedgerows and trees. Therefore it is considered that a dwelling could be accommodated on this site if the principle of development exists. However, when assessed against CTY 8 the application site would extend the existing scattered ribbon of development along Bridge Road and it would result in a sub-urban style build –up when viewed with existing and approved buildings, thus is contrary to CTY14. Taking into account the above, Refusal is recommended.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS (NI) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS (NI) and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the proposed dwelling is not located within an existing cluster of development consisting of four or more buildings of which at least three are dwellings;
 - the cluster does not appear as a visual entity in the local landscape;
 - the cluster is not associated with a focal point and is not located at a cross-roads;
 - the proposed site is not bounded on at least two sides with other development in the cluster;
 - the development of the site would not be absorbed into the cluster through rounding off and consolidation and would visually intrude into the open countryside.
3. The proposal is contrary to the SPPS (NI) and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development, add to a ribbon of development along Bridge Road, and would further erode the rural character of the area.

This decision relates to the following plans submitted – 01, 02 and 04A.

Case Officer Signature: Clare McCoy

Date: 2 May 2024

Authorised Officer Signature:

M Keane 02-05-24

This application has been assessed under CTY2 "Cluster" – where 6 criteria needs to be met, the case officer feels that this fails under 4 of these noted below;

Nr 1 "The cluster appears as a visual entity on in the local landscape"

As can be seen from the map and the image below, there are approx. 17 buildings / dwellings / outhouses / sheds including various businesses all with the vicinity, and the cluster is easily identifiable from all approaches, whilst all of the development around the vicinity of the junctions are difficult to see from a static viewpoint, it would be considered that travelling past this cluster on all approaches that there is a transient awareness of a cluster of development which is approached as visual entity in the local landscape (a similar position was taken by an PAC commissioner on decision 2014/A0245)



Nr2. The cluster is not associated with a focal point, the policy stated, this should be a social / community building / facility or crossroads

We have hi-lighted the Rath in the documents as a "focal point" as there is a Rath adjoining the site and also a Mass Rock, however, as the case officer states, this should be a social / community building / facility.

The site has a care trade centre directly North which is a community charity (planning history P/2006/1426/F).

There is also a meeting (prayer) house adjacent to the site which I have hi-lighted on the attached map, this is used for pray meetings 4 times a week



Directly East of the site is a number of business including a mechanic and an auction house – therefore I would say that there are a number of social / community



Nr3. The site is not bound on at least two sides with other development in the cluster

The site is bound on at least 2 sides, see above due to the shape of the site it is bound to both the North / East boundary and the Southern boundary by commercial buildings and a dwelling.

Nr 4. The development of the site would not be absorbed into the cluster through rounding off and consolidation and would visually intrude into the open countryside.



As can be seen from the image above this development could be absorbed into the cluster.

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 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Carmlough 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 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carrivekeeny Road Newry Co. Down.	Defer	P Rooney/A Donaldson	Planning Application being held, to enable submission of bat emergency surveys, until May 2024.	N
PLANNING COMMITTEE MEETING 26 JULY 2023					
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	Planning Application being held to enable applicant to be amended to social housing provider	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 23 AUGUST 2023					
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	Revised proposals submitted for lay-by. Ongoing with agent/DFI Roads	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan	2no. infill dwellings and garages	A McAlarney	Deferred to allow the applicant time to amend the access route as outlined on the application	N
PLANNING COMMITTEE MEETING 6 MARCH 2024					
LA07/2023/2331/F	Lands 80m to the West of Moss Road, Ballynahinch	Dwelling on a farm	A McAlarney	Deferred for legal advice	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 15 MAY 2024					
LA07/2023/2511/O	Lands South of 32 Moneyscalp Road, Kilcoo	New dwelling and associated works on a farm	A McAlarney	Deferred at request of applicant	N
LA07/2022/1696/O	Land approx. 58m East of No.11 Flagstaff Road, Newry	Proposed dwelling and detached domestic garage on an infill site	P Rooney	Deferred for a site visit	N