



July 5th, 2024

Notice Of Meeting

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

Committee Membership 2024-2025:

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

Items 6, 7, 8 and 9: Cllrs Campbell, Hanna, Larkin, McAteer, D Murphy and S Murphy attended the site visits on 20 June 2024.

4.0 Minutes of Planning Committee held on 12 June 2024

 [Planning Committee Minutes 2024-06-12 .pdf](#)

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

 [Addendum list - 10-07-2024.pdf](#)

Page 13

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


6.0 LA07/2023/2773/O - Lands North of 49 Bridge Road, Burren, Warrenpoint, BT34 3QT - Proposed Site for Infill Dwelling

For Decision

REFUSAL

In line with Operating Protocol, no further speaking rights are permitted on this application.

Mr Shane O'Neill, applicant, will be present to answer any questions members may have.

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

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

For Decision

REFUSAL

In line with Operating Protocol, no further speaking rights are permitted on this application.

Sinead Collins will be present to answer any questions Members may have.

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

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

For Decision

REFUSAL

In line with Operating Protocol, no further speaking rights are permitted on this application.

Mr Gerry Tumelty will be present to answer any questions Members may have.

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

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

For Decision


This item has been deferred to a future committee date.

Development Management - Planning Applications for determination

10.0 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.F.pdf](#)

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11.0 LA07/2023/2534/O - 22 Rathmore, Warrenpoint, Newry, BT34 3SF - Proposed New Dwelling and Access to existing garden area.

For Decision

APPROVAL

 [LA07.2023.2534.O.pdf](#)


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12.0 LA07/2023/3395/F - 51 Hearty's Folk Cottage, Lurgan Road,

Newry, BT35 9EF - Proposed holiday park to include 17 no. chalets, parking, landscaping, open space, access and ancillary site works (Amended description)

For Decision

APPROVAL


 [LA07.2023.3395.F.pdf](#)

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13.0 LA07/2023/3639/F - Lands located within the Invest NI Business Park, approximately 150m east of Modern Tyres, at 18 Derryboy Road, Newry, BT35 6QJ - Erection of manufacturing facility for the production of paper/corrugated fibreboard products to incorporate dispatch and storage areas, waste room, office and welfare facility, car/lorry parking, turning and loading areas and associated boundary treatments and site works

For Decision

APPROVAL

 [LA07.2023.3639.F.pdf](#)

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14.0 LA07/2023/2848/F - Downshire House, 22 Merchants Quay, Newry - Change of use from apartments to dental surgery on rear wing of second floor and retention of external escape staircase (from first to second floor) at rear of existing building.

For Decision

APPROVAL

 [LA07-2023-2848-F.pdf](#)

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15.0 LA07/2023/3492/O - Immediately north-west of 102 Tullybrannigan Road Newcastle - Renewal of previously approved application for infill dwelling LA07/2020/0655/O


For Decision

APPROVAL


On agenda as a result of the call-in process.

Speaking rights have been requested by Andy Stephens in objection to the application.


Speaking rights have been requested by Declan Rooney in support of the application.

 [LA07.2023.3492.O.pdf](#)

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 [15. LA07.2023.3492.O - objection.pdf](#)

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 [15. LA07.2023.3492.O - support.pdf](#)

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16.0 LA07/2022/1777/F - 75m SE of no. 169 Longfield Road Forkhill Newry - Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground wash 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

Speaking rights have been requested by Brendan Quinn, agent, in support of the application.

 [LA07.2022.1777 - CO REPORT.pdf](#)

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 [16. LA07 2022 1777 F.pdf](#)

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17.0 LA07/2022/1521/F - Lands at 8 Corcreechy Road Newry (to be accessed from Lisserboy Road) - Erection of new commercial store with packing lines, and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; retention of extended yard area with the relocation of fireworks storage containers; retention of boundary walls and associated landscaping and siteworks. (Amended Plans)

For Decision

This item has been deferred to a future Committee date.


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

For Decision

REFUSAL

On agenda as a result of the call-in process

Speaking rights have been requested for Nicholas O'Neill and Martin McClelland in support of the application.

 **LA07.2023.2511 - CO REPORT.pdf**

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18. LA07-2023-2511-O.pdf

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Local Development Plan Items - Exempt Information

20.0 LDP Work Plan Update

For Information

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

PC Report re LDP Progress - July 2024 Update.pdf

Not included

Appendix 1 - LDP Progress - July 2024 Update.pdf

Not included

FOR NOTING Items deemed to be exempt under Part 1 of Schedule 6 of the Local Government Act (NI) 2014

21.0 Audit Report Action Plan

For Information

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

 ***Audit action plan.pdf***

Not included

22.0 Historic Action Sheet

For Information

📄 *Planning Historic Tracking Sheet - 2024.06.12.pdf*

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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 Tiarna 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
- Maureen/Joanne Morgan/Johnston
- Cllr Declan Murphy
- Sinead Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy
- Cllr Siobhan O'Hare

Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Cllr Gareth Sharvin
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Donna Starkey
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Nicola Stranney
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Central Support Unit
.....
Mrs Marie Ward
.....
Cllr Helena Young
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 12 June 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor Campbell	Councillor C Enright
Councillor K Feehan	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 J McGilly, Assistant Director of Regeneration
 Mr Pat Rooney, Principal Planning Officer
 Mr Peter Rooney, Head of Legal Administration
 Mr M Keane, Senior Planning Officer
 Ms A McAlarney, Senior Planning Officer
 Ms S Taggart, Democratic Services Manager (Acting)
 Ms F Branagh, Democratic Services Officer
 Mrs N Stranney, Democratic Services Officer

P/047/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Councillor D Murphy welcomed Councillor Hanna as Deputy Chairperson.

The Chairperson advised that item 18 had been deferred to a future date.

P/048/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/049/2024: 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, Larkin, King, McAteer, D Murphy and S Murphy attended a site visit on 23.05.2024.

MINUTES FOR CONFIRMATION**P/050/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 15 MAY 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 15 May 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 15 May 2024 as a true and accurate record.

FOR DISCUSSION/DECISION**P/051/2024: ADDENDUM LIST**

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

Councillor Hanna proposed that item 8, LA07/2022/0128/F be deferred to allow objectors an opportunity to request speaking rights. This was seconded by Councillor Rice.

Councillor S Murphy proposed that item 11, LA07/2023/2511/O be deferred as the Agent was unable to request speaking rights due to illness. This was seconded by Councillor Hanna.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer item 8, LA07/2022/0128/F to a future Committee date.

AGREED: On the proposal of Councillor S Murphy, seconded by Councillor Hanna, it was agreed to defer item 11, LA07/2023/2511/O to a future Committee date.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 12 June 2024:

- **LA07/2023/2415/F** - 91 Windmill Road, Cranfield, Kilkeel - Replacement Single Storey Dwelling
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 Ballyhornan Road, Ballyalton, Downpatrick - Demolition of Existing Licensed Premises and Proposed Erection of 2no Dwellings
APPROVAL

DEVELOPMENT MANAGEMENT

P/052/2024 **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) **LA07/2022/1696/O**

On agenda as a result of the Call-In Process

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

The Chairperson advised that a site visit took place on 23 May 2024 and as per the operating protocol, no additional speaking rights were allowed for this application. Agent Declan Rooney and Applicant Stephanie Malone were present to address any questions.

Power-point Presentation:

Mr Pat Rooney reminded Members of the detail of the application, outlining which Policies the application had been considered against and what requirements had not been met, advising there had been no objections to the application. He stated that the Planning Department did not feel the proposed development constituted 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 and that the Planning Department considered the gap site to be excessively large.

Councillor Larkin proposed to overturn the officer's recommendation. He explained that after visiting the site twice, he was confident that there was no indication of Brogies Road's presence, primarily due to the factory's proximity to the road. He proposed granting approval as an exception under CTY8, arguing that the site represented a gap suitable for a maximum of two dwellings and aligned with the current development in the area. This was seconded by Councillor Hanna who agreed that the application complied with CTY8.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2022/1696/O contrary to officer recommendation as contained in the Case Officer Report.

It was agreed that Planning Officers be given delegated authority to impose any relevant conditions.

DEVELOPMENT MANAGEMENT**P/053/2024****PLANNING APPLICATIONS FOR DETERMINATION****(1)****LA07/2023/2374/F****On agenda as a result of the Call-In Process****Location:**

80 Dublin Road, Drumena, Newry

Proposal:

2 No glamping pods with associated landscaping

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms McAlarney advised that the application site was outside the settlement limits of Kilcoo and in an Area of Outstanding Natural Beauty. She noted that the consultation process and neighbour notification had taken place and no objections had been received. She outlined the relevant Policy was PPS21, which referred to the tourism Policies TSM6 and TSM7 of PPS16. She advised that the Department for Infrastructure (DfI) Roads had been consulted, and since the proposal involved access onto a protected route, the A25, it was deemed unacceptable in planning terms under PPS21 and did not qualify for any exceptions.

Speaking rights:**In support:**

Mr Martin Bailie spoke in support of the application and referenced the benefits the application would bring to the area, in particular from a tourism perspective, with its location beside Lough Island Reavy and close to the Theirafurth Inn.

He stated that the main issue was whether the proposal was prominent and integrated into the landscape. He drew attention to the case officer's report and the focus on the views of the pods from Bog Road when approaching from the southwest on Dublin Road. His opinion was that views from Bog Road would be minimal, if any, and that the site would only be visible for about 100 meters from the southwest on Dublin Road and would not be visible when approaching from Castlewellan.

He went on to state that the application showed minimal excavation on the site and the small pods, with a ridge height of around 2.7 meters, a width of 3 meters, and coloured brown or green, would integrate into the landscape. He believed that visibility splays could be achieved at the existing access, therefore there would be no impact on the countryside from a new entrance.

Mr Bailie highlighted a previous approval for a glamping development (LA07/2020/1291) around a mile from the site, that was previously approved, with no objections from DfI Roads. He requested the Committee to investigate the case officer's opinion and question the lack of photos in the report to support the recommendation.

Mr Bailie summarised that the case officer report highlighted two critical viewpoints on Dublin Road from the Southwest and Bog Road and it was his opinion that these locations offered limited views, especially on Bog Road. He encouraged the Committee to carry out a

In support:

Mr FitzLarkin spoke in favour of the application, emphasising his belief that it should have been recommended for approval. He pointed out that the house design had already received approval in principle through a previous planning decision, and the application only included changes to the roof and a few minor adjustments, such as decorative plaster and the chimney design. Mr FitzLarkin confirmed that the roof height had been raised by 40 centimetres and the porch widened by 50 centimetres. He referenced the Policies under which the application was now refused and noted that existing properties in the surrounding area featured the same hip roof design.

Councillor Campbell referred to the initial planning approval and asked whether the surrounding properties were taken into consideration during the assessment. Ms McAlarney explained that the other house design examples were located on a different road and were therefore too far from the site to be considered within the assessment.

Councillor Hanna sought clarification regarding the reasons for refusal. Ms McAlarney confirmed that the primary reason was the unacceptable combination of the dominant roof and chimney design.

Councillor Hanna asked Mr Peter Rooney whether the Planning Committee could take a contrary opinion. Mr Peter Rooney advised that planners had made their decision based on their knowledge and experience, deeming the design unsuitable for that location and unduly prominent due to the roof and chimney amendments. However, ultimately it was up to the Committee as to whether they formed a different view.

Councillor Hanna subsequently asked the Agent to confirm the distance between the application site and the house with similar design details. The Agent confirmed this to be approximately 500 metres.

Councillor McAteer asked for evidence of difficulties in constructing the initial design to which Mr Scally advised that they would face several design challenges with the detailed design, which had become apparent at the Building Control stage.

Councillor Feehan entered the meeting at this stage - 10.52am

Councillor Rice queried why houses on neighbouring roads were not considered. Ms McAlarney explained that there had to be a limit as to how far the assessment extended, therefore only the immediate houses were considered, and the design was contrary to the design guide 'Building on Tradition'.

Ms McAlarney asked the Committee to note that the initial application, with the roof design had been previously rejected by Planning, which led to the applicant switching to a pitched roof style and was subsequently approved. She stated now, the applicant was trying to revert to the originally rejected design.

Councillor Hanna proposed to overturn the officer's recommendations commenting that his opinion was that the changes were minor and he felt the hip roof would integrate well into the countryside. This was seconded by Councillor Campbell.

After extensive debate and discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	9
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell it was agreed to issue an approval in respect of planning application LA07/2023/3328/F contrary to officer recommendation as contained in the Case Officer Report.

It was agreed that Planning Officers be delegated authority to impose any relevant conditions.

(3) LA07/2023/3063/O

On agenda as a result of the Call-In Process

Location:

Between 64 The Heights & 32 Teconnaught Road, Loughinisland

Proposal:

Infill dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney presented her report, including images of site location maps, and an ariel view of the application site. She stated that no objections had been received and referenced the responses from statutory consultees. She outlined the Policies that the application was judged against stating the application had 2 frontages and not a continuous one. She also referred to a rejected case with the Planning Appeals Commission (PAC) - 2001/A0239.

Speaking rights:

In support:

Mr Tumelty spoke in favour of the application, stating why he believed it should have been recommended for approval. He disagreed with the case officer's comparison to a PAC decision, explaining his own interpretation of the road frontages and using the case officer's presentation for reference. He also noted that a nearby gap site had previously received approval.

Councillor McAteer sought clarification on the reason for refusal and Ms McAlarney confirmed that it was because 32 Teconnaught Road was the bookend on a different road from the site.

Mr Tumelty elaborated further on the boundaries of the roads, emphasising that it was a minor road.

Councillor Campbell asked Mr Peter Rooney if, from a legal standpoint, these were technically considered as two separate roads. Mr Peter Rooney stated that according to the interpretation of the policy endorsed by the Court of Appeal, if there were two roads, it could not be considered as a single frontage. He stated it might be helpful for Members to visit the site, however the clear message from the Court of Appeal's decision was that Council must adopt a strict interpretation of the policy moving forward, which cannot be disregarded.

Councillors Hanna, Larkin and McAteer asked for clarification regarding the road layout and adjacent roads, and Mr Tumelty provided an explanation.

Following the discussion Councillor Larkin proposed a site visit, this was seconded by Councillor McAteer, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	12
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer it was agreed a site visit should take place.**

(4) **LA07/2023/2576/F**

On agenda as a result of the Call-In Process

Location:

NE of No. 35 Downpatrick Road and SE of No. 43 Downpatrick Road, Ardglass

Proposal:

Site for dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney provided an overview of the application, noting that there had been no objections. She advised that the application was evaluated based on Policy PPS21 CTY10, and while meeting Criteria A and B, it failed to satisfy Criterion C, which required that the new dwelling visually link or cluster within the farm. Additionally, Ms McAlarney presented slides that explained why the application also contravened Policies CTY 8 and 14.

Speaking rights:

In support:

Mr McBurney spoke in favour of the application, explaining the connections to the neighbouring farms and presented several photos from different angles with examples to counter the argument that the new building would lack visual linkage. He expressed his belief that the application complied with policy CTY10.

Councillor Larkin inquired about the distance from the site to the main road and whether the photos had been taken from public roads. Mr McBurney confirmed that the site was approximately 600 metres from the main Downpatrick Road in Ardglass and the photos were taken from public roads.

In support:

Councillor Sharvin concurred with Mr McBurney, noting his familiarity with the site and highlighting that various points along the road provided visual linkage.

stated that the planning department did not agree with the applicant's claim that the loss would be minimal, as the assessment could not be based solely on a mathematical exercise. He went on to say that the Planning department did not agree that the protocol cited by the applicant, agreed between DOE and NIHE, applied in this respect, and this had not been agreed with the Council.

Speaking rights:

In support:

Mr Fox of Rural Housing stated he had been involved with the case since June 2020, outlining it referred to a family with three members who had complex needs. He stated the goal was to try to keep the family in the Castlewella area due to the additional support they received from nearby relatives and although several alternatives had been considered, such as purchasing and adapting a local property or buying land to build on, these options proved unfeasible.

Ms Collins from NIHE stated that the family had been NIHE tenants for 20 years and on the transfer list for 10 years and all efforts were being made to keep them within the South Eastern Health Trust, as moving them outside the area would negatively impact their care.

Councillor Campbell inquired whether any conditions could be imposed to protect the green space from future development if the decision was overturned, in order to prevent setting a precedent. Mr Pat Rooney stated that no conditions could be imposed to make acceptable what was fundamentally unacceptable and approving this application would diminish the community value of the open space.

Councillor D Murphy remarked that while he sympathised with the applicants' needs, the residents' concerns must also be considered and suggested that a site visit might be beneficial.

Councillor Enright asked how approving the application would not benefit the community, considering the need for social housing in the area. Mr Pat Rooney explained that the benefit would be limited to one family, not the entire community, as currently the open space served the whole community and although he acknowledged the need for social housing, this site was not suitable.

Councillor Finnegan disagreed, stating that this application should be evaluated as a mathematical exercise since it only occupied 3% of the total open space. Mr Pat Rooney said that for it to be considered a mathematical exercise, it needed to be evaluated based on the on-the-ground reality and how the entire area functioned.

In response to a query from Councillor Finnegan on the legal obligations if the decision were overturned, Mr Peter Rooney reiterated the Policy, explaining that building on open space was permissible only when substantial community benefit justified overriding the Policy.

Councillor Hanna inquired about the suitability of the current family accommodation for adaptation, and whether funding would be available should the decision be overturned. Ms Collins confirmed the current premises was unsuitable for adaptation and expressed hope for prioritisation due to exceptional circumstances with regard to funding.

Councillor Hanna also questioned the designated purpose of the green space and community consultation. Mr Pat Rooney confirmed it was mainly for children's play and dog walking and noted local community objections to the planning application.

Councillor Tinnelly asked whether positioning in the lower open space, with less visual impact on neighbours, had been considered. Mr Fox said the parking loss there would be too

He stated that while appreciating that Mr Keane had excluded the rath from the assessment, he outlined the other social community facilities, including a care trade centre with planning approval and a prayer house whose use he could confirm as he resided nearby. He also stated there was a mechanics workshop and an auction house, although no planning history was available for these. He disputed that the site was bound on two sides, and that a house if approved could be absorbed into the area.

Councillor McAteer mentioned several developments not visible in the aerial views and questioned how the area could not be considered a cluster. In response, Mr Keane clarified that the aerial images did not accurately represent how the area looked from the ground and argued that the site did not constitute a visual cluster, referencing various viewpoints on the ground to support his position.

Councillor D. Murphy requested clarification on the duration of the prayer house's existence. Mr Dalton assured him that it had been in existence for over 13 years.

Councillor Larkin questioned the depiction of the cluster within the red circle, noting its large size and wide-open spaces. Mr Dalton clarified that the actual cluster was much tighter and not accurately represented by the red circle.

After extensive debate and discussion, Councillor McAteer proposed a site visit which was seconded by Councillor S Murphy. The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR: 12
 AGAINST: 0
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor S Murphy it was agreed a site visit should be carried out.

P/054/2024 **HISTORIC ACTION SHEET**

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

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor Finnegan, to note the historic action sheet.

There being no further business the meeting ended at 12.29pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 23% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 10 July 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:

- **LA07/2022/0128/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
APPROVAL
- **LA07/2023/2534/O** - 22 Rathmore, Warrenpoint, Newry, BT34 3SF - Proposed New Dwelling and Access to existing garden area.
APPROVAL
- **LA07/2023/3395/F** - 51 Hearty's Folk Cottage, Lurgan Road, Newry, BT35 9EF - Proposed holiday park to include 17 no. chalets, parking, landscaping, open space, access and ancillary site works (Amended description)
APPROVAL
- **LA07/2023/3639/F** - Lands located within the Invest NI Business Park, approximately 150m east of Modern Tyres, at 18 Derryboy Road, Newry, BT35 6QJ - Erection of manufacturing facility for the production of paper/corrugated fibreboard products to incorporate dispatch and storage areas, waste room, office and welfare facility, car/lorry parking, turning and loading areas and associated boundary treatments and site works
APPROVAL
- **LA07/2023/2848/F** - Downshire House, 22 Merchants Quay, Newry - Change of use from apartments to dental surgery on rear wing of second floor and retention of external escape staircase (from first to second floor) at rear of existing building.
APPROVAL



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.

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

HED – (HM) were consulted due to the presence of a rath 170m (approx.) to west of the site and a mass rock 170m to the northeast. HED were content the proposal would have no impacts from an archaeological policy perspective.

Objections & Representations:

The application was advertised on 5 July 2023 in the local press. Two neighbour notifications were issued on 23 November 2023. No third party representations were received.

Consideration and Assessment:

The proposal was initially submitted as a proposed infill dwelling as noted in the Design and Access Statement to be considered with the buildings located along a laneway on Bridge Road as shown from the image below:



During the course of the application the agent requested the proposed site to be considered under policy CTY 2a Development in an existing cluster as shown in supporting documents below:



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
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Date: 2 May 2024

Authorised Officer Signature:

M Keane 02-05-24

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.

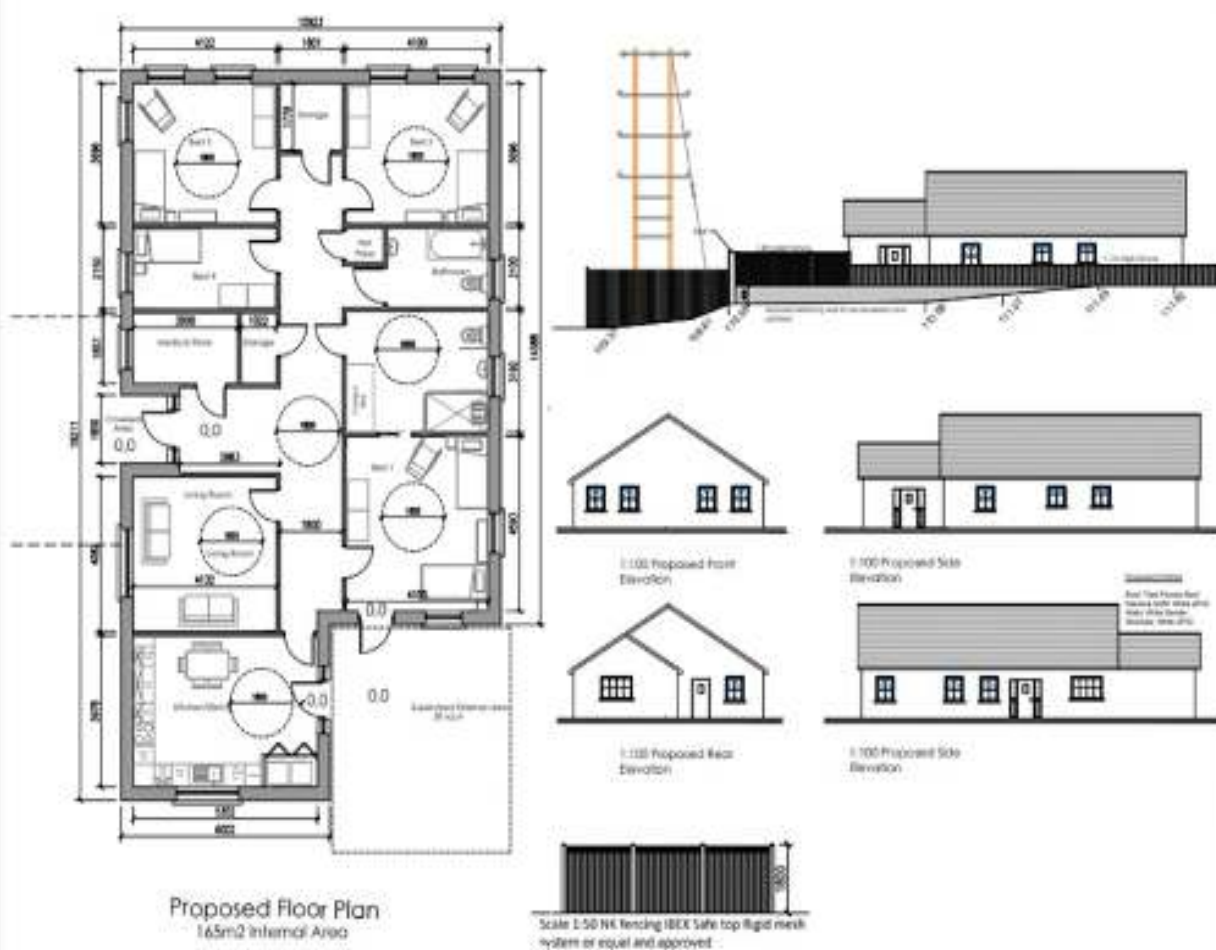
The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming,

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
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Summary of Recommendation - Refusal	
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Case Officer Signature: C Moane	Date: 29 April 2024
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Appointed Officer Signature: P Rooney	Date: 29 April 2024
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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



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

Application Reference: LA07/2022/0128/F

Date Received: January 2022

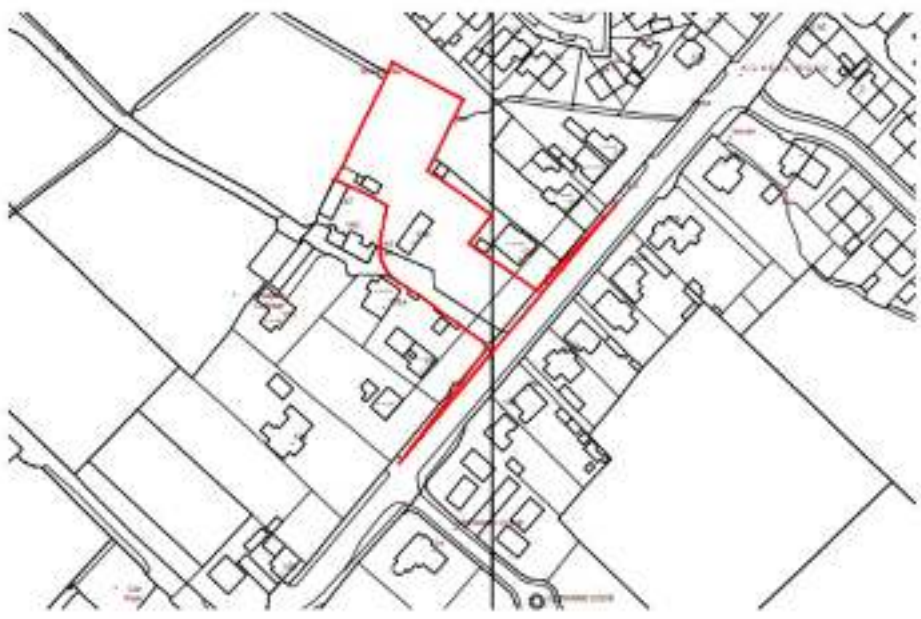
Proposal: Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings. Provision of hard and soft landscaping including communal amenity space. Provision of in-curtilage car parking spaces and all associated site works

Location: 147 Kilkeel Road Annalong

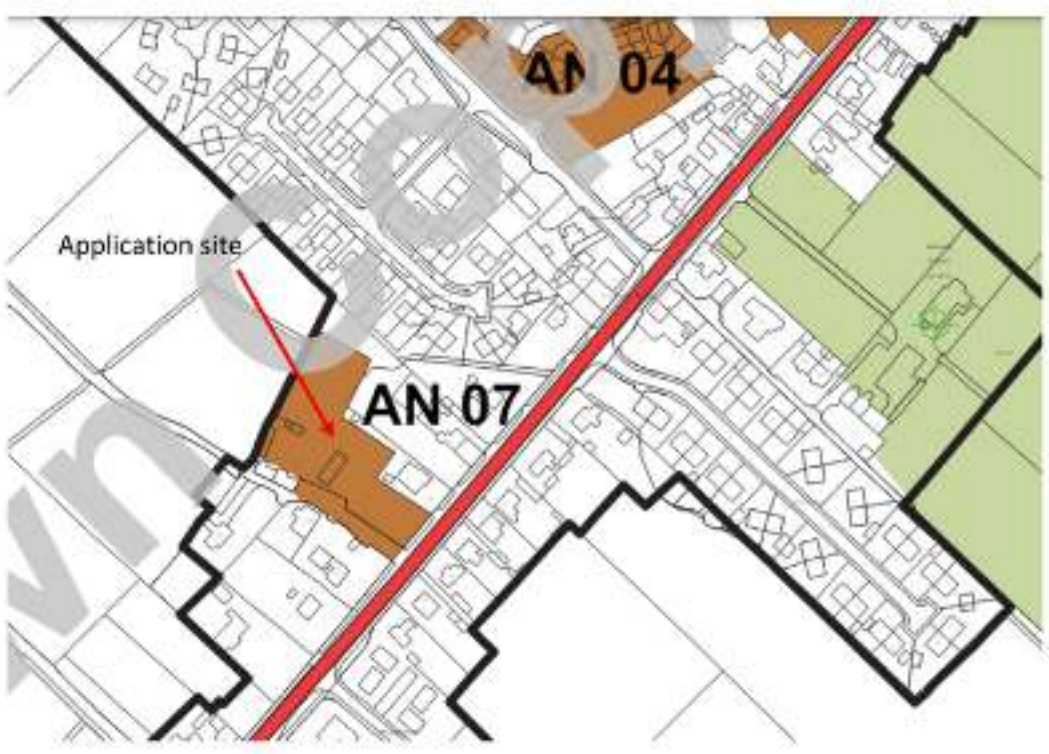
Site Characteristics & Area Characteristics:

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.

The scheme has been amended to omit the adjacent cottages – 141, 143 and 145 Kilkeel Road. The site layout plan now shows the parking spaces associated with the adjacent cottages. The site location map and site layout plan is shown below.



Site location map



Site layout plan

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:

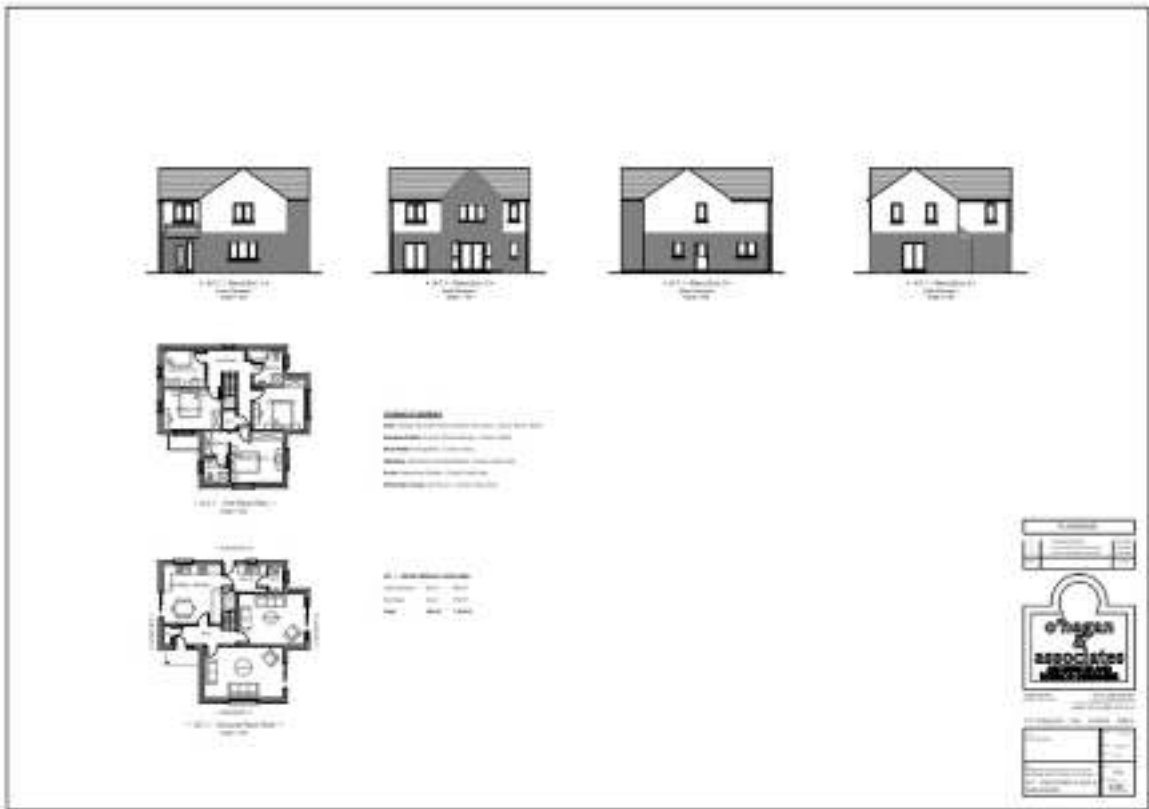
Full planning permission is sought for a residential development, comprising the erection of 7 no. dwellings - 2no semi-detached, 5no detached dwellings. The existing 2 ½ storey building within the application site will be demolished whilst the Rocket House will be retained. A Listed Building application 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.

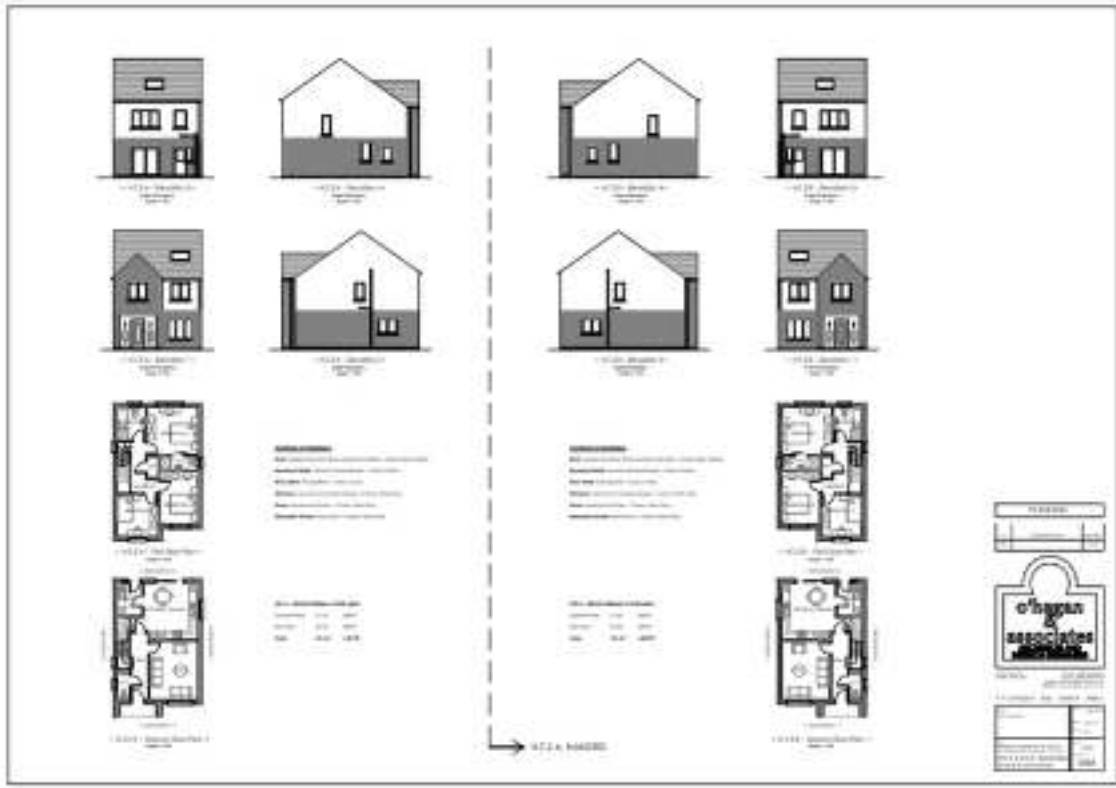
Proposed materials include 'Marley Thrutone' fibre cement roof slates (blue/black), smooth plaster rendered walls (white), facing brick (grey) where shown, aluminium windows and rainwater goods (grey) and hardwood timber external doors (dark grey). Varying boundary treatments are proposed and shown on 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.

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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:	LA07/2023/2534/O
Date Received:	03.04.2023
Proposal:	Proposed New Dwelling and Access to existing garden area.
Location:	22 Rathmore, Warrenpoint, Newry, BT34 3SF

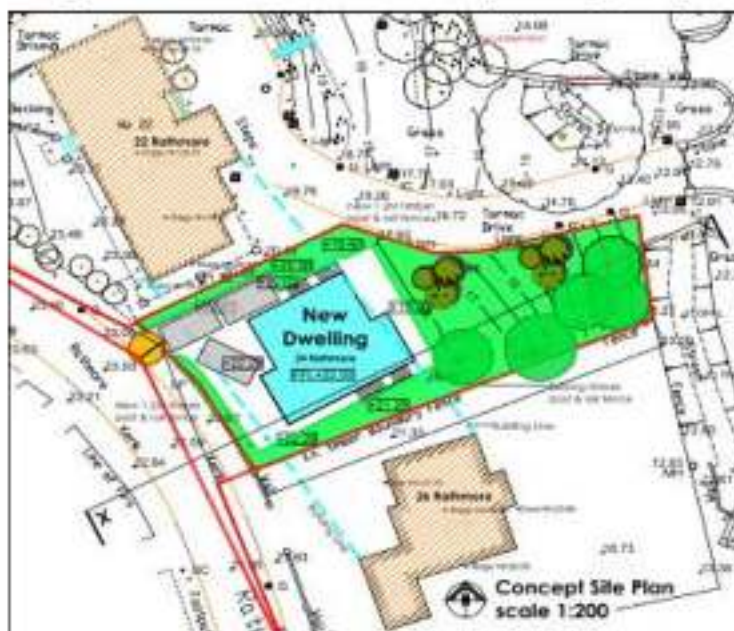
1.0 Site Characteristics and Area Characteristics

The application site is located within the settlement development limits of Warrenpoint as defined in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located between two dwellings within a housing development. The application site has been screened for both natural and historic designations and features. The application site is located within an Area of Outstanding Natural Beauty (Mourne).

The application site is currently encompassed within the extended side garden of number 22 Rathmore. The site is currently enclosed to the front return by a wooden fence and to its boundary with number 26 Rathmore with dense vegetation and a wooden fence.

In terms of topography the application site rises from the Clonallon Road towards Rathmore allowing a number of dwellings to characterise with split level in order to work with the topography of the land. There are a number of trees within the application site. The houses within the immediate surrounds are finished mainly with red brick and painted render.

The application under consideration is for outline planning permission for a single dwelling as well as a vehicular access onto Rathmore. As this is an outline application details of the proposed dwelling and landscaping have not been provided and would be subject to a reserved matters application. A concept layout has been provided which will inform the assessment of this application. Detailed design therefore is subject to a further application.

Image 1 Photograph of the Application Site**Image 2 Extract from the Concept Design 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 for Northern Ireland
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Developments

3.0 Site History

There are no recent applications on the site for a dwelling, however, the predominant use within the immediate surrounds is residential which incorporate the application site.

- P/2008/0107/F - Proposed new access for dwelling, access relocated to Clonallon Road at No 30 Rathmore, Warrenpoint, Co Down – Refusal
- P/2005/2731/F for a Proposed New Access for dwelling at 22 Rathmore, Warrenpoint – Approved
- P/2004/1660/F – Extension to Dwelling at Rathvilla, 22 Rathmore, Warrenpoint, Co Down – Approved
- P/1997/0931 – Erection of Dwelling at SITE 57 RATHMORE WARRENPOINT - Approved
- P/1997/0250 - Site for Dwelling (Renewal of outline Planning Permission) SITE NO 57 RATHMORE WARRENPOINT – Approved
- P/1994/0015 – Site for dwelling SITE NO 57 RATHMORE CLONALLON ROAD WARRENPOINT – Approved
- P/1991/0539 – Erection of Dwelling & Detached Garage ADJACENT TO NO20 RATHMORE WARRENPOINT - Approved
- P/1991/0525 – Erection of dwelling ADJACENT TO NO26 RATHMORE CLONALLON ROAD WARRENPOINT – Withdrawn
- P/1991/1091 - Erection of dwelling and garage ADJACENT TO NO 26 RATHMORE CLONALLON ROAD WARRENPOINT – Approved
- P/1989/0969 - Erection of 2 dwellings and change of house type on 2 sites SITE NOS 57, 57A, 58 AND 58A RATHMORE CLONALLAN ROAD WARRENPOINT – Withdrawn
- P/1987/1155 – Erection of 8 Dwellings & Garages LAND FACING 40-47 RATHMORE DEVELOPMENT CLONALLON ROAD WARRENPOINT - Approved
- P/1986/1050 - CHANGE OF HOUSE TYPE ON SITES 1, 18, 19 AND 25-36 RATHMORE HOUSING DEVELOPMENT CLONALLAN ROAD, WARRENPOINT Approved
- P/1978/0407 - PROPOSED HOUSING DEVELOPMENT Clonallon Road, Warrenpoint – Approved
- P/1976/0468 - PROPOSED SITE OF HOUSING DEVELOPMENT Clonallon Road Warrenpoint – Approved
- P/1975/0666 – Proposed housing development Clonallon Road Warrenpoint – Approved
- P/1975/0536 – Proposed use of land for housing development Clonallon Road, Warrenpoint – Refusal

- P/1973/0339 – Proposed use of land for housing site Clonallon Road, Warrenpoint – Approved

4.0 Consultations

The following were consulted in relation to the proposed application:

- NI Water – Recommended refusal due to public foul sewer capacity issues. Evidence has been received by the Agent to show active engagement with NIW and the request for a waste water impact assessment. As the Agent has actively engaged with NI Water it is considered that any recommendation can go ahead with negative conditions attached.
- DFI Roads – Initially responded to state the application was unacceptable as submitted. Requested amended plans were submitted and a re-consultation was issued to DFI Roads in which a response was received setting out that they had no objections to the proposal as presented and set out conditions to be attached should the application be positively recommended.

5.0 Objections and Representations

6 neighbours were notified as part of this application. The application was advertised in the local press on the 7th June 2023. No representations have been received to date (12th June 2024).

6 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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located within the Settlement Development Limit of Warrenpoint. The site is located within an Area of Outstanding Natural Beauty.

Strategic Planning Policy Statement 2015

The SPPS was adopted in September 2015 consolidating all the separate Planning Policy Statements (PPSs) into one document setting out strategic planning policy. The policy requirements for dwellings following the publication of the SPPS is arguably less prescriptive, the retained policies of PPS 7 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 2 Natural Heritage

Policy NH 5 relates to habitats and species of natural importance. This policy is relevant to the proposal as the proposal incorporates the removal of mature vegetation to include trees. The proposal does incorporate the retention of vegetation where possible and the implementation of further vegetation which will compensate for the removal of any vegetation. A biodiversity checklist alongside a bat roost potential report was submitted alongside the application. The report

concluded that no trees which would be considered to have bat roost potential are subject to removal.

Policy NH6 relates to new development within an Area of Outstanding Natural Beauty and is applicable to the application site. It states that planning permission will only be granted where the proposal is of an appropriate design, size and scale for the locality. It is considered that given the application sites characteristics in that it is located within a housing development and within the side garden of a residential property it would not negatively impact on the area of outstanding natural beauty to a demonstrable level. It is considered that the proposal as presented is considered sympathetic to the Area of outstanding natural beauty and to policy NH6. This policy will be further assessed at reserved matters stage when detailed design is available.

PPS 3 Access Movement and Parking

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

The application proposes to exit and enter the proposed site within Rathmore. DFI Roads were consulted and following amendments are content with the proposed access as presented subject to conditions.

PPS 7 - Policy QD1 Quality New Residential Developments

All proposals for residential development will be expected to conform to all of the following criteria:

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

Image 5 Aerial of area showing the area of the Rathmore upon which the application is located



The dwellings within Rathmore are generally single storey, with a few presenting roof dormers and lights. There are a number of dwellings which present as single storey to Rathmore and given the undulating topography are split level and two storey/storey and a half to the rear. The plot sizes are generally similar with some larger plots along the Clonallon Road side of Rathmore (where the application site is located). All sites/dwellings have sufficient space for off street parking. The proposed application intends to place a dwelling within the side garden of number 22 Rathmore. No detailed design has been submitted alongside this application however, the indicative site layout and concept analysis illustrates that the dwelling would likely be split level.

Having considered the character of the area it is considered that the proposed plot size is within keeping of that within the surrounding area as well as can appropriately follow the building line of development. The concept plans illustrates that where possible trees and vegetation will be retained as well as the implementation of further native species trees which will alleviate and offset against those to be removed as part of the application.

As this is an outline application no detailed design has been submitted; however, it is considered that the proposal would make effort to be sympathetic to the current built development and materials within the area. It is considered that the proposal 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;

The application site is located within an area of outstanding beauty which is elaborated on further above. The site has been screened for any archaeological or built heritage features within the immediate vicinity of the application site. It is noted no features have been identified. It is therefore considered that the proposal complies with criterion B.

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

The plot size is sizable and comparable with other plots within the Rathmore Development. The application site has mature vegetation on site which is to be retained where possible. As this is an outline application only an indicative site layout has been presented however, the indicative layout does illustrate soft landscaping surrounding all aspects of the proposed dwelling. There appears to be ample amenity space within the proposed curtilage of the dwelling. With regards to public open space as the application is for one dwelling this aspect would not form part of this application. Criterion C is met.

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

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

(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;

Due to the location of the proposed development within the settlement development limit and within a built-up area, it is considered that there is adequate provision of links to existing footpaths onto Rathmore and surrounding areas.

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

As this is an outline application no detailed design has been submitted with regards to rooms/bedrooms the dwelling will serve. However, the proposed layout illustrates sufficient parking for 3 spaces; which would be sufficient for a number of bedrooms as per the parking standards Northern Ireland. This would be explored further at reserved matters stage. DFI Roads were consulted in relation to the proposed development and provided no objections. It is considered that the proposal complies with criterion F.

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

Dwellings within the immediate surrounds are all of a similar style; it was noted whilst conducting a site visit that a number of dwellings which back onto the Clonallon road utilise the topography with split level dwellings. Having reviewed the Design and access statement it elaborates that the proposal (whilst no details have been submitted) intends to utilise the design principles of a split level dwelling. Details of this would be submitted and assessed at reserved matters. The design and access statement also states that the proposed finishes would be similar to those finishes within the area currently.

It is considered that the design and access statement appropriately sets out consideration of the current characteristics of the application site as well as the surrounding dwellings to ensure that the proposal would be within keeping to the local area. Subject to detailed design the proposal is considered to meet criterion g.

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

The distance between the indicative location of the proposed dwelling and side gables of nearest neighbouring receptors is approximately 6-8m. This does appear to exceed the surrounding properties within the wider areas separation distance. However, attention should be paid by the architect and applicant to ensure no unnecessary overlooking/side gable windows are placed inappropriately at reserved matters stage that could cause unnecessary overlooking/privacy issues.

The indicative layout illustrates the building line upon which the proposed dwelling is located within. It is considered that the location of the dwelling would not appear to cause unacceptable adverse impacts to neighbouring properties; however, this

would be assessed further at detailed design stage. It is considered that the proposed dwelling would be considered to comply with criterion H.

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

The proposal is for a dwelling within an established residential area; the application site currently forms the side garden of number 22. Given the established nature of the application site boundaries as well as neighbouring properties which in turn do deter crime, further measures can be put in place to promote personal safety such as alarm systems and security cameras. Criterion I is met.

PPS 7 Addendum Safeguarding the Character of Established Residential Areas – Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

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

(a) the proposed density¹ 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.

Having regard for Policy LC1 it can be considered that the addition of a dwelling to any site will indeed increase the overall density of the area however, having account of not only site characteristics but also the surrounding area it would be considered that a dwelling on this site would not be out of character within the surrounding area in terms of plot size. A dwelling within the site would not be considered out of character within the established residential area.

Having account of number 22 Rathmore, it is considered that there would still be sufficient room within the dwelling in terms of private amenity space. Whilst detailed design has not been presented and would be subject to a further application it is considered that with appropriate careful design the dwelling could match the design and finishes of neighbouring dwellings. Subject to detailed design, it is considered that the proposal is compliant to Policy LC 1.

7.0 Recommendation: The Planning Department recommend approval.

Drawings: 1762 01A, 1762 02A

Conditions:

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

i. the expiration of 5 years from the date of this permission; or

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

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

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

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

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

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

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

6. The development hereby permitted shall take place in strict accordance with the following approved plan: 1762 01A, and shall be in generally conformity with the conceptual site plan drawing 1762 02A

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

7. A planting and landscaping plan shall be submitted at Reserved Matter stage.

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

8. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the 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.

9. The proposed dwelling shall be single storey in form fronting onto Rathmore.

Reason: To ensure the dwelling will not appear as prominent in the landscape.

10. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point. A plan with levels and the FFL of the dwelling shall be submitted at Reserved Matters stage.

Reason: In the interest of visual amenity.

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

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

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

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

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

Case Officer Signature: Roisin Bird Date: 12.06.2024
Appointed Officer Signature: M Keane Date: 12-06-24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3395/F

Date Received: 26th September 2023

Proposal: Proposed holiday park to include 17 no. chalets, parking, landscaping, open space, access and ancillary site works (Amended description)

Location: 51 Hearty's Folk Cottage, Lurgan Road, Newry, BT35 9EF

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The application site is located in a rural area, some 140m north of the small settlement of Glassdrumman. Part of the site is also within a Local Landscape Policy Area (GS02.) The site is 2.45 hectares and its boundary encompasses Hearty's Folk Cottage and associated buildings (a former folk cottage which are now used as a bar and associated storage,) the established access lane and area for parking and adjoining agricultural lands to the north west and south of the established buildings.
- 1.2 There is an existing dwelling and farm buildings located directly opposite the site entrance at No. 54 Lurgan Road, with additional roadside dwellings located further north and south of the site along Lurgan Road. St Brigid's Church (which is listed,) is located some 200m south of the site, whilst Glassdrumman Lough is located approximately 400m to the south-east, and which hosts a submerged Crannog.
- 1.3 The immediate locality is largely rural in character, with several dispersed single dwellings and agricultural lands, whilst views towards Glassdrumman are visible to the south. The site varies in levels, with ground levels rising and then dropping to the west away from the existing buildings. Boundaries are generally formed by mature hedgerow, trees and / or post and wire fencing.

2.0 PLANNING HISTORY:

2.1 PAN and legislative requirements:

As this application is categorised as 'major,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (NI) 2011(reference **LA07/2023/2336/PAN**.) The PAN was considered acceptable to legislative requirements on 18.04.2023. The current application was subsequently submitted following the required 12 week application notice period, with the application received on 26.09.2023.

2.2 The application has been accompanied by with a Pre-application Public Consultation Report (PACC – prepared by Clyde Shanks, dated September 2023) which confirms that community consultation has taken place in line with the statutory minimum requirements, with the following pre-application steps undertaken:

- a public consultation event 17.05.2023 (5-7pm) at Hearty's Folk Cottage, with display boards detailing the proposal and feedback forms;
- Notification of the public consultation event was advertised in The Newry Reporter on 26.04.2023;
- Notice was provided to the Slieve Gullion DEA Councillors on 03.05.2023 via email correspondence;
- 12 no. neighbours (within 200m radius) were notified of the consultation event by letter on 03.05.2023;

2.3 The Pre-application Community Consultation (PACC) report submitted, notes that no comments were received from the public prior to the consultation event. A total of 8 members of the public attended the event and 1 of those 8 completed a feedback form, with the remaining 7 offering verbal feedback.

2.4 Following the event, a copy of the display boards was emailed to one member of the public who requested this (19.05.2023,) with no further correspondence received.

2.5 1 no. representation was received after the consultation event. The PACC report notes that attendees reacted positively to the proposed scheme including the upkeep of Hearty's cottage arising from tourism benefits. The representation submitted notes that the proposal will encourage spending in the area with an increase in visitors, with the report concluding that consultation has yielded positive feedback and support.

2.6 The details provided and pre-application steps undertaken are considered to meet the legislative requirements (Sections 27-28 of The Planning Act (NI) 2011.) The PACC report is also material to this assessment, as considered further below. With the exception of the PAN application, additional planning records relating to the site and wider site associated with Hearty's cottage is outlined below:

2.7 Additional planning records:

- **LA07/2023/3073/F** - Proposed change of use from existing gift shop (A1 Retail) to licensed bar (sui generis) with proposed associated extension and beer garden; and for existing bar and restaurant to remain as restaurant only – **Permission Granted 30.04.2024**
- **P/2004/1834/F** - Change of use and extension of existing shop to licensed restaurant and shop, **Permission Granted 09.11.2004**
- **P/2003/2173/O** - Site for dwelling and garage, **Permission Granted 09.12.2003**
- **P/2002/1248** - Erection of 18 hole pitch and putt course, **Invalid 21.10.2002**
- **P/2002/1984/Q** - Proposed Guest House, **Enquiry: Likely to Refuse 12.03.2003**
- **P/2002/0185/F** - Proposed playground, **Permission Granted 18.04.2002**
- **P/2002/0042/F** - Change of use and extension of existing tearooms to public house, licensed restaurant and auxiliary services, **Permission Granted 24.04.2002**
- **P/2001/1539/F** - Change of Use of Existing Tearooms & Kitchen to Licensed Restaurant & Lounge, **Permission Granted 17.01.2002**
- **P/2000/1145/O** – Site for dwelling, **Permission Granted 19.09.2000**
- **P/2000/1150/O** - Site for dwelling, **Permission Refused 17.11.2000**
- **P/1991/0437** - Erection of Folk Park to include barn Theatre Irish Cottage Forge & Country Shop
- **P/1990/0212** - Erection of building to be used as Tea Rooms - **Permission Granted**

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS15 (Revised) – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside

- Building on Tradition: A sustainable Design Guide for the NI Countryside
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards

4.0 CONSULTATIONS:

- 4.1 DfC Historic Environment Division (07.03.2024 and 21.05.2024) - Historic Buildings find the proposal acceptable to the SPPS (para 6.12) and PPS6 (BH11) requirements. Historic Monuments are also content with the proposal (in relation to SPPS and PPS6 BH4 requirements,) subject to conditions.
- 4.2 DfI Rivers Agency (08.12.2023) - No objections, informatives provided.
- 4.3 NI Water (21.11.2023) – Recommend approval, with standard planning conditions.
- 4.4 NMDDC Environmental Health (12.11.2023) – No objections in principle to this proposal, informatives provided.
- 4.5 DAERA (23.01.2024) – Water Management Unit are content with the proposal subject to conditions, any relevant statutory permissions being obtained, and the applicant referring and adhering to DAERA Standing advice. Natural Environment Division has considered the impacts of the proposal on the site and, on the basis of the information provided, is also content with the proposal
- 4.6 NMDDC LDP Team (08.02.2024, 07.05.2024) – The potential impact on the LLPA is not likely to be significant and can be mitigated further with appropriate landscaping. The Development Management Team may wish to consider further if it still requires the remaining issues highlighted in our original response to be necessary for it to complete its assessment of the proposal.
- 4.7 DfI Roads (05.12.23, 03.01.24, 23.04.2024) – Content, subject to conditions.

5.0 OBJECTIONS & REPRESENTATIONS:

- 5.1 The application was advertised initially in the Newry Reporter on 18.10.2023. Following an amended proposal, including a revised description, the application was readvertised on 17th April 2024, with the statutory expiry date being 1st May 2024.
- 5.2 2 neighbouring properties were notified of the application by letter on 20th November 2023 and re-notified of the amended proposal on 4th April 2024. The statutory notification period expired on 18th April 2024.
- 5.3 No third-party objections or representations have been received at the time of writing this report (June 2024.)

6.0 ENVIRONMENTAL IMPACT ASSESSMENT (THE PLANNING EIA REGS. (NI) 2017, DCAN 10)

6.1 The proposal falls within Schedule 2 Category 10(b) Urban development projects, including the construction of shopping centres and car parks where the area of the development exceeds 0.5 hectare of the EIA Regs NI 2017. An EIA determination has been completed whereby the council determined on 13.12.2023 that an Environmental Statement is not required and correspondence confirming the same was subsequently issued to the agent on 14.14.2023.

7.0 CONSIDERATION AND ASSESSMENT:

7.1 Proposal Summary:

The proposal as originally submitted, comprised the development of 14 new chalets, amenity building, parking, landscaping, open space, access and ancillary site works.

7.2 Following an initial assessment of the proposal, and subsequent meeting held on 1st March 2024 with the agent, applicant and design team, whereby concerns were raised in relation to the overall visual impact of the scheme and the detailing not marrying up with parallel application LA07/2023/3073/F (including access, parking and layout detailing,) the proposal has been subsequently amended to include 17 no. chalets, parking, landscaping, open space, access and ancillary site works. The revised layout no longer incorporates an amenity building and alterations have been made to the access (to use the existing access,) parking, overall layout details. The amended scheme also introduces a third chalet design, with 3 no chalet types as follows:

- Type A – 10.6m X 4.85m (51.41m²) – 7 no. units
- Type B – 7.525m X 4.4m + 4.85m X 6.2m (60.18m²) – 5 no. units
- Type C – 8m X 4m (32m²) – 5 no. units.

7.3 The following supporting information has been considered in the assessment below, together with application forms and detailed drawings, as submitted and / or amended:

- Drawing No. 23-10-01 REV A - Site Location Plan
- Drawing No. 23-10-02 – Existing Site Plan
- Drawing No. 23-10-03 REV C – Proposed Site Plan
- Drawing No. 23-10-04 REV A – Road Section
- Drawing No. 23-10-06 – Type A Chalet
- Drawing No. 23-10-07 – Type B Chalet
- Drawing No. 23-10-08 – Type C Chalet
- Drawing No. C-01 – Drainage Layout
- Design and Access Statement (Clyde Shanks, Sept 2023)
- Pre-App Community Consultation Report (Clyde Shanks, Sept 2023)
- Biodiversity Checklist & Preliminary Ecological Appraisal (ATEC NI, March 2023)
- Transport Assessment Form (MRA Partnership, Sept 2023)

- Drainage Assessment (Sheehy Consulting, 01.08.2023)
- Landscape Management and Maintenance Plan (Park Hood, Aug 2023)
- Proposed Landscape Masterplan (Park Hood, Sept 2023)
- Landscape & Visual Assessment including Photomontages (Park Hood, Sept 2023)
- Archaeological Impact Assessment (Gahan & Long, 10.05.2024)
- MRA Partnership Correspondence (27.03.2024)
- MRA Partnership Correspondence (17.02.2024)

7.4 Regional Development Strategy for Northern Ireland (RDS 2035) and the SPPS for Northern Ireland

7.5 The RDS promotes a sustainable approach to the provision of tourism infrastructure (RG4,) i.e. developing a tourism offer to provide a choice of accommodation whilst balancing this against the need to protect the natural and built environment. The RDS identifies the Ring of Gullion as a Strategic Natural Resource in this regard.

7.6 The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

7.7 The rural tourism proposal in principle complies with the strategic objectives of both the RDS and SPPS for tourism.

7.8 Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

7.9 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations. BNMAP 2015 operates as the current LDP plan for this site and identifies the site as being located within a rural area and partly within a Local Landscape Policy Area LLPA (Designation GS02- LLPA Glasdrumman.)

7.10 Policy CVN3 of Vol1 of the Plan, directs that within LLPA's, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan. Vol 3 of the Plan lists those features or combination of features that contribute to the environmental quality, integrity or character of this LLPA as:

- Listed St. Brigid's RC Church, its views and setting;
- Harty's traditional folk cottage and its setting, including rocky outcrops.

7.11 In considering the impact on St Brigid's RC Church, its views and setting, consultation has taken place with HED who advise that the proposed site is separated from the listed building and is screened by mature planting and as such, poses no greater demonstrable harm to the setting of the listed Church building.

7.12 In considering the impact on Harty's traditional folk cottage and its setting, including rocky outcrops, the Landscape Visual Impact Assessment and

Photomontages (as prepared by Park Hood) conclude that on balance, that the development has no unacceptable landscape or visual effects and has been successfully absorbed into this area on account of existing context, topography and vegetation.

- 7.13 Consultation has been carried out with the Council's Local Development Plan Team for advice regarding the potential impact on the LLPA (GS02.) In initial response dated 08.02.2024, the LDP team advised that additional information is required to assess the impact on the LLPA, including:
- Contours of the site existing and proposed;
 - Existing Ground Levels and FFL's of the site, and;
 - Cross Sections of the existing and proposed site.
- 7.14 The proposal was amended since this consultation and further advice was sought in relation to the amended proposal, which no longer included the ancillary building and relates to 17 chalets. In a further response dated 07.05.2024, the LDP team advise that the main result of the amendments made is the potential minimisation of visual impacts along Lurgan Road due to the removal of the Access Road and the associated building, while a group of 3 chalets is proposed for this area, the potential visual impact on the LLPA will likely be less than that of the original proposal, the careful use of planting, both at this position and across the site in general can help mitigate this further. The advice concludes that the potential impact on the LLPA is not likely to be significant and can be mitigated further with appropriate landscaping.
- 7.15 Landscaping details are provided in the form of: the retention of all existing natural screenings of the site, and augmentation with new native species hedgerow and trees. Whilst within the scheme, new planting is proposed to assist with the overall integration of the development. Conditional to landscaping being implemented and maintained in perpetuity, the amended proposal can be appropriately integrated on the site without compromising the LLPA, including Harty's traditional folk cottage and its setting.
- 7.16 **Subject to meeting the necessary conditions, the proposal is considered acceptable to the BNMAP 2015 (Policy CVN3 Vol1, and designation GS02 Vol3.) It's acceptability in full will be considered in accordance with the prevailing regional policies, as assessed below.**
- 7.17 **SPPS and PPS21 (Policy CTY1) and PPS16 (Policies TSM6 and TSM7)**
Under Policy CTY1, planning permission may be granted for a tourism development in accordance with the TOU Policies of PSRNI. The TOU policies have been superseded by PPS16 (Tourism,) which sets out the key policy tests in terms of the development principle and is considered further below.
- 7.18 **SPPS and PPS16 – Policies TSM6, TSM7**
Policy TSM6 is considered the relevant policy test for the proposal. Under this policy, 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 and sustainable form of tourism development.

- 7.19 The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects 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 is 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;***
- 7.20 The proposed layout of the chalets takes into consideration the undulating topographies and existing trees on the site. As per the revised site plan, the chalets are positioned around the areas of higher topography and existing trees so as to better integrate into the surrounding landscape and to preserve the areas of higher topography and rocky outcrops for communal open space. This has allowed for an informal layout of chalets through discrete groupings separated by soft landscaping. Due to the existing buildings on the site, and the sloping topography, the proposed chalets can be integrated and absorbed into the landscape without significant adverse impact on visual amenity or rural character. Landscape proposals will assist in achieving a suitable degree of integration and necessary landscaping conditions should be imposed in the interest of rural character and visual amenity.
- (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;***
- 7.21 The informal arrangement of chalets, and the proposed landscape changes to the front of the site have provided approximately 35% of (circa 0.88ha) the total site area as communal open space, which includes landscaped and recreation areas which exceeds the requirements of criteria c) and assists in offering a high quality recreational facility.
- (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;***
- 7.22 The development as amended relates to chalets (3 no. design types,) which have been arranged throughout the site in informal clusters, with gravel laneways and grass crete parking areas, to aid integration of ancillary works and removal of parking to each unit, with parking clustered appropriately

throughout the scheme. The removal of the large amenity building to the front of the site has addressed concerns in relation to scale, massing and visual form from critical views of the site. The design of the proposed chalets utilises anthracite grey vertical cladding board with zinc standing seam, sympathetic to the existing stone buildings at Hearty's Folk Cottage and would not detract from its traditional form and setting.

(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;*

7.23 As noted, the proposal includes the retention and augmentation of existing landscape boundaries surrounding the site. In addition to the planting of new native species trees and hedgerow throughout to help integrate the development within the rural context. The proposal as amended respects the vernacular building at Hearty's Folk cottage whilst complementing its retention and use as a bar and tourist facility.

7.24 The proposed development is in the setting of a scheduled crannog (ARM 031:028) which is a regionally significant historic monument protected under Policy BH1 of PPS 6. The neighbouring tower-house and bawn known as Glassdrumman Castle (ARM 031:027) was an O'Neill stronghold during the sixteenth and seventeenth centuries. The rural character of the surrounding landscape is important in how the monuments are appreciated and understood.

7.25 An Archaeological Impact Assessment has been provided which assesses the potential impact upon the setting of identified archaeological and historical features within the application area and wider search area. This assessment concluded that the proposed application would have no significant impact on the settings of the identified archaeological monuments within the wider search area. HED having reviewed these details agree with the assessment in that the size of the proposed development increases the likelihood of encountering archaeological remains. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

7.26 It will therefore be necessary to impose planning conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ and to ensure PPS6 archaeological requirements are met.

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

7.27 The proposal includes connection to NIW mains water supply and NIW have confirmed that there is a public water main within 20m of the proposed development boundary which can adequately service the proposal. An

application to NI Water is required to obtain approval to connect to the existing water supply. Informatives will be attached to the decision notice for the applicant's further guidance on these matters.

- 7.28 The proposed on-site package treatment plant to deal with foul sewerage is subject to the written consent being obtained from Northern Ireland Environment Agency and it will be necessary to impose a planning condition to ensure that the relevant consent to discharge is obtained for the site prior to the commencement of development, in the interest of public health and rural amenity.
- 7.29 **Overall, subject to the necessary planning conditions being adhered to, the proposal in its amended form is acceptable to PPS16 Policy TSM6 requirements.**
- 7.30 **Policy TSM7 further sets out the detailed criteria (a-m) to be met by all tourism development , as considered below:**
- (a) the proposed site layout includes an informal movement pattern which is well connected by pedestrian paths and informal roads, to support walking and cycling. Accessibility and the needs of people whose mobility is impaired has been considered, with the provision of chalets closer to the access and existing parking areas to the front of the site. DfI Roads are content that the access proposals (as revised) are acceptable to road safety requirements in the context of the proposed development and adjoining pub within Hearty's Cottage.
 - (b) the proposal does not include the use of flood lights, however a planning condition will be necessary to ensure proposed external lighting details have been submitted to and agreed in writing by the Local Planning Authority, this is in the interest of natural heritage and residential amenity. The site layout, building design, associated infrastructure and landscaping arrangements (as amended,) are of high quality in accordance with the guidance of 'Building on Tradition' and the retention of existing landscape boundaries and the planting of new native species landscaping will assist the promotion of sustainability and biodiversity;
 - (c) Appropriate boundary treatments and means of enclosure are provided in the form of native species trees and hedgerow. The proposal will not result in any areas of outside storage, with the development integrating primarily to the rear of the existing facility at Hearty's Cottage.
 - (d) The proposal includes the use of soakaways to deal with surface drainage from the site, which is in keeping with the utilisation of sustainable drainage systems practicable to ensure that surface water run-off is managed in a sustainable way;
 - (e) The proposed layout of chalets creates well supervised areas of open space to deter crime and promote personal safety;
 - (f) The proposal does not involve any public art for consideration;

- (g) The proposal is compatible with the adjoining public house at Hearty's Cottage and as assessed, neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h) The proposal is significantly removed from surrounding dwellings, with separation distances of some 100-200m. Environmental Health note that the site is in proximity to residential properties. The applicant is reminded that noise from the proposed development and visitors should be kept to a minimum to ensure neighbouring properties do not experience statutory nuisance conditions. In addition, all demolition and construction activities should be undertaken in line with best practice guidance, it does not harm the amenities of nearby residents.
- (i) Subject to conditions being complied with including in relation to retention of landscaping and archaeological findings, the proposal would not adversely affect features of the natural or built heritage;
- (j) NIW confirm public water supply is available. The proposed package treatment plant will be conditional to obtaining a consent to discharge from NIEA;
- (k - m) DfI Roads are content that the proposed access arrangement (as amended) is in must be in accordance with PPS3 and DCAN15 and that the access will not prejudice road safety or significantly inconvenience the flow of traffic. It has been demonstrated to the satisfaction of DfI Roads that the existing road network can safely handle any extra vehicular traffic the proposal will generate (See PPS3 discussion.)

7.31 Overall, subject to the necessary planning conditions being adhered to, the proposal in its amended form is also considered acceptable to PPS16 Policy TSM7 requirements.

7.32 SPSS and PPS21 policies (CTY13, CTY14 and CTY16)

Policy CTY13 (Integration and Design of Buildings in the Countryside) and CTY14 (Rural Character) also apply to this assessment: Initial concerns were expressed in relation to the large scale amenity building to the front of the site and in particular when viewed from critical views along both the Lurgan Road and Glassdrumman Road (travelling west,) in addition to the degree of hardstanding visible to the front (eastern portion) of the site and overall visual impact within the rural context. The revised scheme has taken account of concerns, with the removal of the ancillary building, provision of more informal layout including clustering of parking and grass-crete drives and an improved landscape scheme. Conditions will be necessary to ensure that landscaping proposals are implemented and maintained in perpetuity. The proposed development would visually link with the established buildings at Hearty's Folk Cottage (including details approved under LA07/2023/3073/F) and would not create a ribbon of development along this part of road frontage. The revised scheme is more acceptable to the rural settlement and form in the established context.

- 7.33 **Subject to these conditions being met, the proposal in its amended form is acceptable to the policy requirements of CTY13 (criteria a – g) and CTY 14 (criteria a-e.)**
- 7.34 The proposal includes the use of a treatment plant to deal with foul sewage. Under Policy CTY16, 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. The location of the treatment plant has not been shown on the detailed layout drawing, however the location may be determined on where consent to discharge (from the NIEA) allows. The treatment plant will require consent to discharge from NIEA and as such, a planning condition will be necessary to ensure that the details in terms of siting are agreed and the relevant consent is obtained prior to commencement of development works, in the interest of public health and rural amenity and to ensure the location is appropriately separated from chalets.
- 7.35 **Subject to the necessary consent being obtained and compliance with this condition, the proposal is also acceptable to Policy CTY16 requirements.**
- 7.36 **Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015,) SPSS and PPS2:**
A HRA screening has been completed, whereby it is concluded that the proposal would not likely have a significant effect on this site or any European Sites given its scale, nature and location in relation to designated sites, owing to the fact there are no potential hydrological links from the development to designated sites. Consultation with SES was not considered necessary and the proposal has been negatively screened from further HRA requirements.
- 7.37 Ecological details have been submitted with the application, including Biodiversity checklist and Preliminary Ecological Appraisal. DAERA NED having considered its contents advise:
- A wet ditch associated with hedgerow H1 occurs in the north-east of the proposed development, it is surrounded by existing hardstanding;
 - NED welcome the retention of this feature along with all existing hedgerows/trees on site as shown on Drawing No. 23-10-03 and proposed landscape plans.
 - The ecologist has stated the ditch is likely to dry up during periods of warm weather and was assessed as having 'Low' suitability for smooth newts. NED recommend the ditch should be adequately protected from pollution during construction.
 - The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment;
 - All retained trees should be adequately protected during construction in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction. Any additional planting on site should be of native species;

7.38 Further guidance will be included within the decision notice for the applicant in relation to natural heritage matters. However it is concluded on the basis of details provided, the proposal is acceptable to SPPS and PPS2 requirements.

7.39 SPPS and PPS3, DCAN15, DOE Parking Standards

As noted, the original proposal included the creation of a new access off Lurgan Road, however this was unable to meet the required road standards set by PPS3 and DCAN15. And following the meeting with DfI Roads on 1st March 2024, an amended scheme was submitted which includes utilising and improving the existing access, which is to serve both the bar and proposed chalets and following amendments, aligns with the details approved under LA07/2023/3073/F. DfI Roads having reviewed the amended details, offer no further objections to the proposal, subject to conditions being compiled with.

7.40 DOE Parking Standards sets a requirement for the following parking spaces to serve the development:

- 1 space per 3 Staff adjacent to site office
- 1 space per 10 pitches (adjacent to site office)
- and 1 space per pitch.

The layout incorporates parking to each cluster of chalets, with each chalet benefitting from 1 space. The scale of the development does not include a site office, however it is noted that the proposal is within the site of an established bar. Additional parking spaces are provided in the form of visitor parking for the existing bar/restaurant in the eastern portion of the site. These are in alignment with the approve details under LA07/2023/3073/F. The parking provision for the chalets is considered acceptable to the requirements of DOE Parking Standards and AMP9 of PPS3.

7.41 Overall, the amended proposal is acceptable to SPPS, PPS3, DCAN15 and DOE Parking Standards, subject to the conditions outlined at the end of this report being complied with.

7.42 SPPS and PPS6

As noted, HED Historic Buildings advise that the proposal poses no greater demonstrable harm to the setting of the listed building with respect to SPPS 6.12 and BH11 PPS6 (and note that the proposed site is separated from the listed building and is screened by mature planting.

7.43 Historic Monuments in their original response requested an Archaeological Impact Assessment (including photomontages from specified viewpoints,) in order to assess the archaeological potential of the development site and the visual impact of the scheme on the surrounding historic environment. The AIA (Prepared by Gahan & Long) was subsequently provided and issued to HED for their further consideration.

7.44 In a final response, HM agrees with the assessment that the size of the proposed development increases the likelihood of encountering archaeological remains. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

- 7.45 HED (Historic Monuments) having considered the impacts of the proposal is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The necessary conditions are included at the end of this report.
- 7.46 **Subject to these conditions being met, the proposal is acceptable to SPPS and PPS6 requirements.**
- 7.47 **SPPS and PPS 15 (Revised)**
- 7.48 The proposal is not located within a floodplain. Owing to the size of the development, DfI Rivers have been consulted in relation to flood risk from increase hardstanding on the site, with the provision of a Drainage Assessment and Drainage Layout plan provided. DfI Rivers advise that the DA indicates that flood risk to and from a portion of the development will be managed using a SuDS.
- 7.49 The effectiveness and function of the proposed attenuation method is reliant on the SuDS being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function. The system proposed has no outlet and drainage is via percolation through the soil strata.
- 7.50 Commenting on the efficacy of the proposed SuDS is outside DfI Rivers' area of knowledge and expertise. Consequently, DfI Rivers cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy. Planning informatives will be included for the applicant to ensure that SUDs are designed to required specifications.
- 7.51 DfI Rivers Agency raise no concerns in relation to PPS15 policy requirements (FLD1-FLD5) with informatives provided. These will be attached to the decision notice for the applicant's awareness of their responsibilities in relation to drainage and flood risk from the development.

8.0 RECOMMENDATION: Approval (subject to the following conditions)

9.0 PLANNING CONDITIONS:

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

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

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

- Drawing No. 23-10-01 REV A - Site Location Plan (dated 10.03.2023)
- Drawing No. 23-10-03 REV C – Proposed Site Plan (revision date March 2024)
- Drawing No. 23-10-04 REV A – Road Section (revision date March 2024)
- Drawing No. 23-10-06 – Type A Chalet (revision date March 2024)
- Drawing No. 23-10-07 – Type B Chalet (revision date March 2024)
- Drawing No. 23-10-08 – Type C Chalet (dated 03.05.2023)
- Drawing No. C-01 – Drainage Layout (dated July 2023)
- Landscape Management and Maintenance Plan (Park Hood, Aug 2023)
- Proposed Landscape Masterplan (Park Hood, Sept 2023)

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 23-10-03 Rev C (revision date March 2024,) 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 gradient to the development 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 existing access referred to on Drawing No. 23-10-03 Rev C (revision date March 2024,) shall be permanently closed and the verge properly reinstated to the Department for Infrastructure Roads satisfaction immediately following the

creation of the newly proposed access and associated visibility splays, and prior to the commencement of any other development hereby permitted.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

6. Prior to commencement of the development hereby approved, the detailing including location of the sewerage treatment plant shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

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

7. Prior to operational use of the development hereby approved, 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 Policy CTY16 of Planning Policy Statement 21.

8. Prior to operational use of the development hereby approved should the proposed treatment plant not be adopted by Northern Ireland Water, a management plan for the service and maintenance of the pumping station shall be submitted to and agreed in writing by the Local Planning Authority. The treatment plant shall be serviced and maintained in accordance with the approved management plan thereafter.

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

9. 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 Local Planning Authority 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.

10. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 9.

Reason: to ensure that archaeological remains within the application site are

properly identified and protected or appropriately recorded.

11. 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 9. These measures shall be implemented and a final archaeological report shall be submitted to Local Planning Authority within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Local Planning Authority.

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.

12. The existing vegetation and natural screenings of the site (including all boundaries) shall be retained in accordance with Drawing No. 23-10-03 REV C – Proposed Site Plan (revision date March 2024,) unless necessary to prevent danger to the public, in which case a full explanation shall be given to the Council in writing prior to its removal.

Reason: To ensure the development integrates into the surroundings and in the interest of natural heritage.

13. All hard and soft landscape works shall be carried out in accordance with Drawing No. 23-10-03 REV C – Proposed Site Plan (revision date March 2024,) Landscape Management and Maintenance Plan (Park Hood, Aug 2023, Proposed Landscape Masterplan (Park Hood, Sept 2023) and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following the operational use of the development hereby permitted and shall be maintained thereafter in perpetuity.

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

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

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

15. The development hereby permitted shall not commence until proposed external lighting details have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of natural heritage and residential amenity.

16. All external lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Engineers, Regent House, Regent Place, Rugby, Warwickshire, CV21 2PN.

Reason: In the interests of residential amenity.

Case Officer: O. Rooney

Date: 25.06.2024

Authorised Officer: P. Manley

Date: 25.06.2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3639/F

Date Received: 1st December 2023

Proposal: Erection of manufacturing facility for the production of paper/corrugated fibreboard products to incorporate dispatch and storage areas, waste room, office and welfare facility, car/lorry parking, turning and loading areas and associated boundary treatments and site works

Location: Lands located within the Invest NI Business Park, approximately 150m east of Modern Tyres, at 18 Derryboy Road, Newry, BT35 6QJ

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS

- 1.1 The site is located within the periphery of the settlement development limit of Newry, in an area approved as an extension to Carnbane Industrial Estate, with the site itself an area of improved grassland. It comprises 10.1Ha of a larger land parcel zoned for economic development (NY63 – 52.38Ha) and is elongated / rectangular in form. It is bound by a belt of young trees along its northern, eastern and southern boundaries, with economic development lands adjoining the site to the north, west and south.
- 1.2 The site abuts the development limit boundary to the east and Cloghanramer Road, which delineates the open countryside. The site sits some 18-20m lower than the level of Cloghanramer Road, with a belt of trees (some 35m in width) separating the area of the proposed development. There are several residential properties located along Cloghanramer Road, to the south-east and north-east of the application site.
- 1.3 There are several buildings under construction within the immediate locality of the site; including approved development directly west (Regen) whilst an established and approved Battery Storage facility are to the north. Modern Tyres is located to the south-west; a substantial building, whilst approval has recently been granted on lands directly west of the site for a manufacturing and maintenance building.

2.0 PLANNING HISTORY

2.1 PAN and legislative requirements:

As this application is categorised as 'major,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (NI) 2011(reference **LA07/2022/1494/PAN.**) The PAN was considered acceptable to legislative requirements by the Planning Authority on 14.10.2022. The current application was submitted following the subsequent 12 week pre-application notice period, being received on 01.12.2023.

2.2 The application has been accompanied by with a Pre-application Public Consultation Report (PACC – (Prepared by O'Callaghan Planning, Dated Nov 2023) which confirms that community consultation has taken place in line with the statutory minimum requirements, with the following pre-application steps undertaken:

- A public notice of the consultation event was published in the Irish News on 17.10.2022;
- Emails were issued to several MLAs and local Councillors from the Newry and Slieve Gullion week commencing 10.10.2022 and Letters were posted to local residents week commencing 10.10.2022;
- Emails and letters included information in relation to:
 - Details on the proposal
 - Details of the site location
 - Venue address and time of public event
 - Who to contact regarding queries on the proposal
 - Contact address and dedicated email address
 - Closing date for comments

2.3 The PACC report notes that during the 12-week period this office did not receive any feedback from members of the public or any local representatives in relation to the proposal via email, telephone call or in written format. A number of local representatives did respond to the notification letters expressing an interest and intention to attend the public event, however on the day there were no local representatives in attendance.

2.4 The public event was carried out on 24.10.2022 in Newry Conference and Banquet Centre, which was attended by 8 people. A representative each from O'Callaghan Planning, SAICA Pack Ltd, Nicholas O'Dwyer Ltd and Delahunt Lavery Architecture were in attendance to answer any queries that members of the public may have had on the day. A number of proposed drawings and CGI images were on display for members of the public to view.

2.5 The 8 people who attended the event included:

- 3 representatives from a local company in a similar field to the applicant;
- 2 local contractors;
- 3 local residents who live on Cloghanramer Road.

- 2.6 Concerns were expressed from residents in relation to: the potential operating times of the proposal and in particular the amount of traffic it would attract with lorries etc visiting and leaving the site and the adverse noise impacts upon their living amenity.
- 2.7 The PACC report concludes that the local area was generally unopposed to the proposal, in terms of its design and overall functionality. And the applicant will attempt to have noise levels emitted from the proposed facility kept to a minimum and appropriate sound proofing measures have been included in the design process of the proposed facility following the public consultation event.
- 2.8 The details provided and pre-application steps undertaken are considered to meet the legislative requirements (Sections 27-28 of The Planning Act (NI) 2011.) The PACC report is material to this assessment, as considered further below. With the exception of the PAN application, additional planning records relating to the site and wider site are outlined below:
- 2.9 Additional planning records on the site include:
- **P/2009/0642/F:** Lands at Shepherds Way, Carnbane Industrial Estate, between Newry River and Cloghanramer Road, Newry - Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platforms, **permission granted 26/04/2010**
 - **P/2009/0640/O** - Land at Shepherds Way, Carnbane Industrial Estate, between Newry River and Cloghanramer Road, Newry, Industrial Development – **permission granted 23/04/2010**
- 2.10 Relevant surrounding / adjacent planning records include:
- **LA07/2022/1678/F** - 90 metres east of Modern Tyres and 140m north east of no.3A Derryboy Road, Newry, BT35 6QH - Site for one manufacturing and maintenance building; an open-sided robot parking building and a storage tank/bund to be used for training purposes and associated site works – **Permission Granted 19.02.2024**
 - **LA07/2022/1094/F** - 100m east of 26 Derryboy Road, Carnbane Business Park, Newry, BT35 6FY - Amendments to the consented solid recovered fuel facility (**LA07/2021/1102/F**) to include:1) the relocation of the sprinkler tank and pump house, 2) increased height of lean to structure to match the approved roof line of main building 3) change of fuel to the combined heat and power plant to refuse derived fuel and ancillary plant and 4) relocation of dryer – **permission granted 19/01/2023**
- 3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:**
- The NI Regional Development Strategy 2035 (RDS)
 - The Strategic Planning Policy Statement for Northern Ireland (SPPS)
 - Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)
 - A Planning Strategy for Rural Northern Ireland (PSRNI)

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS4 – Planning and Economic Development
- PPS6 – Planning Archaeology and the Built Heritage
- PPS13 – Transportation and Land Use
- PPS15 (Revised) – Planning and Flood Risk
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards

4.0 CONSULTATIONS:

- 4.1 DfI Rivers Agency (final response 11.06.2024)** – Following amendments to the Drainage Assessment and drawings, Rivers Agency offer no further objections / concerns, with informatives provided.
- 4.2 DfI Roads (final response 20.05.2024)**– offer no objections to this proposal following discussion with Invest NI who have clarified that the internal road will not be adopted by DfI at this time.
- 4.3 NMDDC Environmental Health Department (final response 18.06.2024)** Content, subject to conditions in relation to residential amenity and unforeseen contamination.
- 4.4 NMDDC Local Development Plan Team (14.02.24)** – Content
- 4.5 NI Water (10.01.24)** Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation (Further discussion below.)
- 4.6 DAERA (27.02.24, 17.04.24 and 14.05.24) - Natural Environment Division (NED)** has no concerns, subject to recommended conditions. **Water Management Unit (WMU)** advise that the proposal has the potential to adversely affect the surface water environment, conditions provided.
- 4.7 DfC Historic Environment Division (07.03.2024)** - Historic Monuments has is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- 4.8 Shared Environmental Services (SES) 29.05.2024**–advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the necessary mitigation measures being conditioned in any approval:
- 4.9 Loughs Agency (29.01.2024)** – has concerns relating to whether the local wastewater treatment infrastructure has the capacity to deal with the additional sewage burden which will result from this development. The Planning Authority should not grant permission until NI Water are satisfied that the proposed development will not overburden the current wastewater/sewage network in the area (conditions provided.)

5.0 OBJECTIONS & REPRESENTATIONS:

- 5.1 The application was advertised initially in the Newry Report on 10.01.2024, with the statutory advertising period expiring on 24.01.2024.
- 5.2 13 no. neighbouring properties were notified of the application by letter on 08.01.2024. 4 no. further properties were notified of the application following an amendment to the RLB (extended for DfI Roads, Drawing L01F0 – including No's 1, 11, 20 (units 1 and 2) Derryboy Road and the statutory neighbour notification period expired on 04.03.2024.
- 5.3 1 no. representation has been received from No. 59 Cloghanramer Road, which outlines the following concerns:
- In an effort to reduce the adverse environmental impacts and the further negative effects on the character of our neighbourhood, would ask the planning authority when attaching conditions to any proposed planning that they require the developers to plant a significant number of mature native trees around the perimeter of the site and adjacent areas to:*
 - mitigate the negative adverse environmental impacts of the development including increased carbon emissions from manufacturing and additional traffic;*
 - reduce the carrying of noise from the site to overlooking residents;*
 - In an effort to restore some of the original characteristics of what was a greenfield site;*
 - Pay due attention to the Council's own biodiversity plan.*
 - I would also ask that careful consideration is given to the choice of building materials used in terms of minimising the audible volume of plant machinery and the aesthetic impact of exterior facades.*
- 5.4 In relation to point 1: The Area Plan requirements for this site require that the hedges along the eastern boundary of the site are retained and supplemented with a belt of native species trees (a minimum 80m wide) to screen the proposed development and ensure it does not encroach onto the more prominent land at Cloghanramer Road. In addition, ecological details have been provided and submitted to DAERA's Natural Environment Division for their consideration, including: Biodiversity checklist and Preliminary Ecological Appraisal (completed by Sterna Environmental, dated November 2023.) NED note from the landscape plan (drawing 06) that the boundary woodland will be largely retained and that only a small section of woodland will be removed to facilitate the development in the eastern corner. NED welcome the proposed planting of native species to compensate for the woodland to be lost and are content that provided the proposed planting is adhered to, the proposal is unlikely to protect species, however it is considered necessary that a planning condition is imposed in relation to landscaping. This is discussed in more detail in the assessment section below, however the Planning Authority agree that landscaping conditions will be necessary to ensure existing and proposed landscaping is retained in perpetuity, in the interests of natural heritage, visual and residential amenity.

- 5.5 In relation to point2: It is noted that since this representation has been received and following the initial response from Environmental Health Department (dated 08.01.2024,) a revised Noise Impact Assessment (Rp001N 2023209, dated 12.01.2024) has been submitted for further consideration, which sets out that:
- the noise generated from the proposed facility will be of similar nature to the existing noise environment at the premises;
 - the site is located in an industrial area, with the closest residential properties located approx. 60m from the site;
 - The walls of the Proposed Development shall be constructed with walls of Aluminium Insulated Green Micro-Rib Panels by Kingspan. The roofs shall be constructed with Grey Insulated Aluminium Kingspan Roof Panels. The proposed materials have been included with a sound reduction of 24dB(A) applied;
 - Carr Consulting is of the opinion that noise generated by the proposed development should not adversely impact neighbouring residential properties.
- 5.6 It is noted that the NIA submitted states that vehicle movements (including HGVs) will only be during the daytime period. EH in their initial response (dated 02.02.2024) advised that in the event approval is granted, the hours of operation for HGV vehicle movements around the site shall be limited to 07:00 to 19:00 daily. And all loading and unloading shall be carried out only during these hours. This is to protect the amenity of the nearby residential properties.
- 5.7 Following this response, additional details were submitted by the agent, including clarification email dated from Irwin Carr Consulting, which notes that whilst the NIA makes reference to vehicle movements being during the day only, Table 5 in the same NIA report details that the predicted daytime & nighttime noise levels were considered the same and therefore there is no reason to restrict the operational activity at the site.
- 5.8 Given the third party comments and additional details submitted to clarify this, EH having been re-consulted on this matter, advise in response dated 19.06.2024 that the proposal and its operation shall be maintained in such a manner, so as not to have a detrimental effect on the amenity of nearby residential property by way of nuisance, caused by noise, dust and odour, with removal for the requirement to condition the hours of operation. Whilst the third party concerns are noted in this regard, the proposal has implemented suitable sound proofing materials to ensure that noise levels are within the recommended standards. On the basis of the latest advice from Environmental Health, it is not considered necessary or reasonable to impose a planning condition to restrict the proposed operations. It should be noted that permission is on the basis of details provided for consideration and will be required to comply with all approved details and additional conditions.
- 5.9 The third party representation has been fully considered and it is determined that material planning concerns have been fully addressed following receipt of clarification from EH and subject to all planning conditions being complied with.**

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Proposal Summary:

The application seeks permission for a global paper / corrugated fibreboard manufacturing factory with an overall footprint of approx. 45,058m². The proposal is required to enable relocation of the company's premises in Warrenpoint which are no longer suitable. The building's gable depth is varying (one section is 58m deep, another is 75m and the other is 97.5m.) It has a frontage of 415m, with another 81m on an angled leg. The height of the building varies between 18-25.5m. Its exterior is to be finished in profiled metal cladding. Within the site, provision has been laid out for 147 car parking spaces and 34 HGV spaces with associated circulation areas for dispatch, loading and unloading. 30 bicycle parking stands have also been proposed. Landscaping proposals include retention of all existing boundary trees and augmentation with native species planting, to include Blackthorn, Beech, Birch, Whin and Broom. The site is proposed to be accessed via the existing internal layout road within Carnbane Industrial Estate.

- 6.2 The following supporting information has been considered in the assessment below, together with application forms and detailed drawings, as submitted and / or amended:

Drawing No's

- L01 REV F - Site Location Plan
- P02 REV F - Manufacturing facility: site plan, west elevation & sections X-X & Y-Y
- P03 REV E - Overall floor plan, section & elevations
- P04 REV E – Offices floor plans
- P05 REV E - Manufacturing facility: office & welfare elevations + section X-X
- P06 – Manufacturing Facility: Landscape Plan
- P07 - Security Gatehouse
- 533166-NOD-01-XX-DR-C-0800 REV P01 – Existing Topo. Survey
- 533116-NOD-01-XX-DR-C-08003 REV P06– Proposed Drainage Layout Sheet 1 of 2
- 533116-NOD-01-XX-DR-C-08004 REV P05 – Proposed Drainage Layout Sheet 2 of 2
- 533166-NOD-01-XX-DR-C-08005 REV P01 – Proposed silt trap and oil separator details

Supporting Details:

- Biodiversity Checklist (Prepared by Sterna Environmental Ltd, Dated Nov 2023)
- EIA Scoping Study (Prepared by O'Callaghan Planning, Dated Nov 2023)
- Preliminary Ecological Appraisal (Prepared by Sterna Environmental Ltd, Dated Nov 2023)

- Drainage Assessment (Prepared by Nicholas O'Dwyer Ltd. Consulting Engineers (Version S2 P04 as revised 9th May 2024)
- Traffic Count Summary (Prepared by SW Consultancy Chartered Engineers, dated 30th Nov 2023)
- Traffic Assessment (Prepared by SW Consultancy Chartered Engineers, dated Nov 2023)
- Pre-Application Community Consultation Report (Prepared by O'Callaghan Planning, Dated Nov 2023)
- Supporting Planning Statement (Prepared by O'Callaghan Planning, Dated Nov 2023)
- Design and Access Statement (Prepared by O'Callaghan Planning, Dated Nov 2023)
- Transport Assessment Form (as revised 19th February Jan 2024)
- Foul and storm flow outputs (Nicholas O'Dwyer Ltd, dated 20/11/23)
- Wastewater Impact Assessment application details (dated 17/01/2024)
- Email dated 20.02.2024 from the agent (clarification for EH)

6.3 RDS 2035

The proposal is located on zoned economic land, which is in keeping with the sustainable economic objectives of the RDS (Policy RG1) in supporting strong, sustainable growth for the benefit of all parts of Northern Ireland, with Newry identified as a gateway within the regional spatial framework.

6.4 SPSS and Economic Development

The SPSS is a material consideration in all planning applications and its aim in relation to economic development is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development. The proposal, which is on zoned economic land, complies with the strategic objectives of the SPSS in relation to promoting sustainable economic development in an environmentally sensitive manner and ensuring a high standard of quality and design for new economic development. The proposal overall in principle, is acceptable to regional policy objectives in relation to economic development.

6.5 Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations. BNMAP 2015 operates as the current LDP plan for this site and identifies the site as being located within the settlement development limits of Newry (NY01) and on land zoned for Economic Development (NY63.)

- 6.6 Policy SMT2 of Vol 1 of the Plan directs 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 complimentary uses.*" Proposals on zoned land will be considered in the context of all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, Key Site Requirements.

- 6.7 Zoning NY63 outlines the following Key Site Requirements:

1. Access shall be from Carnbane Industrial Estate Roads;

6.8 The proposal complies with this requirement.

2. Open storage areas shall be screened from access roads;

6.9 The proposed layout satisfies this requirement;

3. Hedges on the southern boundary of the site shall be retained and supplemented with an 8-10 metre belt of trees of native species, to screen the proposed development;

6.10 This KSR is not applicable to this site as it refers to a portion of land further south within zoning NY63.

4. Hedges on the eastern boundary of the site shall be retained and supplemented with a belt of native species trees. This landscaping belt shall be a minimum of 80 metres wide, west of the Cloughanramer Road, to screen the proposed development and ensure development does not encroach onto the more prominent land.

6.11 The proposal includes the retention and augmentation of the existing hedgerow along the eastern boundary of the site in compliance with the first part of the requirement. However the landscaping belt proposed varies in width, ranging from c.22m – 40m along the eastern boundary to Cloughanramer Road.

6.12 The supporting statement submitted explains that to increase this to 80m in width would significantly compromise the economic development potential of the site and notes that the reason for this was in the interest of visual screening and to ensure the proposed development does not encroach onto the more prominent land (i.e. Cloughanramer Road which is at a height.) The supporting details also explain that the context has changed since the Draft area plan was first published in 2006 (the Draft Plan first mooted the Key Site Requirements).

6.13 Outline and full planning applications were submitted in 2009 and approved in 2010. Notably, the 2010 (full) permission authorised the creation of two terraces when the site was on a significant incline. When the site was inclined, it would have been necessary to keep development off the upper slope hence the Plan specified a requirement for an 80m landscape buffer along Cloughanramer Road. The full permission authorised significant ground works which included lowering levels to create working platforms. The physical lowering of levels therefore had the same effect (of keeping development off the upper part of the slope) as would a requirement to maintain an 80 metre planted buffer along Cloughanramer Road. Notably, neither the outline planning approval for the site, nor the full planning permission for the creation of the working platforms required Invest NI to create an 80 metre landscape buffer.

6.14 In assessing these details, consultation has been carried out with the LDP team who advise that the intention of the buffer according to the wording of NY63 is to screen the development and prevent encroachment on to more visually prominent land, views of the site will be limited and long range from along

viewpoints such as the A1 travelling northbound. From these viewpoints the proposed factory will still be below the ridgeline that is located to the east of Cloughanramer Road, in addition the areas of the buffer that it is proposed to be developed will not be visible as they will be positioned immediately behind the proposed factory.

- 6.15 The proposed landscape buffer appears to follow that approved as part of application P/2009/0642/F therefore it can be argued that the principle of the buffer not being of a continuous width of 80 metres along the entirety of the eastern boundary has been accepted previously and has been implemented as part of the preparatory works carried out on the site.
- 6.16 Whilst the proposal does not strictly comply with the fourth Key Site Requirements as set out above, the planning history is material in this assessment, whereby a smaller buffer has been accepted. Given the specific merits of this case, approval of the proposed layout would not set an unacceptable precedent in this instance. A landscape belt has been planted in line with the previous approval on the site, The previous approvals on the site and that the amount of landscaping lost as a consequence of the development is, considering the extent of the zoning, a very limited area and views of this land would be limited given the presence of the proposed manufacturing plant.
- 6.17 The advice of the LDP Team is confined to the provisions of the BNMAP 2015 and does not address the need for the proposal to comply with all other material considerations.
- 6.18 In considering all of the details, determining weight is given to the planning history on the site, whereby a reduction in the 80m wide belt has previously been accepted, together with the current condition of the site (i.e. following ground works as previously approved,) landscape boundaries and limited views from the A1 dual carriageway. The proposal therefore in this specific set of circumstances is considered acceptable to this requirement of zoning NY63 and Policy SMT2 of Vol 1 of the Plan. It will fall to be assessed against the further relevant prevailing policy provisions, as assessed below.**
- 6.19 **Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017, DCAN 10)**
As the development is within Category 10 (B) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development. In having regard to Schedule 3 and the selection criteria referred to in Article 4.3 of the Directive, the Council determined on 12.01.2024 that the planning application does not require to be accompanied by an Environmental Statement. A letter was subsequently issued to the agent confirming the same and a copy of the EIA determination is recorded on the application file.
- 6.20 **Habitats Regulations Assessment (HRA)**
A HRA screening was completed for the application on 08.01.2024 whereby it was considered that consultation with SES was required, on the basis of the

issues raised by NIW in relation to foul sewerage capacity issues, which could ultimately create a pollution problem to Designated Sites during the operational stages of this development. Following substantive advice from DAERA's Water Management Unit, SES has completed an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, advise (response dated 29.05.2024) that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.. This conclusion is subject to mitigation measures being conditioned in any approval in relation to agreement of a suitable sewerage solution prior to the commencement of any development approved, with the necessary conditions included at the end of this report.

6.21 SPPS and PPS4 (incorporating PPS2, PPS3, PPS6, PPS13, PPS15, DOE Parking Standards, DCAN15 and PSRNI requirements)

The proposal for the purposes of this assessment is considered to fall within class B3 (General Industrial) of the Planning (Use Classes) Order (Northern Ireland) 2004 and as such, PPS4 together with the SPPS are considered to set out the primary determining policy tests to be met, as considered below:

6.22 PPS4 Policy PED1 (Economic Development in Settlements)

Under PED1, a proposal for a Class B3 use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. The proposal which is on zoned economic development land (NY63,) is in principle acceptable to PED1, subject to meeting the further general criteria set out under PED9.

6.23 PPS4 Policy PED8 (Development incompatible with Economic Development Uses)

The proposal is for a manufacturing business and is not expected to generate emissions, effluent, discharges, dust or odour. In considering the nature of development, the proposal would not be incompatible with existing and approved uses within Carnbane Industrial Estate and causes no concerns in relation to Policy PED8 in this regard.

6.24 PPS4 Policy PED9 (General Criteria)

PPS4 Policy PED9 also sets out that a proposal for economic development use, in addition to the other policy provisions of PPS4, will be required to meet all of the criteria listed (a- m):

6.25 (a) *it is compatible with surrounding land uses;*

The proposal is considered to be compatible with surrounding land uses, including economic and industrial development within Carnbane. The closest dwelling is located approximately 53m from the site. Appropriate measures have been included within the design (including materiality) to ensure that the development is compatible with dwellings within this wider locality;

6.26 (b) *it does not harm the amenities of nearby residents;*

The proposal does not involve processes that generate significant levels of noise, odours, emissions, effluent, discharge, dust or particles. The proposal

has however the potential to impact on residential amenity during both construction and operational stages, by way of noise, considered in further detail below (criteria e.) There may also be general nuisance arising from new lighting and increased traffic to / from the area. There are less likely to be any issues in relation to air pollution given the nature of the development. It is noted that the proposal submitted follows community consultation, including a public event, which resulted in amendments to the scheme, whereby 3 residents of Cloghanramer Road attended. They expressed concerns in relation to the operational hours of the scheme resulting in traffic volumes and noise pollution, impacting on their amenity.

- 6.27 The proposed site plan is designed to minimise noise breakout, particularly at sensitive periods of the day. The factory will be acoustically insulated, with external activities mainly associated with loading, unloading and vehicular movements within the yard areas. The site has been designed to keep traffic flowing at the rear of the site, and this will serve to minimise loitering or extended working at the rear of the site. The fact that the site is located on such a lower plain from the development is also beneficial in mitigating noise breakout and it will be a combination of preventative measures / good working practices and physical separation, landscaping and local geography that will ensure the avoidance of an unacceptable degree of adverse impact on the amenity of surrounding residents. The third party representation has been fully considered and in consultation with Environmental Health, subject to the necessary conditions being complied with, it is considered that the proposal will not result in an unacceptable degree of adverse impact on the amenity of surrounding residents.
- 6.28 Whilst a sewerage solution has not been agreed, a Wastewater Impact Assessment application has been submitted to NIW and is ongoing. A planning condition will be necessary to ensure that the method of sewerage solution for the site / proposal is agreed, prior to the commencement of any development – in the interest of public health.
- 6.29 ***(c) it does not adversely affect features of the natural or built heritage;***
There are no known listed buildings or structures within the locality of the site. In terms of archaeological impacts, the site is also within the locality of several archaeological sites and monuments, including DOW046:006 (Enclosure approximately 100m to the east) and DOW046:026 (A.P. Site approximately 300m to the west.) Archaeological investigations were completed in 2010 on the site and surrounding area following the approval of planning permission P/2009/0640/O. The published Archaeological Evaluation Report (Prepared by Archaeological Development Services Ltd, Licence No: AE/09/136) identifies the site as having high archaeological potential, with detailed recommendations outlined in order to adequately record and protect any archaeological features. HED have been consulted on this proposal advise that the site has previously been subject to extensive archaeological excavation and resolution under licenses AE/09/136, AE/10/34 & AE/11/114. Consequently, given the site has now been fully excavated HED (Historic Monuments) consider the scheme acceptable to PPS 6 archaeological policy requirements.

- 6.30 In terms of natural heritage, the proposal is in proximity to a Local Landscape Policy Area (LLPA 117 – Greer’s Farm and Curtilage) an attractive landscape which softens the impact of Carnbane Industrial Estate and which provides an area of conservation interest, including areas of woodland and groups of significant vegetation. More localised, the site is encompassed by younger woodland areas and also incorporates vegetation and improved grassland within the site boundaries. Supporting ecological information has been submitted with this application for consideration, including: Proposed Landscape details, Biodiversity Checklist, Preliminary Ecological Appraisal (PEA,) EIA Scoping Study Report.
- 6.31 The ecological details submitted state that the proposal will not have any impact upon European and Ramsar Sites – International; Species Protected by Law; Sites of Nature Conservation Importance – National; or Sites of Nature Conservation Importance – Local or on a Local Nature Reserve or a Wildlife Refuge.
- 6.32 The detailed ecological details have been submitted to DAERA’s Natural Environment Division who advise the proposal is acceptable to PPS2 requirements (Policies NH1-NH5, NH6 not applicable) and natural heritage requirements, conditional to the landscaping proposals being implemented in accordance with the submitted details. NED’s response makes reference to the use of floodlighting (as outlined in the Biodiversity checklist) and that this should be directed away from the boundary vegetation in the interest of protecting potential protected species within the boundary woodland. The use of planning conditions will be necessary to ensure that landscaping is implemented and maintained in perpetuity in the interest of natural heritage. Guidance will also be included in the form of informatives.
- 6.33 Whilst there is the potential risk of pollution to Newry River during the operational stages of the proposal (concerns raised by Loughs Agency that overflows from overloaded WWTW invariably are discharged to watercourses to the detriment of fisheries interests.) SES having completed an appropriate assessment (also considering the advice of DAERA’s Water Management Unit conclude that significant effects on designated sites are not expected. Planning conditions will however be necessary to ensure that there is a suitable method of sewerage solution agreed prior to the commencement of development approved, in addition to control over construction methods to prevent pollution of surface waters, which is detrimental to fisheries.
- 6.34 ***(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;***
DfI Rivers maps indicate that the site is not within a river or sea floodplain, with some climate change surface flooding predicted across parts of the site. Newry River is located approximately 350m west of the site, with a small watercourse / ditch close to the western boundary of the site (access point.) The proposed development will introduce impermeable areas to this existing greenfield site and proposes the use of a Sustainable Drainage System. A detailed Drainage Assessment and drawings (as amended,) have been submitted for consideration, which conclude that that development of this site in accordance with this surface water management system would not result in adverse impact

- to the hydrological regime of the area and would not increase fluvial flooding elsewhere.
- 6.35 DfI Rivers Agency advise that whilst not being responsible for the preparation of this Drainage Assessment, Rivers Agency accepts its logic and has no reason to disagree with its conclusions. It will be brought to the attention of the Applicant that the responsibility for the accuracy of this Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the Developer and their professional advisors. Subject to details being implemented in accordance with the submitted details, the proposal is not expected to cause or exacerbate flooding to the site or elsewhere.
- 6.36 In also considering the policy tests of PPS15 (revised,) the proposal as confirmed by DfI Rivers raise no objections to Policies FLD1 and FLD2, with policies FLD4 and FLD5 not applicable to the proposal. Policy FLD3 has been addressed through the revised drainage assessment and drawings. Subject to the necessary guidance being adhered to, the proposal is also considered acceptable to PPS15 (as revised) requirements.
- 6.37 (e) it does not create a noise nuisance;**
The proposal will generate noise during both its construction and operational stages. The Noise Impact Assessment submitted prepared by Irwin Carr Consulting, dated 12.01.2024 has been considered in consultation with the Council's Environmental Health Department.
- 6.38 The corrugator and the converting areas will generate a modest degree of noise although the building has been specified, and working practices adapted, to minimise noise breakout. The despatch area is typically quiet, with forklift activity only. The despatch yard will have lorries operating and noise from these and indeed all other activities has been taken into account, as detailed in a separate noise report. The majority of the deliveries to the existing site is paper and this will remain the case. Outbound deliveries typically commence from 5am each morning. Other traffic is predominately comprised of employees coming to work, with peak times at 7am, 9am, 3pm and 11pm. The company expects to operate 24 hours a day, 4 days per week, finishing at 11pm on Friday evenings. Daily, a night shift will operate in the same fashion as the other two shifts. Activity in the trailer yard is limited between the hours of 2300 and 0500.
- 6.39 It is noted that the NIA submitted states that vehicle movements (including HGVs) will only be during the daytime period. EH in their initial response (dated 02.02.2024) advised that in the event approval is granted, the hours of operation for HGV vehicle movements around the site shall be limited to 07:00 to 19:00 daily. And all loading and unloading shall be carried out only during these hours. This is to protect the amenity of the nearby residential properties.
- 6.40 Following this response, additional details were submitted by the agent, including clarification email dated from Irwin Carr Consulting, which notes that whilst the NIA makes reference to vehicle movements being during the day only, Table 5 in the same NIA report details that the predicted daytime & nighttime noise levels were considered the same and therefore there is no reason to restrict the operational activity at the site.

- 6.41 EH having been re-consulted on this matter for clarification, further advise (response dated 19.06.2024) that the proposal and its operation shall be maintained in such a manner, so as not to have a detrimental effect on the amenity of nearby residential property by way of nuisance, caused by noise, dust and odour, with removal for the requirement to condition the hours of operation.
- 6.42 Whilst the third party concerns (as outlined in section 5 of this report) are noted in this regard, the proposal has implemented suitable sound proofing materials and detailing, to ensure that noise levels are within the recommended standards. On the basis of the latest advice from Environmental Health, it is not considered necessary or reasonable to impose a planning condition to restrict the proposed operations.
- 6.43 It should be noted that permission is on the basis of details provided for consideration and will be required to comply with all approved details and additional conditions.
- 6.44 (f) it is capable of dealing satisfactorily with any emission or effluent;**
Given the nature of the business (manufacturer of cardboard packaging, paper and labels and implementation of waste management and environmental services, including recovery and recycling of paper and cardboard waste,) the proposal will not generate emissions and does not involve hazardous processes or substances,. However as noted, there are concerns in relation to the capacity of the existing sewerage infrastructure being able to deal with sewerage generated from the site, during the operational stages which poses a potential pollution threat including to surrounding watercourses. A wastewater impact assessment application was submitted by the applicant to NIW in Jan 2024 and the Planning Authority await the outcome of this to ascertain whether a suitable sewerage solution can be achieved for the site and proposed development, including consent to discharge from the relevant body (NIEA or other.) As this issue remains unresolved, a planning condition will be necessary to ensure that a solution is achieved before any works would commence on site. The proposal otherwise is considered acceptable to this criterion.
- 6.45 (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;**
- (h) adequate access arrangements, parking and manoeuvring areas are provided;**
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;**
- 6.46 The proposal as noted includes access from Carnbane Industrial Estate's existing internal layout road. Vehicle movements within the site are managed via a one way system, with separate entrance and exit points. The submitted Transport Assessment Form (TAF, as revised) outlines an expected 580 (2 way) vehicle movements to the site per day (comprising staff, visitors,

customers, goods vehicles.) DfI Roads having been consulted on the proposal, initially requested a revised RLB (to ensure the site adjoins the adopted part of the existing roadway) a PSD drawing and a full Transport Assessment, to account for:

- consideration committed developments which will impact upon the surrounding junctions which may then require some mitigation works.
- TRICS 85th percentile Total vehicle trips results should be used to provide a robust assessment of the potential trips generated by the proposal.
- parking provision must be in line with PPS 3 guidelines and be agreed with DfI Roads Development Control.
- internal pedestrian facilities should ensure that pedestrians are separated from vehicular traffic. The proposed development, including the internal layout, should be accessible to all non-motorised. The TA should specify the number of cycle parking spaces proposed as part of the development and demonstrate how cyclists can safely access and egress from the site.

6.47 In response, a revised TAF together with revised location plan (RLB) were submitted and issued to DfI Roads for further consideration. Notably, no PSD was submitted however following direct discussions between DfI Roads and Invest NI (landowners,) it was determined that the proposed section of roadway into the site is to remain private. On this basis, DfI Roads having reviewed the amended details, advise in response dated 20.05.2024 that there are no objections to the proposal. A planning condition will be imposed ensuring that works are carried out in accordance with the submitted drawings.

6.48 In terms of parking (PPS3 AMP9, DOE Parking Standards,) the proposal includes segregation of parking and servicing. Parking provision includes 147 car parking spaces laid out over 4 no. carparking areas to the front of the building (including accessible spaces) and an additional area for lorry and tractor parking to the side (34 no. spaces for HGVs, 6 tractor spaces, 10 service parking bays.) An area for bicycle parking is also located adjacent to car park 3 to the front of the building.

6.49 The proposed car parking provision appears to be significantly below the requirement when applying DOE Parking Standards for class B3 building of this scale (461 non-operational spaces, 138 non-operational spaces, 64 cycling stands.) However the standards also guide that for some units parking will be assessed on individual merits having regard to the number of workers, operating patterns, location and proximity to public transport. The proposal includes 30 no cycle stands and whilst this is below requirements., the proposed layout has capacity to accommodate additional cycle parking within the areas of hardstanding so as to encourage more sustainable modes of transport, in line with PPS3 and PPS13 requirements.

6.50 In considering all of these details, the following points are noted:

- The TAF sets out in detail the alternating shift patters of staff and notes that the "worst case" scenario would require parking for 131No. cars plus potential visitor parking (all shift 1 departures in situ, shift 2 arrivals + administrative staff).

- The servicing area will improve the internal servicing area at SAICA with dedicated parking for OGV 1 and OGV 2 vehicles, tractor parking and a turning area in addition to loading bays.
- 6.51 Based on the traffic and operational details submitted, the proposed car parking provision (i.e. non-operational parking) would appear to be capable of meeting the needs for the proposal owing to the alternative shift patterns and also in encouraging sustainable means of transport to the site. In this context, in considering the individual merits of this application, the proposed parking provision is considered acceptable.
- 6.52 Subject to conditions being complied with, the proposal is considered acceptable to criteria g,h,i of PED9 in addition to PPS3, PPS13, DOE Parking Standards and DCAN15 requirements.
- 6.53 ***(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;***
The supporting statement submitted acknowledges that the scale of the building is significant, hence the design has endeavoured to maximise visual relief and minimise the perception of bulk and massing. A series of steps have been introduced in the roof line, while there are projections, out shots and recesses on the primary elevations, to avoid monotony. It also acknowledges that the context is important in this consideration: i.e. that the zoning carries no limitations on size or scale of building and policy does not distinguish between substantial or modest buildings.
- 6.54 Supporting details suggest what makes this proposal acceptable on this particular site is: the fact that the development sits at the bottom of an embankment that averages 18 – 19 metres in height; the fact that there is a significant planted buffer, already maturing, along the site's rear boundaries; the fact that a large building has recently been constructed to the fore of the site; and the fact that other large buildings are under construction, pending construction or awaiting planning approval.
- 6.55 The site's surroundings are such that this large building can be accommodated. The site has been laid out in such a manner as to ensure that as much activity as possible is hidden from public view (without over relying upon parts of the site that are particularly sensitive due to proximity to nearby residential receptors).
- 6.56 In reviewing these details, it is considered that this particular site can accommodate a building of this scale, without compromising townscape character or streetscape (in considering the provisions of DES2 and SP18 of the PSRNI) and avoiding loss in environmental quality and significant impact upon residential amenity. The design and finishes are acceptable in the context of the industrial estate and existing and approved developments and it is noted given the variation in site levels, with the site sitting some 15-20m below the level of Cloghanramer Road, the building would not be overly dominant from these viewpoints, whilst views off the A1 are more limited and long distance,

The proposed landscape buffer around the site also ensures clear delineation between the settlement limit, in accordance with the Area Plan requirements.

6.57 Subject to conditions being complied with in relation to landscaping retention, implementation and maintenance, the proposal overall is considered acceptable to this criterion in addition to PSRNI (Polices DES2 and SP18.)

6.58 (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

Boundary treatments provide an appropriate form of enclosure, and areas where activity will occur outside are kept to the rear of the building. The proposal does not present concerns in relation to these requirements, subject to the proposed landscaped boundaries being conditioned and maintained for the lifetime of this proposal.

6.59 (l) is designed to deter crime and promote personal safety; and

The proposed layout seeks to achieve maximum surveillance of areas of parking and open space, whilst consideration has been given to the use of lighting and the provision of a security gatehouse, close to the access to the site to deter crime and promote the overall safety of the site.

6.60 (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The proposal is not located within the countryside, although it notably partly adjoins the edge of settlement limit boundary. The surrounding buffer planting will ensure there is a clear delineation between the settlement limit and open countryside.

6.61 Overall, subject to meeting the necessary conditions set out below, the proposal is considered acceptable to the requirements of the SPPS and PPS4, in addition to PPS2, PPS3, PPS6, PPS13, PPS15, DOE Parking Standards, DCAN15 and PSRNI requirements.

6.62 Water Supply:

The proposal seeks to connect to NIW mains water supply. NIW in response dated 10.01.24 advise that whilst there is a watermain within 20m of the proposal, an assessment has indicated network capacity issues. This establishes significant risks of detrimental impact to existing customers, causing reduced pressure and potential water supply outages. For this reason NI Water is recommending connections to the public water supply network are curtailed.

6.63 NIW advises that the application should apply for a Water Impact Assessment to assess the proposal to see if any mitigating measures are required to allow for connection. Subject to successful outcome and subject to re-consultation, NI Water may reconsider its recommendation. The Planning Authority do not have details to demonstrate that this matter has been appropriately addressed. Therefore it will be necessary to attach a planning condition to ensure that there

is agreement to connect the site to NIW supply prior to commencing the development.

6.64 Sewerage:

As noted in the above assessment, the proposal seeks to also connect to NIW mains sewerage network, however NIW advise that whilst there is capacity at the receiving wastewater treatment facility, there is no public foul sewer within 20m of the proposal and there are network capacity issues within the existing infrastructure (including unsatisfactory Intermittent Discharges (UID's) at:- Carnbane Shepherds Way 3 WwPS (1), Newpoint Greenbank TPS (2), & Islandbank WwPS (3) (1) & (3) discharge to Newry River, and (2) discharges to Carlingford and Newry.) Given this, NIW recommend refusal, but subject to the applicant engaging with NIW through a WwIA to assess the proposal to see if an alternative drainage or treatment solution can be agreed, NIW may reconsider this recommendation.

- 6.65 As noted, the application has submitted an application for a WwIA to NIW in January 2024 and this remains ongoing. As the sewerage solution has not at this point been agreed for the proposed development, a planning condition will be necessary to ensure this is resolved prior to the commencement of development approved.

7.0 RECOMMENDATION:

Approval (subject to the conditions set out below being complied with)

8.0 PLANNING CONDITIONS:

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

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

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

- L01 REV F - Site Location Plan (dated 11/23)
- P02 REV F - Manufacturing facility: site plan, west elevation & sections X-X & Y-Y (dated 11/23)
- P03 REV E - Overall floor plan, section & elevations (dated 11/23)
- P04 REV E – Offices floor plans (dated 11/23)
- P05 REV E - Manufacturing facility: office & welfare elevations + section X-X (dated 11/23)
- P06 – Manufacturing Facility: Landscape Plan (dated 12/23)
- P07 - Security Gatehouse (dated 11/23)
- 533166-NOD-01-XX-DR-C-0800 REV P01 – Existing Topo Survey

- 533116-NOD-01-XX-DR-C-08003 REV P06– Proposed Drainage Layout Sheet 1 of 2
- 533116-NOD-01-XX-DR-C-08004 REV P05 – Proposed Drainage Layout Sheet 2 of 2
- 533166-NOD-01-XX-DR-C-08005 REV P01 – Proposed silt trap and oil separator details

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

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

Reason: To ensure the appropriate foul drainage of the site in the interest of public health and to protect both fisheries and features indirectly connected European Sites in Carlingford Lough from adverse effects.

4. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 3, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul drainage of the site in the interest of public health and to protect both fisheries and features indirectly connected European Sites in Carlingford Lough from adverse effects.

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

Reason: To ensure there is available public water supply to serve the development and to ensure existing connections are not impacted by this development.

6. The existing natural screenings of this site as detailed on Drawing No. P06 (Manufacturing Facility: Landscape Plan, dated 12/23) shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

7. During the first available planting season prior to the operational use or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with Drawing No. P06 - Manufacturing Facility: Landscape Plan, dated 12/23) and shall be maintained thereafter in perpetuity.

Reason: To minimise the impact of the proposal on the biodiversity value of the site and in the interests of visual amenity.

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

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

9. The development hereby permitted shall not commence until proposed external lighting details have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of natural heritage and residential amenity.

10. All external lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Engineers, Regent House, Regent Place, Rugby, Warwickshire, CV21 2PN.

Reason: In the interests of residential amenity.

11. If during the development works, new contamination is encountered which have not previously been identified, all works on site shall cease and the Planning Authority shall be notified immediately. A full written risk assessment in line with the current government guidance that detail the nature of the risks and necessary mitigation measures shall be prepared and submitted to the Local Planning Authority, to be agreed in writing in consultation with Environmental Health and subsequently implemented in accordance with the approved details and time frame.

Reason: In the interest of public health.

12. No goods, merchandise or other material shall be stationed or displayed on or about the hardstanding of the premises.

Reason: To safeguard the visual appearance of the premises and of the area generally.

Case Officer: O. Rooney

Date: 24/06/2024

Authorised Officer: P. Manley

Date: 24/06/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2848/F

Date Received: 17/05/2023

Proposal: Change of use from apartments to dental surgery on rear wing of second floor and retention of external escape staircase (from first to second floor) at rear of existing building.

Location: Downshire House, 22 Merchants Quay, Newry.

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Newry City as defined within the Banbridge / Newry and Mourne Area Plan, the site is within the City Centre and a portion of the site falls within the Conservation Area.

The site contains a modern large mixed use building, the building includes retail units, apartments, medical offices and some vacant units. The building fronts the public road with a large area of parking to the rear of the building.

The site is located within an area of mixed use with a retail, residential, offices, bars etc all within the vicinity of the site.

Site History:

P/2014/0687/F - Proposed change of use, extension, and alterations to existing two storey office building to include new mixed use development incorporating ground floor retail units, first floor dental surgery and serviced office accommodation and second floor two bed apartments in addition to necessary site works/upgrades - 22 Merchants Quay, Newry – Permission Granted.

LA07/2015/1330/F - Discharge of Conditions 2 & 3 of P/2014/0687/F - 22 Merchants Quay, Newry – Approval.

LA07/2015/0823/DCA - Proposed part demolition of existing external walls and internal walls - 22 Merchants Quay, Newry – Approval.

Planning Policies & Material Considerations:

The following policies will form the basis of the policy consideration for this application;

- Banbridge Newry Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland.

- Planning Policy Statement 3- Access, Movement and Parking.
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage
- Newry Conservation Guide
- Parking Standards

Consultations:

DFI Roads – Following the submission of additional information the latest response from DFI Roads states they have no objections in principle to the proposal. The response states that the comment is on the basis that Planning are content with the parking, turning and servicing arrangements proposed. The site contains a large area of off-street parking, on-street parking is also available adjacent to the site. Having considered the previous approval on the site it is considered that there is an acceptable level of parking available within the site but that there is also on-street parking available should this be required. The type of use proposed will see people come and go from the site throughout the day, it is considered that given the continued turnover of visitors to the site parking will continue to be available throughout their working day.

Council Environmental Health – No objections were raised.

NI Water Strategic Applications – The response from NIW raised concerns with the proposal and recommended refusal given that there are capacity issues.

The agent for the application has provided a letter from NIW in which it outlines that although the issue remains it would now be seen possible to permit a foul connection subject to the developer undertaking some measures. Also submitted is a copy of a receipt for a Waste Water Impact Assessment and the application for the WWIA.

Given that the agent has engaged with NIW and their latest correspondence suggests that a solution is available it is considered that any approval could be negatively conditioned.

Objections & Representations:

The proposal was advertised in local press on 12/07/2023 and 29/08/2023, (eight) 8 neighbours were notified of the proposal on 16/08/2023, no objections have been received to the proposal.

Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015

The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the settlement limits of Newry City and within the City Centre boundary as illustrated on map 3/02a.

The application requests a change of use from residential accommodation to private medical treatment facility which would fall under Class D1 (a - for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner).

The Plan Strategy and Framework document which forms part of the Banbridge / Newry and Mourne Area Plan includes Policy ECU1, Education, Health, Community and Cultural Uses. Given that this proposal is for a change of use to private medical treatment facility Policy ECU1 is specific to the proposal and will form part of the consideration of this application.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Paragraph 6.273 of the SPPS states planning authorities must adopt a town centre first approach for retail and main town centre uses. In this instance the proposal is for a change of use to a private medical treatment facility which is categorised as use D1 in the Planning Use Classes Order 2015. Paragraph 6.270 in relation to Town Centres states that Town/City centres are the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. I consider the proposed development does not offend this policy as it is an expansion of an existing use and a complementary function which will enhance retail offerings in Newry City Centre. The SPPS includes this use class within the definition of main town centre uses as outlined at Paragraph 6.271. The application site as outlined above is within the city centre boundary of Newry as illustrated on Map 3/02b and is thus in line with the thrust of this policy.

Paragraph 6.13 Development involving a change of use and / or works of extension / alteration states development may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. I am content with the proposal as the site is located in the Town Centre boundary where uses such as this are directed. In addition, various commercial developments operate within the immediate vicinity.

Strategic Plan Framework

Policy ECU 1 Education, Health, Community and Cultural Uses

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 will see the change of use of part of the existing building from residential accommodation to health facility. The proposal will see the only external alteration being the retention of an external escape staircase (from first to second floor) at rear of the building. The proposal will see existing floor area which has not been fitted out become treatment rooms, staff room etc. The proposal will not result in any detrimental effect on the amenity of any neighbouring properties and biodiversity will not be impacted by the change of use. Environmental Health in their consultation provided a response of no objection. I am content the proposal will not negatively impact on residential properties.

- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;

The proposal will not impact on the ability to develop any surrounding land, the application site is not zoned within the LDP.

- the proposals are in keeping with the size and character of the settlement and its surroundings;

As stated the application is for a change of use with only a small rear staircase, it is felt that the size of the subject building suits the proposed use, the proposal is considered in keeping with the character of the area.

- where necessary, additional infrastructure is provided by the developer;

The response from NIW and supporting information provided by the agent suggests the need for a condition which will ensure that any infrastructural upgrades are agreed prior to the implementation of any approval, this condition will help the proposal adhere to this policy requirement.

- there are satisfactory access, parking and sewage disposal arrangements:

As stated, a negative conditions will help to ensure that there are satisfactory sewage disposal arrangements. DFI Roads in their latest response raised no objections to the proposal with regards to parking, further consideration of the proposed parking arrangements will be given below.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

Policy BH 12 New Development in a Conservation Area – as previously outlined the proposal is for a change of use with only a small alteration to provide an escape staircase (retention of) to the rear of the building. The development will not result in environmental problems such as noise, nuisance or disturbance as outlined above. The development will not have any impact on the setting of the conservation area and as such the proposal is considered to be in line with policy BH 12 and conforms with the guidance set out in the Newry Conservation Area Guide.

Amenity

The relevant policy context in relation to amenity is set out in the SPPS para 2.3 and Policy BH 12 (d) of PPS 6. Para 2.3 states planning operates in the public interest of local communities. The Planning Authority must determine whether the proposed development would unacceptably affect the amenity of owners or occupiers of neighbouring property and the existing use of land / buildings that ought to be protected in the public interest. The SPPS summaries that good neighbourliness and fairness are among the yardsticks against which the proposed developments must be measured. Noise and odours can impact upon amenity, however I consider that the proposed development will not have a detrimental impact on the amenity of this part of Merchants Quay.

Access and Parking

The proposal includes in-curtilage parking, a large parking area is in place to the rear of the subject building.

The application is located within the City Centre where there is a presumption in favour of this type of proposal, the latest response from DFI Roads raises no specific objections.

The site includes a large number of existing parking spaces which will be used as part of the proposal, the level of parking is considered acceptable for this type of proposal

taking account of the turnover of patients throughout the day. Aside from the in-curtilage parking there is also on-street parking available adjacent to the site and Newry Bus Station is within a short walking distance from the site so providing the option of taking public transport to the site.

Having considered all relevant information it is considered that the City Centre location along with the available level of parking in-curtilage and in the surrounding area and close proximity to local transport results in the proposal being in line with policy AMP7 of PPS3.

Recommendation: Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved drawings 100 Rev A, 200 and 210.

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

3. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

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.

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

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

5. No part of the development hereby permitted shall be occupied or implemented until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 4, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer: Wayne Donaldson **Date:** 12/06/2024

Authorised Officer: Maria Fitzpatrick **Date:** 14/06/2024

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3492/O	Target Date:
Proposal: renewal of previously approved application for infill dwelling LA07/2020/0655/O	Location: Immediately north-west of 102 Tullybrannigan Road, Newcastle
Applicant Name and Address: Gerard Milligan 65 Ballybannan Rd Castlewellan BT31 9ER	Agent Name and Address: Gerard Milligan 65 Ballybannan Rd Castlewellan BT31 9ER
Date of last Neighbour Notification:	25 March 2024
Date of Press Advertisement:	15 November 2023
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • DfI Rivers • DfI Roads • DfC Historic Environment Division • Northern Ireland Water (NIW) • NIEA: Natural Environment Division • Shared Environmental Services (SES) 	
Representations:	
Andrew Stephens Saba Park 14 Balloo Avenue Bangor Co.Down	
Letters of Support	
Letters of Objection	2
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	
Mr Stephens objection to the proposal is summarised below.	
<ul style="list-style-type: none"> • The Council erred in reaching the decision on LA07/2020/0655/O as it wrongly considered an unlawful temporary structure, as a lawful building to contain the spread of the development in a linear format / ribbon development. 	

- The approach adopted is contrary to the settled position of the Commission in that there is a legal process introduced by statute that should be followed.
- Planning Officers are not fettered by the previous consideration and determination and as such are required to consider the matter afresh in the current evidential context, taking account of any material changes Case Law or PAC decisions that have issued in the intervening period and any new points of objection, which were not previously raised.
- These new points of objection, must be weighed against the previous planning permission, which is now time expired.

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located along the minor Tullybrannigan Road Newcastle. It is comprised of a 0.1 greenfield site which is currently vacant of use. The site is accessed directly off the Tullybrannigan Road, via an existing gate. The site is defined on all sides by mature vegetation. The site is relatively flat and is noted to be approximately 45m from an adjacent watercourse and wood land area.

The site is located within the Area of Outstanding Natural Beauty, outside any settlement as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Renewal of previously approved application for infill dwelling LA07/2020/0655/O

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

R/2002/0923/O - 102 Tullybrannigan Road, Tullybrannigan, Newcastle - Replacement dwelling - PERMISSION GRANTED - 21.05.2003

R/2006/0466/RM - 102 Tullybrannigan Road, Newcastle. - Replacement dwelling. - PERMISSION GRANTED 18.07.2006

R/2006/1230/F - 102 Tullybrannigan Road, Newcastle - Replacement dwelling - PERMISSION GRANTED - 09.04.2008

R/2007/1253/O - 104 Tullybrannigan Road, Newcastle - 2 no self-contained holiday homes (replacement of existing) (amended proposal) - PERMISSION REFUSED - 29.11.2010

LA07/2020/0655/O 102 Tullybrannigan Road, Newcastle - Infill Dwelling
Decision: Permission Granted 05 November 2020

LA07/2021/0246/F 102 Tullybrannigan Road, Newcastle Proposed 3no. self-contained tourism units Decision: Permission Refused 08 December 2021 – APPEAL DECISION PENDING

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Site Location Plan
- Drainage Assessment (DA)
- Bio-Diversity Checklist (BDC)
- Preliminary Ecological Appraisal (PEA)
- Addendum to PEA

CONSULTATIONS

- DfI Rivers - No objections
- DfI Roads - No objections
- DfC Historic Environment Division – No objections
- Northern Ireland Water (NIW) - No objections
- NIEA: Natural Environment Division – No objections
- Shared Environmental Services (SES) – No Objections

REPRESENTATIONS

Andrew Stephens Saba Park 14 Balloo Avenue Bangor Co.Down

EVALUATION

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

The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan (LDP) for the area where the site is located. In ADAP, the site is located in the

countryside and outside of any settlement limit defined in the plan. There are no other provisions in the ADAP that are material to the determination of the application.

The Strategic Planning Policy Statement 'Planning for Sustainable Development for Northern Ireland' (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and Planning Policy Statement 2 'Natural Heritage' (PPS 2) apply.

In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for determining this application.

Policy CTY 1 and 8 Policy CTY 1 of PPS 21 lists 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 an individual dwelling house are stated. One of these is a small gap site in accordance with Policy CTY 8 of PPS 21. 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.

An exception to the policy 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.

To establish whether the site represents an infill opportunity, it is first necessary to determine whether it is within an otherwise substantial and continuously built-up frontage. Policy CTY8 advises a substantial and built-up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.

In this case the site shares a frontage with No 98, 100 and 102 Tullybrannigan along with an outbuilding positioned to the immediate west of the application site. The site is considered to be located within an otherwise substantial and continuously built-up frontage.

The aerial image above clearly shows that the frontage and plot sizes of those dwellings along Tullybrannigan Road are varied, with the average frontage length noted to be around 43m. The plot depth of the site is clearly smaller than that adjacent, despite this however, there is a sequential awareness of the dwellings along this section of Tullybrannigan Road. As previously considered, it would be difficult to resist a dwelling

on plot depth alone. The site itself does not function as a visual break with its infilling being to the detriment of rural character.

On this basis, it is considered that the site comprises a small gap site within a substantial and continuously built-up frontage and respects the existing development pattern along Tullybrannigan Road. It is considered therefore that the proposal it is compliant with Policies CTY 1 and 8 of PPS 21.

CTY 13 – Integration and Design of Buildings in the Countryside

In consideration of the acceptability of the site in terms of integration and rural character Policy CTY 13 of PPS 21 is applicable. 4 Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

In assessment of these, it is considered that the site is not prominent, given its low-lying nature and enclosure with mature vegetation.



For this reason, also it is considered that a suitably designed dwelling could integrate successfully within the landscape. The southern and eastern boundaries should be retained to ensure any dwelling integrates well.

Given the outline nature of the proposal, the design of the dwelling is not currently before the Planning Authority, however, a dwelling designed so as to be in keeping with the rural character of the area AONB would be expected.

Overall, therefore the proposal is considered to be compliant with the requirements of CTY 13.

PPS 3 – Access, Movement and Parking

As the application is proposing a new access onto the public road, Policy AMP 2 of PPS 3 is applicable, which states that planning permission will only be granted for a development involving direct access onto a public road where

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

In assessment of this the Planning Authority consulted with DfI Roads, who have advised that they have no objections to the proposal, subject to conditions. It is noted from the attached RS1 form that visibility splays of 2m x 60m are required. On this basis, it is considered that the proposal is compliant with the requirements of PPS 3.

PPS 2 Natural Heritage

The site benefits from mature boundaries on all sides. It also lies adjacent a water course and a woodland area. It was therefore considered necessary to assess the impact this proposal would have on the bio-diversity of the site and local area.

The applicant therefore submitted a Bio-Diversity Checklist and associated Preliminary Ecological Appraisal carried out by Dr Jane Preston BSc, PhD, MRSB CBiol, MCIEEM CEnv. The initial PEA survey was carried out in 2022, however, Ms Preston recently resurveyed the site on 27th April, 2024 and her updated comments are as follows

- The semi-improved grassland of the proposed development site has been recently mown and the area of bramble scrub in the western section of the site has been cleared.

With regard to the Boundary vegetation –

- Eastern Boundary remains unchanged and still consists of a row of over-mature trees comprising ash, Scot's pine, sycamore and cypress with an understorey of occasional holly and laurel.
- Southern and Western Boundaries are also unchanged consisting of a low, stone wall with frequent overgrown laurel and occasional hazel, hawthorn and sycamore. The western boundary is located outside the redline boundary of the application site.
- Northern Boundary (roadside) consists of a stone wall – here the ivy and bramble noted in 2022 has been cleared.
- An area of c25 year old broadleaved plantation woodland dominated by birch still occurs immediately south of the site.

With regard to protected species:

- The majority of the mature trees that occur along the Eastern Boundary all contain a heavy covering of thick-stemmed ivy lianas that could provide shelter for

roosting bats. These trees would still be assessed as having 'Moderate' (PRF – M) bat roosting potential.

- An outbuilding constructed of breeze block with a flat, corrugated metal roof is located outside the application site.
- The boundary vegetation would offer nesting opportunities for a variety of species of birds.
- No signs of badger activity were identified within the survey area on the day of investigation.
- No pine marten nests or red squirrel dreys were noted within proximity to the site.
- No areas of standing water or suitable smooth newt habitat were identified within the application site.

In summary – no significant ecological changes were noted on the site and the report recommendations made in 2022 are still valid.

As such the conditioning of the retention of the eastern boundary is applicable again in any forthcoming approval of this current proposal. The roadside boundary has minimal ecological value therefore its removal to enable the provision of visibility splays is considered to be acceptable. A planting scheme behind the new visibility splays will again be a condition of approval in this current case.

On the basis of the above assessment it is considered that the proposal complies satisfactorily with Policy NH 5 of PPS 2 which relates to habitat, species and features of natural heritage importance.

The site is close to the boundary of Eastern Mourne Special Area of Conservation (SAC)/ Area of Special Scientific Interest (ASSI). The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

PPS 15 Planning & Flood Risk

DfI Rivers have advised the Planning Authority that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which they have no record.

In assessment of the applicable policies within PPS 15 the following is noted

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure. Not applicable to this site.

FLD3 - Development and Surface Water. A Drainage Assessment compiled by MCL Consulting Ltd dated September 2020, was submitted to assess this aspect of the policy. It indicates that surface water discharges from the site will infiltrate to the substrata. The granting of a consent to discharge surface water to substrata as proposed in this Drainage Assessment is not within the remit and expertise of DfI Rivers. Consequently, DfI Rivers cannot comment on the effectiveness or otherwise as to using this method for the disposal of surface water. This will be a matter for NIEA and Northern Ireland Water.

FLD4 - Artificial Modification of Watercourses. Not applicable to this site.

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

PPS 6 Planning Archaeology and the Built Heritage

The site lies approximately 160m southeast (as the crow flies) from Curragher Lodge a Grade B1 Listed Building at No 19 Tullybrannigan Road (HB18/13/038). Consequently, the Planning Authority consulted with DfC Historic Environment Division to ascertain if the proposal had any potential impact on this listed feature.

HED have advised the Planning Authority that the proposed development site is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. The proposal would not therefore offend the relevant policies contained in Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Consideration of Objection

The Planning Authority acknowledge the Case Law and PAC decision referred to in the objectors' letter, however, do not agree that the previous decision to include the out-building to the west of the site within the shared frontage of the proposed development site to be flawed. The Planning Authority acknowledge that a Certificate of Lawfulness has not been issued for said building, nevertheless the Planning Authority has evidence of its existence for more than 5 years. This was also confirmed in one of the letters of objection received in the previous application, whereby the building was noted to have been on site for 20 years. It follows therefore that the building, while it does not have planning permission, is immune from enforcement action given the passage of time and can be included in the assessment of the proposal as a lawful structure.

Drawings

The drawing considered as part of this assessment is as follows

001

Neighbour Notification Checked

Yes

Summary of Recommendation

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

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The development hereby permitted shall take place in strict accordance with the following approved plans 001

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

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

Reason: In the interests of Road Safety

5. The dwelling hereby permitted shall be designed and landscaped in accordance with the guidance document 'Building on Tradition'.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

6. As part of the reserved matters scheme, a detailed landscaping scheme shall be submitted showing:
- i. a scheme of planting behind visibility splays;
 - ii. retention of the existing vegetation along the western boundary
 - iii. details of any hard landscaping including walls and pillars.

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

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

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

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

8. The building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rainwater separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

Case Officer Signature: C COONEY

Date: 22 May 2024

Appointed Officer: A.McAlarney

Date: 24 May 2024

Speaking Rights Submission - LA07/2023/3492/O

- Whilst the previous planning approval on the subject site, is a material consideration. **Planning officers are not fettered by the previous consideration and determination and as such are required to consider the matter afresh** in the current evidential context.
- They must take account of any material policy changes, **PAC decisions** or legal judgements that have issued in the intervening period and any **new points of objection, which were not previously raised** during the processing of LA07/2020/0655/O.
- This decision turns on the **small structure set back off the Tullybrannigan Road**, which has **no defined curtilage or plot** and to which there is **no visual appreciation**.
- The settled position of the PAC is that there is a legal process introduced by statute that should be followed, as per case law in ***Saxby v Secretary of State for the Environment and Westminster City Council (1998)***, which established that the specific statutory scheme for the determination of lawful use of development was by application to the Council (or the Commission on appeal) for the issue of a Certificate of Lawful Development (LDC).
- The Planning Officers accept that a **Certificate of Lawfulness has not been issued for said building nor is there any planning permission for it**.
- **Immunity does not confer with lawfulness** and the approach outlined above in the DMOR is fundamentally misguided and *ultra vires*, as per the direction of the PAC in the following appeal decisions;
 - Appeal 2008/A0117, Paragraph 4.
 - Appeal 2012/A0083, Paragraph 8.
 - Appeal 2015/A0129, Paragraph 5.
 - Appeal 2016/A0218, Paragraph 8.
 - Appeal 2020/A0058, paragraph(s) 6.14 – 6.16
 - Appeal 2022/A0049, paragraph 8.
- **In the absence of such a Certificate, the outbuilding cannot be counted as a building with shared frontage to Tullybrannigan Road in this circumstance.**
- Setting aside the **unlawful status, there is no curtilage, plot, nor does it contribute to the substantial and continuous built-up frontage**, when taking account of the existing screening, subordinate position and ancillary nature.
- Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside (BoT) considers **important visual breaks in the developed landscape, particularly where they provide an important setting for the amenity and character** of the established dwellings, as the trees provide visual relief in the existing developed appearance.

- The subject site represents an “important” visual break in the developed appearance of the locality of Tullybrannigan Road, given the mature vegetation and that it breaks the coalescence of the existing separate ribbons of development at this location.
- The approach adopted to the SCBUF is demonstrated to be fundamentally flawed and misplaced, which renders the decision to be erroneous. The approach adopted has failed to pay regard to notable long established legal principles, PAC decisions and legal judgements in the Northern Ireland High Court and Court of Appeal



Subject site surrounded by mature woodland, which provides a visual break in the existing developed appearance and prevents a coalescence of the two distinct ribbons located to the west (Nos.110-118) and to the east (Nos.98-102) as circled.

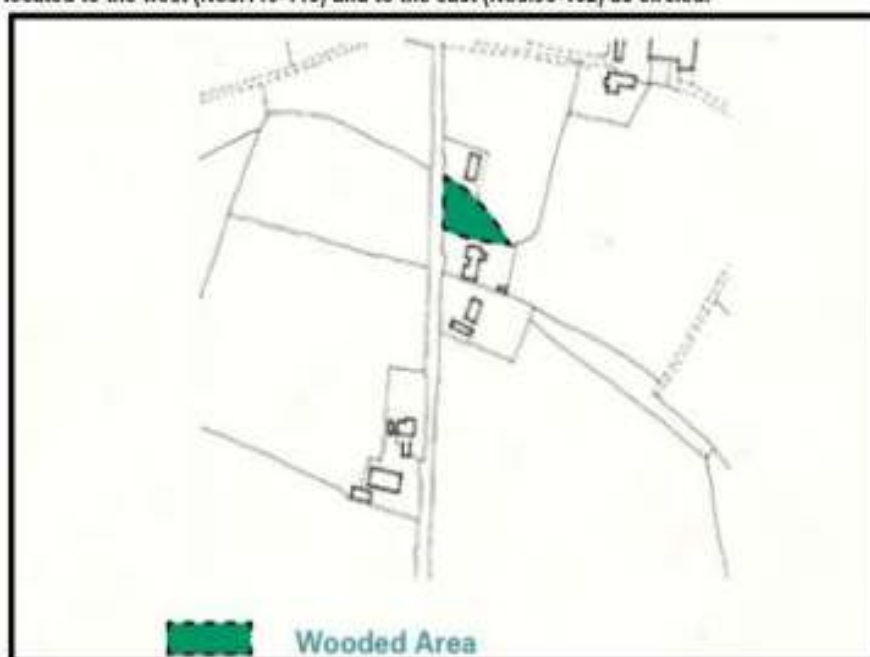


Diagram from Page 73 of BoT – What's not a gap site to demonstrate the similarities.





Reference	LA07/2023/3492/O
Location	102 Tullybrannigan Road
Proposal	Renewal of previously approved application for infill dwelling LA07/2020/0655/O

Response to Refusal Reasons

This application has been recommended for approval by the Planning Department.

We would like to reiterate the points made in the Case Officer report in that the site sits within an otherwise substantial and continuously built up frontage, comprised of three buildings: no. 98, 100 and 102 Tullybrannigan Road along with an outbuilding position to the immediate west of the site. The plot width of the site is broadly reflective of the surrounding development pattern. The site is therefore considered a small gap site within an otherwise substantial and continuously built up frontage. The site therefore conforms with the overall thrust of Policy CTY 8. We therefore respectfully request the Planning Committee accept the case officer recommendation and approve the application.

In relation to the objectors comments, they do not consider the building immediately west of the site as a building for the purposes of Policy CTY 8. They have referred to Appeal decision 2020/A0058 as justification for this assessment.

We however believe that this appeal is not comparable to the site subject to this application, as this appeal referred to a recently constructed stable block, which did not benefit from planning permission and couldn't be considered lawful as it was not immune from enforcement.

The building immediately west of the current application site, has been in situ for over 20 years and is therefore immune from enforcement. Moreover, according to Section 169 (2) of the Planning Act, any uses or operations are lawful at anytime if (a) no enforcement action may then be taken in respect to them. i.e. as the building has been in situ for over 20 years, no enforcement action can be taken upon it therefore it is considered lawful. This is the interpretation that the Planning Appeals Commission took in 2015/A0052 where the commissioner states:

The appellant also relies on the metal clad shed centrally positioned within the host field in his assessment. Although no CLUD has been submitted to regularise this building, the LPA's representative confirmed at the site visit that the building was immune from enforcement. This being the case, this structure falls to be considered in my assessment. The dwellings at



no. 8 and 6 along with the shed read as a line of three buildings along this road frontage and therefore meet the first test in Policy CTY 8.

As the gap site can accommodate up to a maximum of two houses, whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plots sizes, the proposal therefore conforms to Policy CTY8.

In terms of referring the structure as a temporary structure, the building has been situated on the site for a considerable period of time, and its constructions methods and materials, physical appearance of the building and lack of mobility would all be reflective of a permanent building. Various appeals support this interpretation 2020/E0017; 2021/A0124; 2022/A0192; 2022/A0120 etc) .

The commissioner stated in Appeal 2021/A0124 that: ***"I don't accept that the building is temporary as it has clearly been in place for some time. In any case Policy CTY8, as worded, explicitly refers to buildings and does not differentiate between the nature, form and materials of the buildings or the length of time the building has been in place."***

As this confirms that Policy does not differentiate between a permanent and temporary buildings, then this building can be considered a building for the purposes of Policy CTY8.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1777/F

Date Received: 08/11/2022

Proposal: Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground wash water tank to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as per NAP requirements.

Location: 75m SE of no. 169 Longfield Road, Forkhill, Newry.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an Area of Outstanding Natural Beauty and close to but outside of a designated Local Landscape Policy Area.

The site is located on the edge of a busy and fast section of the public road, a recently constructed access point leads to the main area of the application site which is set back from the road within an agricultural field. The area of site on the road edge is split from the main area of the site by a small watercourse with mature vegetation running along the edge of the watercourse. The proposed siting is located in the northwestern portion of a large agricultural field, the field slopes down towards the area of the application site.

The site is located in a rural area of countryside in close proximity to the settlement of Forkhill, at present the character of the area in the vicinity of the site remains rural.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 - Natural Heritage

- Planning Policy Statement 15 – Planning and Flood Risk
- Building on Tradition
- DCAN 15

Consultations:

DFI Roads – Concerns raised with regards to visibility splays, more details within the main consideration of the proposal. Refusal reason provided.

DAERA - The response states that the farm business has been in existence for more than 6 years and that payments have been claimed in each of the last 6 years, the business is identified as Category 1.

Environmental Health – Having considered information submitted by the agent no objections have been raised, a number of informatives have been suggested to be included on any approval.

DFI Rivers – No objections raised, the response has advised the Planning Authority to consider any proposed culverting.

NIEA (Water Management Unit) – No objections raised subject to the applicant adhering to Standing Advice.

Objections & Representations:

The application was advertised on 30/11/2022, no neighbours were notified as the application site does not abut any properties, no representations or objections have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for agricultural development in accordance with Policy CTY12.

Policy CTY 12 - Agricultural and Forestry Development of PPS21 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

CTY12 states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.

The response received from DAERA stated that the farm business has been in existence for more than 6 years, the response also states that the farm is a Cat 1 farm business. It is also stated that the farm business has claimed farm payments for the last 6 years.

The farm business must meet the requirements of CTY10 in that the farm business must be currently active and been established for at least 6 years, the response from DAERA is considered to show that the business is active and has been established for 6 years.

CTY12

(a) the agent has submitted information to show that currently the farm business lease buildings but that these buildings will no longer be available and that there are no buildings on the farm holding to allow the business to operate. The agent has also provided information to demonstrate why two buildings are needed, The information details that one building is to store machinery and the other to store silage and that this will remove the possibility of machinery being damaged or destroyed if the silage was to catch fire which has been the case in a few examples across Northern Ireland Given the information provided the Council are content that the development is necessary for the efficient use of the holding, it is considered that criterion (a) is met.

(b) the development is agricultural in its character and scale and is appropriate in this rural location, the size and scale are considered acceptable and the design is in keeping with agricultural buildings within the district, criterion (b) is met.

(c) the development set back from the public road with mature vegetation screening the site limiting any views of the proposed buildings, as such it is considered to integrate and criterion (c) is met.

(d) the development will not have any adverse impact on natural or built heritage, the site is detached from the nearby LLPA and will not have any impact on that designated area, and so meets criterion (d).

(e) the development will not result in a detrimental impact on the amenity of residential dwellings outside the holding, Environmental Health raised no objections to the proposal and the separation distance is seen as acceptable, criterion (e) is met.

As well as meeting the above criteria and as previously stated information has been submitted and considered stating that there are no suitable existing buildings on the holding. It is also considered that the design and materials are sympathetic to the locality and adjacent buildings. In this case it has been outlined that there are no existing buildings on the farm and that buildings currently used are rented. As it has been demonstrated that the proposed buildings are essential for the efficient functioning of the business the Council are willing in this unique and exceptional case to allow the proposed development in this location not adjacent to existing farm buildings.

In terms of Policies CTY13 and CTY14, integration and build up are not an issue given the positioning of the development set back from the public road with existing vegetation providing screening.

PPS2

As the proposal lies within an AONB policy NH6 of PPS2 is applicable, the proposal is not considered to have a detrimental impact on the AONB due to the limited views of the proposal, the design and appearance are considered acceptable for agricultural use.

PPS3

Responses from DfI Roads have raised concerns that visibility splays of 2.4 x 120 metres are required, having inspected the site the existing visibility is extremely limited and much improved splays would be required to provide a safe access to the development.

The agent for the application contests the standards requested by DfI Roads and has outlined that he feels previous similar applications have not requested the same level of standards, the agent has outlined that an Article 80 was granted and so there is an existing approved access to the site.

DfI Roads when last consulted were asked to comment on information provided by the agent, the last response stated.

DfI Roads has noted within the submitted Design & Access Statement and supplementary emails the reference made to the previously granted Article 80 approval and other applications previously approved. The Article 80 approval is for means of access to a field for agricultural purposes, i.e. a field gate. As this application is deemed to be in relation to a farm business requiring Planning Permission, such accesses (Article 80) do not constitute 'permitted development' and therefore access standards are required in line with DCAN 15. With reference to the comment "the same officer has provided 2 very different replies in 2 very similar situations only 11 months apart": this is not the case as these applications differ as there was already a formalised access in place for the other application, as well as sight visibility splays as opposed to a field gate for this application.

This application is deemed as new development for the purposes of the policies in PPS3 (Item 5.13, sub note 4), a field gate is not an access therefore standards must be in accordance with DCAN 15.

Paragraph 5.12 states that the planning system has an important role to play in promoting road safety and ensuring the efficient use of the public road network. New development will often affect the public road network surrounding it, and it is part of the function of planning control to seek to avoid or mitigate adverse impacts. In assessing development proposals the Department will therefore seek to ensure that the access arrangements are both safe and will not unduly interfere with the movement of traffic.

As referenced above and in response to the information provided by the agent DfI Roads advised that the Article 80 was granted for the means of access to a field for agricultural purposes, i.e. a field gate. It should also be noted that within sub-note 4 to Paragraph 5.13 of PPS3 it states that for the purposes of this policy a field gate is not an access. Given that the proposal is for the erection of 2 agricultural sheds a vehicular access which is properly located and a well-designed access has been deemed necessary to ensure the safety and convenience of all road users.

Paragraph 5.13 continues that whatever the type of access, good visibility is essential for the safety and convenience of all road users. Within the supporting statement information was provided detailing the farm machinery which would be located at one of the proposed sheds at Longfield Road. This included 2 tractors, a low loader, round baler, class rake, rotor hay kicker, conditioner mower, slurry agitator, fertiliser spreader and farm handler. Given that all of the other farmlands are located at Carrive Road (apart from current application site) it is anticipated that there would be a substantial number of slow-moving vehicles trips generated daily to allow the farm business to carry out required functions on the farm holding. Given the agricultural nature of the development it is not possible to be definitive in the number of vehicle movements daily as this will vary from day to day and at different times of the year. The Department would therefore have concerns that the proposal would inconvenience the flow of traffic and that it would be prejudicial to road safety given the increase in and slow-moving nature of the vehicles associated with the proposal.

Paragraph 5.17 outlines that in exceptional cases a relaxation in standards may be acceptable, the agent has proposed to improve visibility standards, but this improvement remains a substantial way off what DFI Roads requested. The proposal is not considered an exceptional case where a relaxation of this size would be acceptable and not prejudice the safety of road users given the nature of the development, large size and scale of vehicles and slow nature of their movements.

Given the most recent response from DFI Roads which has taken into consideration information provided by the agent the Planning Authority would not be minded to go against the direction of DFI Roads and the need for the requested sight splays to be provided to ensure access to the development is safe and in line with the requirements of PPS3.

As such the proposal is considered contrary to PPS3 Policy AMP 2, in that it would prejudice the safety and convenience of road users as the required visibility splays cannot be provided.

PPS15

The application is in general compliance with PPS 15 with no objections received from DfI Rivers.

FLD1 - Development in Fluvial and Coastal Flood Plains – Not applicable to this site.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse is located along the northern boundary of the site and continues through the site adjacent to the new access road proposal leading from north to south.

Under 6.32 of Policy PPS 15 FLD 2, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. A condition can be included on any approval.

FLD3 - Development and Surface Water – This development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required.

FLD4 - Artificial Modification of Watercourses – – As per the Design and Access Statement and information provided within the relevant drawings, DfI Rivers note the existing culvert is to be extended.

Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for the Planning Authority.

Any culverting approved by the Planning Authority will also be subject to approval from the DfI Rivers Area Office under Schedule 6 of the Drainage Order 1973.

The Council consider the proposal to fall within an exception defined within PPS15 as the culverting of the short length of a watercourse is necessary to provide access to the development site or part thereof.

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

PPS2 Natural Heritage

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB, it is considered that the proposed development will not result in a detrimental impact on the AONB given the location of the proposed agricultural vehicles set back from the road edge with existing vegetation providing substantial screening.

Recommendation: Refusal**Reason for refusal:**

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays (of 2.4 metres x 120 metres) from the proposed access cannot be provided in accordance with the standards contained in Development Control Advice Note 15.

Case Officer:**Wayne Donaldson****Date: 30/04/2024****Authorised Officer:****Maria Fitzpatrick****Date: 30/04/2024**

Application LA07/2022/1777/F. 2 farm buildings with a wash water tank at Longfield Road, Forkhill for John Fearon.

This application proposes to construct 2 agri sheds and an underground wash water tank on the applicant's farm. 1 shed will be used to store winter feed and the second will be used to store high value farm machinery. No livestock facilities are proposed. The Council's Environmental Health Dept along with NIEA & Rivers Agency are content with the proposal. The application has been found to be in compliance with all policies in PPS21. Furthermore, the buildings are urgently needed as the applicant has lost farm buildings he has rented for quite a while.

The application proposes to use an existing access on to the public road to serve the proposed buildings. The existing access was approved by DFI Roads for agricultural use. DFI Roads have requested that the existing access be upgraded to achieve the same visibility splays as they would require for an access that would serve up to 6 houses.

Accesses such as the access now proposed are considered under DCAN 15 & PPS3. DCAN 15 was published in 1999. PPS3 was last revised in the 2000's. In any case, both documents have been in their current format for a very long time. This is the FIRST TIME I have encountered DFI Roads/a planning authority seeking full visibility standards for an access to serve farm buildings.

Until January 2023, DFI Roads, when asked to comment on an application for farm buildings have replied "*No Objection*" regardless of the visibility standards proposed and then qualified their remarks by advising that their "*no objection*" comment is based on the building/proposal being used for agri purposes only or words to that effect. DFI Roads have therefore shifted their position in relation to their consideration of accesses to serve farm buildings at some stage shortly before they commented on this application in January 2023.

Paragraph 5.17 in PPS3 contains an exception that allows visibility standards to be reduced. DCAN 15 is an ADVICE NOTE. It is not a policy document. DCAN 15 also contains exception clauses which allow DFI Roads to accept very much reduced standards in cases where they are content that danger to road users is not likely to be caused. DFI Roads have clearly been using these exception clauses to provide countless "*No Objection*" replies to applications for farm buildings where they commented before January 23. Something has therefore changed or shifted in that DFI Roads are now seeking full visibility standards for accesses to farm buildings onto public roads.

Had Mr Fearon submitted this application perhaps 6 months or 1 year before the application was actually submitted, DFI Roads would very likely have been content with the proposed access onto Longfield Road and he would have had his 2 sheds constructed and he would be using them.

The planning system needs to operate in an administratively fair manner. It can not and should not operate in a manner where 1 applicant benefits from making an application sooner than another especially in circumstances where the relevant planning policies and advice notes HAVE NOT CHANGED.

The senior planning officer dealing with this application was for a long time of the opinion that DFI Roads were being in-consistent in their approach to this application in terms of visibility and that the visibility splays requested by DFI Roads were excessive. The senior

officer discussed the case with the Council's Principal Planning Officer. The senior officer then discussed the matter with Jason Killen of DFI Roads. Prior to these discussions, the senior officer, during a telephone conversation, informed me that the Council was minded to progress the application with a recommendation of approval.

After the conversation with Mr Killen of DFI Roads, the Planning Department then advised me that the application would proceed with a recommendation of refusal on access/visibility grounds only.

2 of the most senior planning officers in the Council were of the opinion that the requested splays were both excessive and in-consistent with DFI Roads consideration of other similar applications. This alone speaks volumes. It shows that the planning department had serious doubts in the decision making and level of inconsistency displayed by DFI Roads. Despite the content of the officer's report, the above shows that the planning department was perhaps not always comfortable with a recommendation of refusal.

During the committee consideration of the application, the committee members will be able to seek answers to the following important questions.

Why has DFI Roads have decided to change their interpretation of and approach to PPS3 and DCAN 15 over 20 years after both documents were published,

Can the Council be reliant on advice from DFI Roads when they are clearly inconsistent in their consideration of this application compared to their consideration of similar applications and,

What caused the planning department to change from a position where 2 senior officers were minded to approve the application contrary to DFI Roads objections to a position where they now appear to have "rowed" in behind DFI Roads.

During my presentation, I will provide details in the format of drawings and photos of several accesses where DFI Roads have provided "**No Objection**" responses to recent, similar proposals for agri buildings in the NMDDC area.

I will provide details of recent, successful applications where agri buildings were approved in circumstances where the proposed accesses were well below the published standards.

From watching committee hearings that involved DFI Roads speaking about Road Safety over the past 8 years, I have no doubt that DFI Roads and perhaps senior Council officers will seek to influence the committee's decision making in this application simply because it involves road/public safety.

I would ask the committee to remember that DFI Roads/formerly Transport NI and formerly DOE Roads Service have been providing "**No Objection**" consultee replies to applications which propose farm buildings with sub-standard access for over 20 years. As such, I would ask that the committee try to look through the *smoke screen* that will perhaps be provided by DFI Roads and senior Council officers and come to their own conclusions.

DFI Roads have been content with agri buildings using sub standard accesses for over 20 years. The relevant policy and advice documents haven't been altered in over 20 years. To refuse this application would therefore be administratively unfair to the applicant.

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
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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 _____

WRITTEN SUBMISSION

Planning Committee Meeting Wed. 10th July 2024.

Planning Application Details:

Application Reference:	LA07/2023/2511/O
Proposal:	New dwelling and associated works on a farm.
Location:	Lands South of 32 Moneyscalp Road, Kilcoo.
Applicant:	Mr. Martin McClelland.
Recommendation:	Refusal

The recommendation for refusal on the delegated list is rebutted as follows:

Refusal Reasons:

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 CTY14 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.

Refusal Reason 1 - Rebuttal

The Planning Report confirms that in assessment of Policy CTY10 of PPS21 – Dwellings on Farms, that the application meets the requirements set out in this policy:

- 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 that 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.

Policy CTY1 – Development in the Countryside states under the heading Housing Development that Planning permission will be granted for an individual dwelling house in the countryside in the following cases: a dwelling on a farm in accordance with Policy CTY10.

As the application meets the requirements of Policy CTY10 then it follows that it also meets the requirements of Policy CTY1.

Refusal Reason 2 - Rebuttal

The planning report and the refusal reason state that the proposal lacks long established natural boundaries and relies primarily on the use of new landscaping for integration. However, the application site enjoys long established natural boundaries to the south (along the road) and to the west; these boundaries being made up of existing low dry-stone walls with post and wire fencing and intermittent vegetation; this being typical of the area. The boundary to the north lacks long established natural boundaries, however this requirement must be balanced with the requirements of Policy CTY10 which requires new building to be visually linked or sited to cluster with an established group of buildings on the farm.

Policy CTY 10 provides justification and amplification on this point: To help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings.

The only boundary that lacks long established natural boundaries is the eastern side of the site. In offering advice on the general topic of integrating with the landscape, the document 'Building on Tradition' suggests that developers should look for sites with at least two existing boundaries and preferably three, as is the case with this proposal.

Refusal Reason 3 - Rebuttal

The planning report and the refusal reason state that the proposal would create a ribbon of development along this section of the Moneyscalp Road.

As above, the overall thrust of PPS21 is to group new development with existing built commitments in the landscape and in this case the proposal would visually link with existing development. When considering the relevant policy and guidance on this matter, we find that the perceived failure of the proposal to meet some of the requirements of Policy CTY14 are outweighed by its ability to achieve the level of visual linkage and clustering required for farm dwellings under Policy CTY10.

In addition, the proposal clearly complies with criterion (c) of CTY10 i.e. visually linking and sited to cluster with an established group of buildings. The Planning Appeals Commission approach to the issue of CTY13 and CTY14 in such circumstances has been set out in appeal decision 2012/A0270 i.e. policies CTY13 and CTY14 are only engaged when the exceptional circumstances set out in Policy CTY10 apply. Exceptional circumstances do not apply in this case and therefore CTY13 and CTY14 should not be a consideration.

Policy CTY8 being an exception policy to ribbon development is like CTY14 sometimes at odds with the requirements of CTY10. In such circumstances it has become an established practice, where ambiguity in policy exists, then the interpretation of policy most favourable to the applicant should be applied i.e. CTY1 and CTY10 being the most favourable to the applicant should take precedent over CTY8.

Further to the above it has also been common practice by Councils in the recent past to set aside any concerns regarding ribboning when proposals under CTY10 are shown to group and visually link with established farm buildings.

Refusal Reason 4 – Rebuttal

In assessing the proposal with regard to PPS21 and finding that the proposal then complies with Policy CTY1 and CTY10 then the proposal will not be contrary to the SPPS or Policy NH6 of PPS2, therefore this refusal reason will fall away.

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 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	August 2024 Planning Committee	Y
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carrivekeeney 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	In progress	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
PLANNING COMMITTEE MEETING 15 MAY 2024					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/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	APPROVED at Committee 12.06.2024	Y
PLANNING COMMITTEE MEETING 12 JUNE 2024					
LA07/2022/0128/F	147 Kilkeel Road, Annalong –	Erection of 7 Residential Dwellings comprised of 2no semi-detached, 5no detached dwellings.	M Keane	Deferred from Addendum list	N
LA07/2023/2511/O	Lands South of 32 Moneyscalp Road, Kilcoo	New dwelling and associated works on a farm	A McAlarney	July 2024 Committee	N
LA07/2023/2374/F	80 Dublin Road, Drumena, Newry	- 2 No glamping pods with associated landscaping	A McAlarney	Deferred for a site visit	N
LA07/2023/3063/O	Between 64 The Heights & 32 Teconnaught Road, Loughinisland	Infill dwelling and garage	A McAlarney	Deferred for a site visit	N
LA07/2023/3054/F	Lands opposite 2-6 Drumee Drive, Castlewellan	Proposed single storey dwelling	A McAlarney	Deferred for a site visit	N
LA07/2023/2773/O	Lands North of 49 Bridge Road, Burren, Warrenpoint	Infill dwelling	M Keane	Deferred for a site visit	N
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	P Rooney	Deferred – DFI unable to attend 12.06.24	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as per NAP requirements			