



August 30th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 4th September 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

Item 6: Cllrs Campbell, Hanna, Larkin, McAteer, D Murphy and S Murphy attended the site visit on 20 June 2024.

Item 7: Cllrs Finnegan, Hanna, Larkin, King, D Murphy and J Tinnelly attended the site visit on 29 August 2024.

4.0 Minutes of Planning Committee held on 7 August 2024

 *Planning Committee Minutes 2024-08-07.pdf*

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

 *Addendum list - 04-09-2024.pdf*

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

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

For Decision

REFUSAL

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

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

Mr Martin bailie will be present to answer any questions Members may have.

 *LA07-2023-2374-F - Case Officer Report.pdf*

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7.0 LA07/2023/2813/F - 6 Cranfield Chalets, Cranfield, Newry - Proposed Front Dormer to Existing House and First Floor Balcony

APPROVAL

On agenda as a result of the Operating Protocol and Scheme of Delegation.

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

Mr Gerry Tumelty & Mr and Mrs Knox will be present to answer any questions Members may have.

 [LA07-2023-2813-F - Case Officer Report.pdf](#)

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Development Management - Planning Applications for determination

8.0 LA07/2022/1495/F - Lands opposite no.41 Lecale Park Downpatrick BT30 6ST - Five dwelling units, landscaped gardens and associated site works

For Decision

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested by Una Somerville, agent, in support of the application.

 [LA07-2022-1495-F - Case Officer Report.pdf](#)

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 [8. LA07.2022.1495.F.pdf](#)

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9.0 LA07/2022/1448/F - 17-21 Main Street, Camlough - Proposed mixed use development with ground floor commercial unit and 9No. apartments and on-site parking for 13 vehicles

For Decision

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

 [LA07-2022-1448-F - Case Officer Report.pdf](#)

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10.0 LA07/2022/1029/F - Lands to immediate N and W of Silvercove holiday park 98a Leestone Road, Kilkeel - Extension to existing holiday park comprising new caravan pitches,

retention of 3no. existing caravan pitches, landscaping and associated works

For Decision

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

 **LA07.2022.1029.F - Case Officer Report.pdf**

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11.0 LA07/2023/3129/F - Land directly adjacent to 11 Lismore Park, Crossmaglen - Proposed single social housing dwelling

For Decision

REFUSAL

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

Speaking rights have been requested by Paul Fox, Rural Housing Association, in support of the application.

Speaking rights have been requested by Sinead Collins, NIHE, in support of the application.

 **LA07-2023-3129-F - Case Officer Report.pdf**

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 **11. LA07.2023.3129.F.pdf**

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 **11. LA07.2023.3129.F support.pdf**

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12.0 LA07/2021/1398/F - 4c Temple Hill Road Newry - Demolition of existing factory buildings and replacement with 11 private dwellings and block of apartments containing a ground floor and first floor unit with associated site works, drainage and new access

For Decision

REFUSAL

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

Speaking rights have been requested by Mr Tony Havern in objection to the application.

Speaking rights have been requested by Mr John Collins in support of the application.

 **LA07-2021-1398-F - Case Officer Report.pdf**

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 **12. LA07.2021.1398.F - objection.pdf**

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13.0 LA07/2023/3065/O - Site located to NE of No. 46 Slievenaboley Road, Dromara, Co. Down, BT25 2HW - Proposed farm dwelling, access and siteworks

For Decision

REFUSAL

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

Speaking rights have been requested by Declan Rooney, agent, and Ciaran O'Hare, applicant in support of the application.

1 LA07-2023-3065-O - Case Officer Report.pdf

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13. LA07.2023.3065.O.pdf

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For Noting

14.0 Historic Action Sheet

For Information

1 Planning Historic Tracking Sheet - 2024.08.07.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 Tierna Howie
- Cllr Jonathan Jackson
- Cllr Geraldine Kearns
- Miss Veronica Keegan
- Mrs Josephine Kelly
- Mrs Sheila Kieran
- Cllr Cathal King
- Cllr Mickey Larkin
- Cllr David Lee-Surginor
- Cllr Alan Lewis
- Cllr Oonagh Magennis
- Mr Conor Mallon
- Cllr Aidan Mathers
- Cllr Declan McAteer
- Cllr Leeanne McEvoy
- Jonathan McGilly
- Cllr Andrew McMurray
- Maureen/Joanne Morgan/Johnston
- Cllr Declan Murphy
- Sinead Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy

Cllr Siobhan O'Hare
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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
.....
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
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Cllr Jill Truesdale
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Mrs Marie Ward
.....
Cllr Helena Young
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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 7 August 2024 at 10.00am
in the Boardroom Council Offices, Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Campbell	Councillor C Enright
Councillor A Finnegan	Councillor G Hanna
Councillor M Larkin	Councillor S Murphy
Councillor M Rice	Councillor J Tinnelly

Officials in attendance:

- Mr C Mallon, Director Economy, Regeneration & Tourism
- Mr J McGilly, Assistant Director Regeneration
- Mr Pat Rooney, Principal Planning Officer
- Ms M Fitzpatrick, Senior Planning Officer
- 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/065/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors King and McAteer. It was noted that Councillor Rice was delayed.

The Chairperson noted that Item 11 had been withdrawn due to an error on the proposal address and would have to be readvertised.

P/066/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/067/2024: 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 Campbell, Hanna, Larkin, McAteer, D Murphy and S Murphy attended a site visit on 20 June 2024.

MINUTES FOR CONFIRMATION

P/068/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 10 JULY 2024

Read: Minutes of Planning Committee Meeting held on Wednesday 10 July 2024. **(Copy circulated)**

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

FOR DISCUSSION/DECISION

P/069/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 7 August 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Campbell, seconded by Councillor S Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 7 August 2024:**

- **LA07/2023/2911/A** - 24-36 Bagnalls Retail Park Castle Street, Newry - Change the current painted signage on gable wall adjacent to car park on approach from Abbey Way to include the Irish language version of the Museum's name: Iarsmalann an lúir agus Mhúrn
APPROVAL
- **LA07/2023/3429/F** - Warrenpoint Beach / Baths Seaview, Warrenpoint - Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2024 – 2028 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity
APPROVAL

DEVELOPMENT MANAGEMENT

P/070/2024 PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2023/2374/F

On agenda as a result of the Call-In Process

Location:
80 Dublin Road, Newry

Proposal:

2 x infill dwellings

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint presentation:

Ms Annette McAlarney outlined the detail of the application, noted that there were no objections from statutory consultees or from neighbourhood notifications and confirmed that the policies applied were CTY8 and CTY14 of PPS21 relating to ribbon development. She highlighted that CTY8 was a restrictive planning policy that needed a number of requirements to be satisfied, in particular that there had to be a substantial and continuously built-up frontage of three or more buildings, along a road frontage. Ms McAlarney noted the current application involved number 20 and associated garage at number 24 but highlighted that number 24 did not have road frontage, therefore the requirement of a continuously built-up frontage was not met. She further noted that the agent relied upon the original approval for number 24 being implemented, confirmed that it had yet to be implemented and therefore the Planning Department could not take that into consideration when assessing the current application. Ms McAlarney ended by noting that the access arrangements could not be recommended for approval as the paired access arrangement did not integrate with the surroundings.

Speaking rights:In Support:

Mr Tiernan FitzLarkin put forth his arguments as to why he believed that this application should have been recommended for approval, referenced a number of planning applications that had been recommended for approval by the Planning Department that he believed were similar in nature to this application and did have shared access proposals and frontage to the road, especially regarding number 24's location to the application site. He reiterated that the Case Officer report confirmed that the site benefitted from vegetated boundaries and did not rely on new planting for integration, further confirmed that this was an outline application and any concerns such as already discussed could be dealt with as the application progressed.

Councillor Hanna queried the objection regarding paired access, to which Ms McAlarney confirmed that paired access was not a common feature in the countryside but rather more common to urban areas. She advised that CTY8 stated any development must respect that of the area and development along the road frontage, which was singular access to houses.

Following a further query from Councillor Hanna regarding amending the application, Ms McAlarney confirmed that it was up to the applicant to amend the application in relation to site access, and that opportunities had existed for this to be done as the application had progressed through to this stage.

Mr Scally interjected to remind Members of the examples he had previously mentioned and confirmed that at least 2 of them were situated along a 1KM stretch of same road as this application, and they made use of a paired access.

Councillor Larkin queried the impact on the road frontage should the approved planning application for number 24 be approved, to which Mr Scally confirmed that should this application be implemented, curtilage along the road would be confirmed and CTY8 would be met.

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint presentation:

Ms McAlarney highlighted that this application had been recommended for refusal in June 2022 but was then deferred to allow officers an opportunity to reconsider the application. She advised that no new information had come forward, therefore the Planning Department had to proceed with the application as submitted. She noted that as the application was for a farm dwelling the relevant policy was CTY10, noted that DAERA had been consulted and confirmed that the farm business had been established in 2005 but that it didn't currently claim any subsidies. Ms McAlarney advised that evidence had been requested by the Planning Department, as per policy, to confirm that the business was currently active. She further confirmed that the agent had referenced the past approvals for a farm dwelling on the site since 2016 but confirmed that these had lapsed and therefore carried no material weight in the determination of this application.

Ms McAlarney further confirmed that in relation to policy, certain requirements had to be met, those being

- an active and established farm for 6+ years
- no evidence of development opportunity sold off from the farm holding
- the application would be required to achieve visual linkage with existing buildings.

Ms McAlarney confirmed that none of these criteria had been met, and further noted that in relation to CTY13 integration into the landscape, the application site was devoid of any farm holdings and therefore was not met.

Speaking rights:In Support:

Mr Gerry Tumelty confirmed the details as presented by Ms McAlarney in relation to dates and previous planning permission, advised that the applicant was an aged woman, and that the property was to pass to her disabled granddaughter. He noted the previous planning approval of 2019 had a restrictive requirement of a full application deadline of one-year, which Mrs Jinkinson had not read fully. He stressed that the applicant was a vulnerable woman who had been isolating during the pandemic and was therefore unable to contact an architect to discuss designs, and had she done so there would be a dwelling there now.

Councillor D Murphy queried whether the site for this application was the same as the previously approved applications, and if so, why the previous approval and subsequent renewal permissions had all been granted given the circumstances for refusal.

Ms McAlarney advised that it was the same site and at the time of previous approvals there was an active farm business, and confirmed that when the Planning Department consider renewals, they assume that the primary principles had been met for the application.

Following a query from Councillor Campbell regarding the operating protocol during the Covid pandemic and whether there had been any leniencies put in place for situations such as this, Ms McAlarney confirmed that the Planning Department had still been operational during the pandemic and while the facility for submitting applications had changed, applications were still being processed.

Councillor Larkin further queried the previous approvals on the site and how the application could be compliant with CTY10 previously and was not now, to which Ms McAlarney

PowerPoint presentation:

Ms Maria Fitzpatrick outlined the details of the application, confirmed that no statutory consultees had objected, and one objection had been received following neighbourhood notification. She made use of a series of images to outline the location of the application site and noted that as it was located within an AONB the relevant policy was CTY1 and CTY8. She highlighted the history of the site, in particular a previous refusal of a similar application in 2017 for similar reasons, and when the decision was appealed the PAC ruled in favour of the Council's recommendations. She confirmed that the application was recommended for refusal when considered against CTY1, 8, 13 and 14 and noted that following a recent site inspection the circumstances on the ground remained the same as the previous 2017 application.

Ms Fitzpatrick reminded Members that CTY8 was a restrictive policy which was intended to prevent the creation of, or addition to, a ribbon of development but noted the exception of a small gap site sufficient to accommodate up to a maximum of 2 houses within an otherwise substantially and continuously built-up frontage. She confirmed that the Planning Department believed that the site could house up to three developments, therefore the application failed to meet the restrictive requirement of CTY8 regarding infill dwellings, which also resulted in a failure to meet CTY13 and 14 as the site was located within an AONB and would be unsympathetic to the special character of the area.

Speaking rights:In Support:

Mr John Cole outlined his reasons for believing the application should be recommended for approval, focusing on the size of the gap site as outlined in the Case Officer's Report. He noted that within the area, the average plot size was 44.5m, and argued that if the gap site could accommodate three developments as stated by the Planning Department, the proposed developments would actually be overlapping as the total gap site was 125m, whereas the actual plot size was 92m. He further noted that in relation to the prominence of the application, the proposal location consisted of 14 differing dwellings, a large number of agricultural and industrial buildings and the undulation of the road, therefore the site would integrate into the area, unlike some of the other developments within the area that had no natural screening or fencing. He stated that due to the built-up nature of the area that he believed that this development could not be considered unsympathetic to the area.

Councillor Larkin queried the business opposite the application site, which was confirmed to be an industrial business, and following further discussion about the surrounding buildings and businesses, Mr Cole confirmed that he believed that this application would consolidate the area, not actually extend the cluster.

Councillor Larkin then queried when considering the substantial development surrounding the site, could it be argued that there was not much to protect as the area was already so built up.

Ms Fitzpatrick confirmed that the Planning Department felt that as the area was so built up that it was more important to offer some visual relief along the road and that the gap should therefore be protected.

Councillor Tinnelly queried whether the 5m access lane was in place and if not how it would affect the perception of the continuous built up frontage as he believed that it would break the frontage.

Mr Cole advised that the lane was yet to be created, but that it was common along all countryside road frontage, confirmed that it would not constitute a break as the sites would not be visible on approach from either direction, they would only be visible along the road frontage and would not result in any prominence.

Ms Fitzpatrick confirmed that the access was irrelevant when considering the site, and the Planning Department had considered the gap between the buildings either side of the gap site, and while the site itself had to be considered, the introduction of the access would not be fundamental to the proposal

Councillor D Murphy requested clarification on the point of access, to which Mr Cole stated that he listed 8 approvals that ranged from 120m – 167m between buildings, and this site was 120m which he argued fell within the range of previously approved applications.

Following the discussions, Councillor Larkin proposed a site visit which was seconded by Councillor Hanna. The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to it was agreed to defer the item to allow for a site visit.

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

Agreed: On the proposal of Councillor Campbell, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Five of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Campbell, seconded by Councillor S Murphy, it was agreed the Committee come out of closed session.

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

P/072/2024 LEGAL ADVICE RE A JUDICIAL REVIEW

Read: Legal Counsel's opinion was shared at the meeting.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor S Murphy, it was agreed to accept the legal opinion provided.

P/073/2024 **HISTORIC ACTION SHEET**

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

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

There being no further business the meeting ended at 11.52am.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 12.5% 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 4 September 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:

- **LA07/2022/1448/F** - 17-21 Main Street, Camlough - Proposed mixed use development with ground floor commercial unit and 9No. apartments and on-site parking for 13 vehicles
APPROVAL
- **LA07/2022/1029/F** - Lands to immediate N and W of Silvercove holiday park 98a Leestone Road, Kilkeel - Extension to existing holiday park comprising new caravan pitches, retention of 3no. existing caravan pitches, landscaping and associated works
APPROVAL

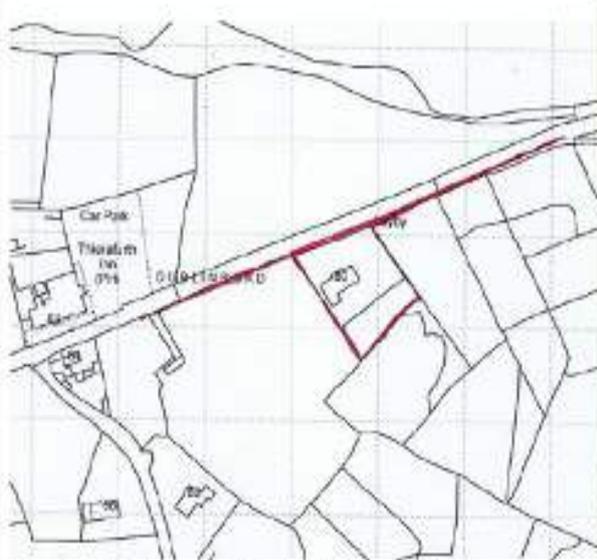
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Delegated Application

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

Site Visit Report

Site Location Plan: 80 Dublin Road, Drumena Newry.



Date of Site Visit: 26th June 2023

Characteristics of the Site and Area

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

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

Description of Proposal

2 No Glamping Pods With Associated Landscaping.

Planning Assessment of Policy and Other Material Considerations

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

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

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

Published guidance documents will also be considered such as:-

- DCAN 15
- Parking standards

PLANNING HISTORY**Planning**

Application Number: R/1985/0873

Decision: Withdrawal

Proposal: FARM DWELLING.

Application Number: R/1986/0554

Decision: Permission Granted

Proposal: FARM DWELLING.

Application Number: R/1989/0311

Decision: Permission Granted

Decision Date: 03/05/1989

Proposal: Farm dwelling

Application Number: R/2004/0768/O

Decision: Withdrawal

Decision Date: 09 December 2004

Proposal: Site for erection of 8 Fisherman Cottages.

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

Proposal

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

Objections & Representations

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

Consultations

DFI Roads – No objection – subject to conditions

Northern Ireland Water - No objections

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

DfI Rivers – No objection

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

Consideration and Assessment

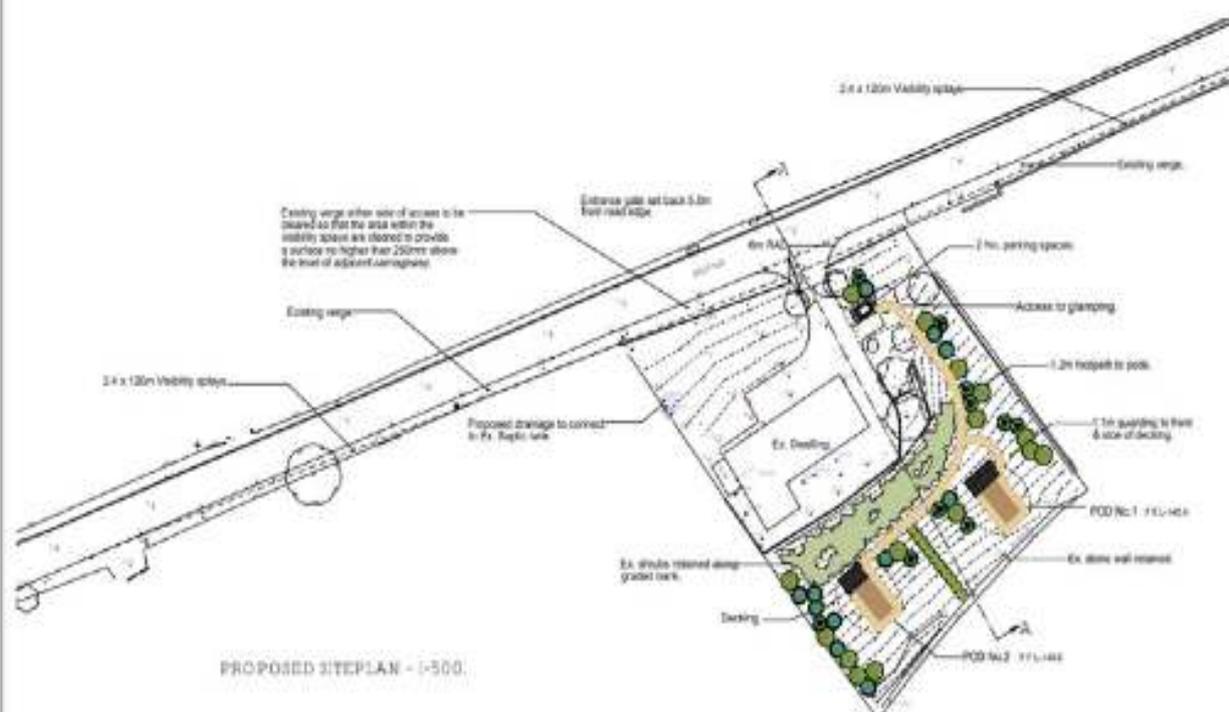
Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in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

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

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

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

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



Proposed Site layout

Principle of Development

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

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

Tourism

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

TSM 6 New and Extended Holiday Parks in the Countryside

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

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

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

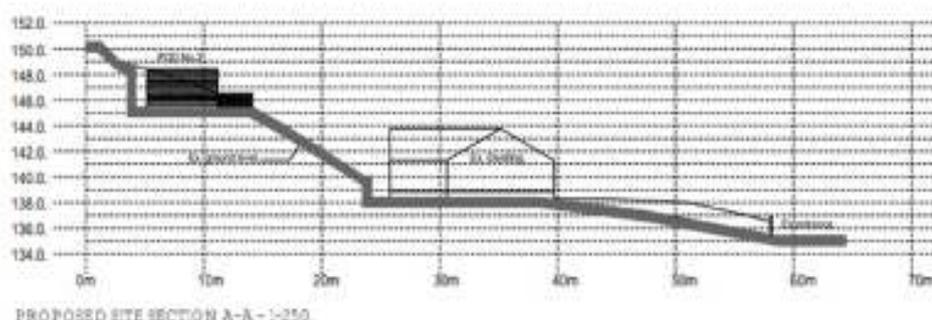
(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

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

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

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

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



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

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

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

Proposed Site, Integration and Rural Character

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

A new building will be unacceptable where:

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

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

Rural Character

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

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

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

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

CTY 16 Development relying on non mains sewerage

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

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

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

Planning Policy Statement 2 - Natural Heritage

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

Policy NH 1 - European and Ramsar Sites

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

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

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

Planning Policy Statement 3 - Access, Movement and Parking

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

Policy AMP 2 Access to Public Roads

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

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

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

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Department's published guidance.

Consideration will also be given to the following factors:

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity

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

Conclusion

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

Recommendation: Refusal

The plans considered as part of this assessment include:

Location plan – 25408NW

site plan -2637 /SP01L B

Proposed glamping pod elevations and floor plans – 2637/PL01

Refusal Reasons:

1. The proposed development, by virtue of its form and layout with prominent features, would have unacceptably harmful effect on the character and appearance of the local area, which is a designated AONB. As such, it conflicts with the SPPS and policies TSM 6 and TSM 7 of PPS16, Policy NH 6 of PPS 2 and policies CTY 1, CTY13 and CTY14 of PPS21.

2. The proposal is contrary to SPPS, PPS 21 – Annex 1 - Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking, in that the proposal fails to meet the criteria for development in the countryside under category D.

Informative

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

Neighbour Notification Checked	Yes
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Summary of Recommendation - Refusal

Case Officer Signature: C. Moane	Date: 29th April 2024
Appointed Officer: A.McAlarney	Date: 29 April 2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2023/2813/F

Date Received:

June 2023

Proposal:

Proposed Front Dormer to Existing House and First Floor Balcony

Location:

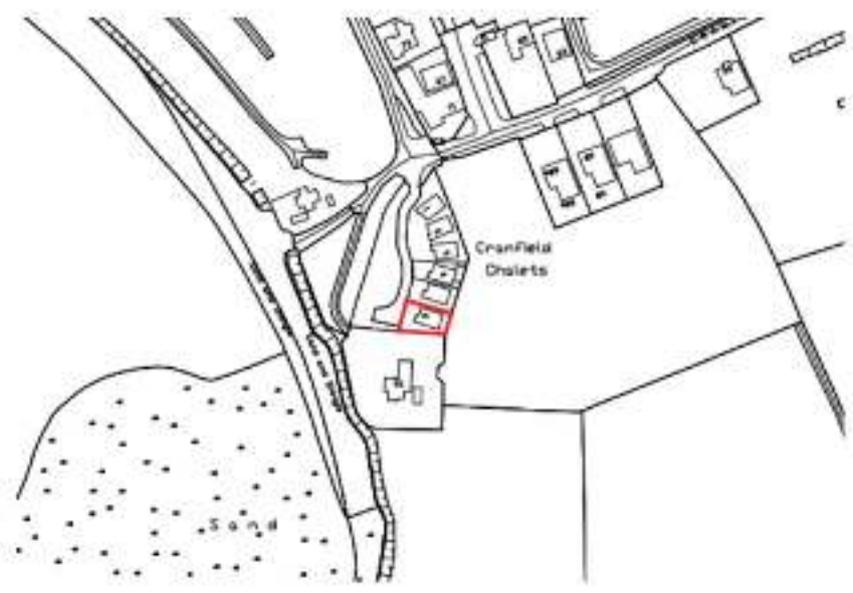
6 Cranfield Chalets, Cranfield, Newry, BT34 4LJ

Site Characteristics & Area Characteristics:

The site is located in the countryside outside the development limits of Kilkeel as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within the Mourne Area of Outstanding Natural Beauty and a Site of Local Nature Conservation Importance (NC 03/158). The site is in close proximity to scheduled monuments DOW 057:009 and DOW057:008.

The property is located at 6 Cranfield Chalets Cranfield within a cul-de-sac row of one and half storey detached holiday cottages. The Cranfield Chalets development sits to the southern corner of Cranfield Bay Holiday (caravan) Park. The application site is the end unit of these chalets, although there is a further residential property beyond the site.

The property is a one and half storey detached dwelling finished with dashed render painted cream and concrete roof tiling. There is a raised deck to the front and side of the property (at ground floor level). The dwelling is accessed by a shared driveway which runs along the front of these properties. The application building is 1 of a row of 6 chalets, which are all similar in appearance with some minor alterations. These chalets each have large glass windows on the front elevation looking out to sea.



Site location map



Application building

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

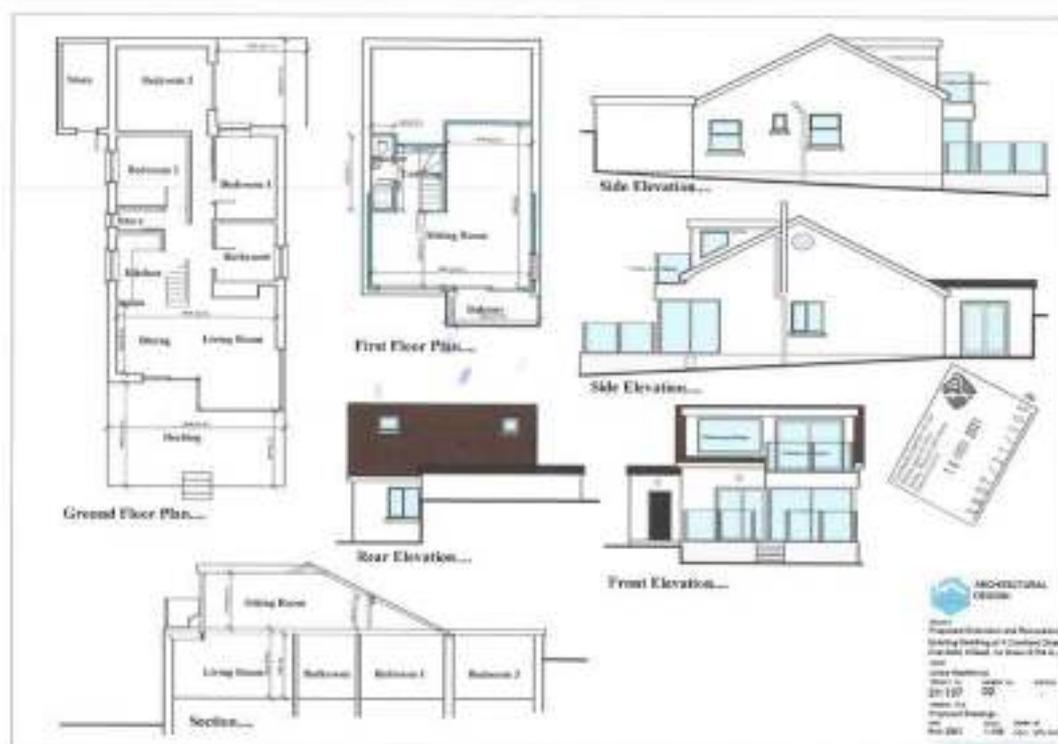
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 7 (Addendum): Residential Extensions and Alterations

Site History:

- P/1983/0608 – Cranfield, Kilkeel – 7 no. holiday chalets – Permission granted May 1986
- LA07/2023/0446/CA – 6 Cranfield Chalets, Kilkeel – Raised balcony – Enforcement case closed.

Other relevant planning history includes:

- P/2011/0464/F – 72 Cranfield Road Kilkeel – Erection of holiday home – Permission granted November 2011. The building was approved along the northern boundary, as constructed. A condition was attached restricting the use of the building for holiday accommodation only.
- LA07/2021/2038/F – 4 Cranfield Chalets - Proposed first floor front dormer extension with upper floor balcony – Permission granted February 2022. The approved plans for No. 4 Cranfield Chalets are shown below.



Consultations:

- HED HM - Due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Objections & Representations:

Neighbour notification letters were issued to identified occupiers on neighbouring land in accordance with Article 8(2) of the GDPO.

The application was originally advertised in the local press on 5th July 2023. The application was re-advertised on 31st January and 29th January 2024 upon receipt of amendments (amended proposal description, site address and site location map).

Several letters of objections were received with no addresses. The same letters were resubmitted with addresses. To date, letters of objections have been received from 13 addresses.

The objections have been summarised below:

- Proposal will affect privacy and amenity of dwelling – views from first floor balcony and bedroom.
- The chalet has a direct line of sight into a bedroom from side decking area. The proposal would be a total invasion of privacy for the residents of Southpoint.
- Wrong address
- No site location plan viewable
- Obscure glazing for bedroom window not acceptable
- Proposal will create a dominating effect for neighbours at lower level
- The balcony will increase the level of noise and general disturbance
- The proposed works to the front elevation will have an intrusive effect on the area and is not sympathetic with the built form and character of the surrounding area
- Potential light and noise pollution.

Letters of support have been received from 6 addresses. The letters of support have been summarised below:

- Proposed works are a welcome improvement to the area
- The proposed work will blend in with the surrounding buildings given the same alterations to an existing property within Cranfield Chalets which serves as a precedent for the scale, massing, design, and external materials proposed in the current planning application.
- The proposal will elevate the view point
- The proposed works will provide more ease of movement in the bedroom and bathroom with the extra headroom and to suit the needs of family

- The line of sight from the chalet living areas and upstairs has been looking over amenity areas, caravan roofs, and adjacent property roofs for the past 25 years.

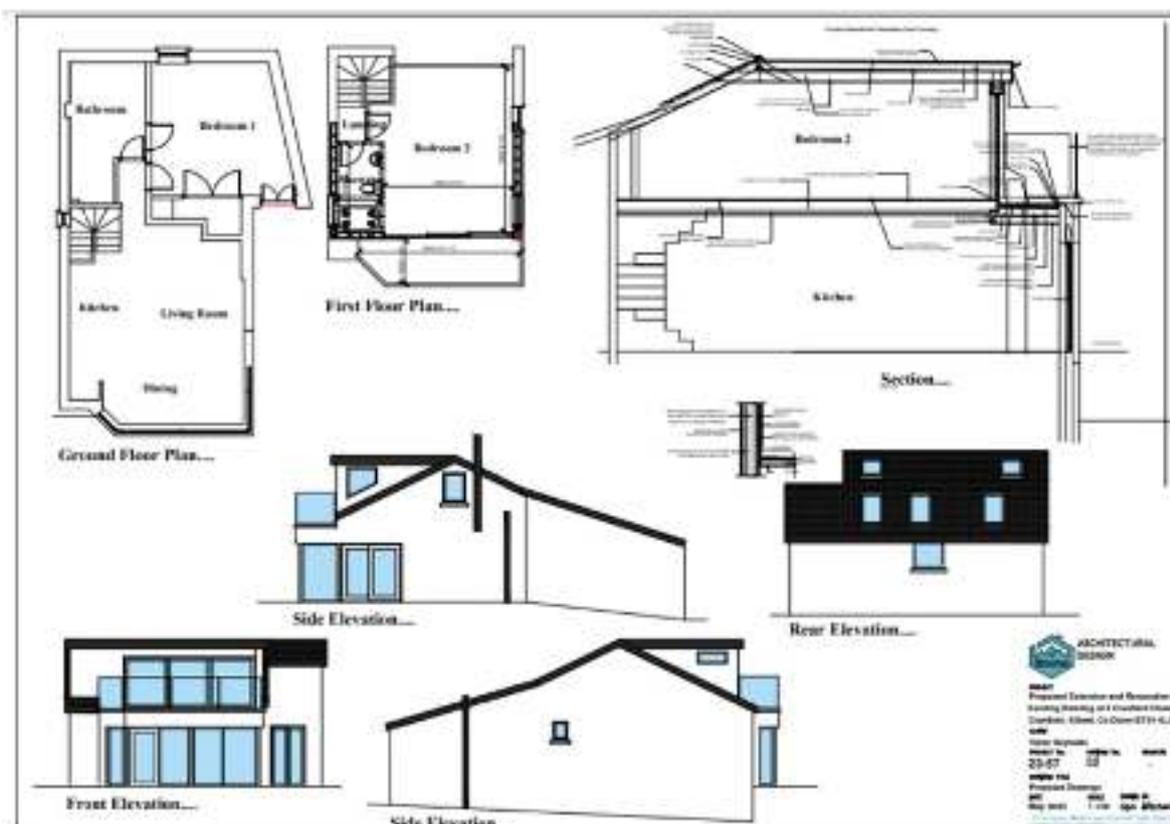
The concerns will be considered during the assessment of the proposal as per Policy EXT 1 of APPS 7. The points made within the letters of support will also be considered.

Note: An amended site location map and address was received. The application was re-advertised, and neighbours re-notified upon receipt.

Assessment

Proposal

The proposal involves the erection of a front dormer and first floor balcony. No additional footprint to be created. The plans are shown below.



Proposed plans

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the rural countryside as identified by the BNMAP 2015. There are no specific policy provisions within BNMAP for this site and as there is no significant change to the policy requirements for residential extensions following the publication of the SPPS, the retained addendum to PPS7 'Residential Extensions and Alterations' will be given substantial weight in determining this proposal, in accordance with paragraph 1.12 of the SPPS.

The site is within a Site of Local Nature Conservation Importance (NC 03/158) - Mourne Park incorporating White Water River and Cranfield Moraine, Newry and Mourne countryside and coast.

Policy CVN 1 of the Area Plan states that within designated SLCNIs, planning permission will not be granted to development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance. The policy goes on to state that in assessing development proposals on or adjacent to these sites, priority will be given to the protection of their intrinsic nature conservation interest. Given the nature of the proposal for a residential extension whereby no additional footprint is being created and no vegetation is to be removed, I am content that the proposal would not have an adverse effect on the nature conservation interests of the designated SLNCI.

Addendum to PPS 7: Residential Extensions and Alterations

Policy EXT1 is the determining policy for this proposal – there are four criteria to assess:

- a) The dormer extension will be set into the pitched roof of the existing property but will not exceed the existing ridge height. A front upper floor balcony is also proposed. The proposed works will be finished in materials to match the existing property. No additional footprint is to be created. I am satisfied that the proposal is subordinate in size, scale and massing to the existing property and would appear sympathetic with the built form of the host property.

Para A9 of Policy EXT 1 states that extensions or alterations to the front of a property require great care as the front elevation is often the most visible to public view. Para A14 goes on to advise that an extension or alteration which copies the roof type and angle of pitch of the original residential property will be more successful than those proposals that introduce a completely different type of roof. Paras A15 and A16 state that alterations to the roof profile of any building can be particularly sensitive as roofs play an important part in contributing to a building's appearance and the overall character of the area and that the regular repeated rhythm and uniformity of roof forms and chimneys may be a particular feature of a group of similar buildings or the wider townscape and should therefore be retained. Para A17 refers to dormers and advises that where a dormer is open to public view, it can interfere with both the original design of the existing building and cause a visual intrusion into the street scene or rural setting. The Planning Department acknowledges the above guidance.

The adjacent properties within the cul-de-sac are noted including No. 4 Cranfield Chalets whereby planning permission was granted for a similar proposal under LA07/2021/2038/F and is shown below.



Given the precedent that has been set by the works done to No. 4 Cranfield Chalet and having account the character of the area, this row of chalets, the large caravan sites adjacent and mix of house types in the locality, I am satisfied that the proposal will not detract from the appearance and character of the surrounding area.

- b) The application dwelling is directly adjacent Southpoint, a single storey dwellinghouse. Within the plot of Southpoint, there is also a single storey building used for holiday accommodation (see history section above).

As noted above, a number of objections have been received regarding the potential impact of the proposal on the amenity of the adjacent property. The main point of concern is loss of privacy due to overlooking from the upper floor balcony and upper floor gable window.

The relationship between both plots is shown below.



Given the difference of levels between the application site and the adjacent plot, there is a degree of overlooking at present with clear unobstructed views over the front and side of this adjoining property. The proposal includes a front balcony and upper floor side windows serving a bedroom. The southern outlook from the balcony will overlook the abutting property. The Department consider it necessary to condition the erection of a 1.8m high privacy screen along the southern boundary of the proposed balcony. This will prevent any unacceptable overlooking of the adjacent property. The western outlook from the balcony will look towards the ocean. There is sufficient distance between the application site and the caravan park to the west. The northern outlook from the balcony is towards No. 5 Cranfield Chalets. The relationship between No. 6 and No. 5 Cranfield Chalets is shown below.



Again, there is a certain degree of overlooking owing to the informal siting/arrangement and outdoor seating/decking areas of the properties within the cul-de-sac, nonetheless, the Department consider it necessary to condition the erection of a 1.8m high privacy screen along the northern boundary of the proposed balcony which will prevent any unacceptable overlooking of the adjacent property.

Regarding the proposed upper floor gable windows, the windows on the southern gable will serve a bedroom. There is an existing upper floor window serving an en-suite at present, however internal reconfiguration means the dwelling is to serve a larger bedroom. The bedroom will also be served by large windows/patio doors on the front elevation. Para A28 of EXT 1 provides guidance on the use of obscure glass to minimise the potential for overlooking. The guidance advises that this is not considered an acceptable solution for windows serving main rooms such as bedrooms, living rooms, dining rooms or kitchens. However, consideration must be given to the fact that the bedroom will be served by a large opening on the front elevation which will provide sufficient light to the bedroom. As such, the use of obscure glazing on the southern gable is acceptable in this instance and is required to protect the amenity of the property to the south.

The upper floor window on the northern elevation is high level and will serve a bathroom. I am satisfied the dwellings to the north will not be affected by the proposal in terms of unacceptable loss of privacy.

Given the dormer's positioning and scale, I am content it will not generate loss of light or overshadowing to an unacceptable level for neighbouring properties.

- c) The application site is within an AONB. Policy NH 6 of PPS 2 applies. It is noted the proximate caravan park and surrounding structures have established a precedent for development, with the area's aesthetic quality largely compromised by former development. While dormer extensions of this nature in the rural countryside would typically be resisted, it is noted that, in this context, the proposed development is subordinate to the existing property and respectful to both existing and neighbouring properties. I am content this proposal will not have an unduly adverse impact on the character of the surrounding area.

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.

No additional footprint is to be created. No building or vegetation is to be removed as part of the works. To property to be extended is currently occupied. No species were observed during a site visit. The site is not hydrologically linked to designated sites. The domestic nature of the proposal is noted whereby airborne emissions are not detrimental. This planning application has been considered in line with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and it is concluded through a HRA screening that the proposal is unlikely to impact on a European designated site.

The site is in close proximity to scheduled monuments DOW 057:009 and DOW057:008. Consultation with HED HM confirmed that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements due to its scale and nature.

The site is within a Site of Local Nature Conservation Importance (NC 03/158) - Mourne Park incorporating White Water River and Cranfield Moraine, Newry and Mourne countryside and coast. Policy CVN 1 of the Area Plan states that within designated SLCNIs, planning permission will not be granted to development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance. The policy goes on to state that in assessing development proposals on or adjacent to these sites, priority will be given to the protection of

their intrinsic nature conservation interest. Given the nature of the proposal for a residential extension whereby no additional footprint is being created and no vegetation is to be removed, I am content that the proposal would not have an adverse effect on the nature conservation interests of the designated SLNCI.

- d) No additional footprint is proposed. As such, the existing space for recreational and domestic purposes including the parking and manoeuvring of vehicles remains as is.

Summary

The representations received have been considered during the assessment and subsequent determination of the application. The proposed works are considered compliant with the retained policies, with the use of conditions to protect the amenity of the neighbouring property to the south. As such, approval is recommended.

Note: This is a revision of the report dated 6th June 2024. Following discussions with the neighbouring resident, the report has been updated due to an inaccuracy as a result of all relevant information not transferring correctly across to the new IT system.

Recommendation: Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01, 02 and 03RevA

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

3. The upper floor windows on the southern elevation of the application property shall be fitted with obscure/opaque glazing prior to any part of the extension and alterations hereby approved coming into use, which shall be permanently retained thereafter.

Reason: To protect the amenity of the neighbouring properties.

4. A 1.8m high close boarded timber privacy screen shall be fitted along the boundaries shaded green on drawing no. 02, prior to the balcony hereby approved coming into use, which shall be permanently retained thereafter.

Reason: To protect the amenity of the neighbouring properties.

Informative:

- 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.
- 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: Eadaoin Farrell

Date: 23.07.24

Appointed Officer Signature: M Keane

Date: 23-07-24

Committee Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2022/1495/F	Target Date:
Proposal: Five dwelling units, landscaped gardens and associated site works	Location: Lands opposite no.41 Lecale Park Downpatrick BT30 6ST
Applicant Name and Address: Mr Christopher Barr 12 Woodbourne Court Isle of Man Douglas IM2 3AT	Agent Name and Address: Sommerville Consulting 20 Wood Grange Newtownabbey Belfast BT37 0WG
Date of last Neighbour Notification:	04 April 2023
Date of Neighbour Notification Expiry:	18 April 2023
Date of Press Advertisement:	12 October 2022
Date of Press Advertisement Expiry:	26 October 2022
ES Requested: No	
Consultations:	
<p>NI Water was consulted in relation to the application and responded with a recommendation to refuse. The agent submitted a wastewater impact assessment to NI water and a solution engineer report has been issued however NI Water advise that a WWIA cannot be deemed complete at this stage and further engagement is required to find an acceptable solution. Currently the planning authority is dealing with responses from NI Water of this nature by way of negative condition.</p> <p>NIEA was also consulted and responded Natural Environment Division responded with no objections, informatives have been recommended.</p> <p>DFI Rivers was consulted and initially responded advising that under the terms of FLD 3 Planning may deem it consider the development falls within the thresholds of requiring a drainage assessment. A Drainage Assessment was requested and submitted and accepted by DFI Rivers subject to conditions.</p> <p>Environmental Health was also consulted and responded with no objections subject to conditions in relation to noise and vibration control and hours of operation for noise generating activities.</p>	

DFI Roads initially requested additional information and following final consultation responded with no objections subject to conditions. PSDs have been submitted and agreed, the private road serving part of the development will remain unadopted.

SES responded to final consultation with no objections.

Representations:

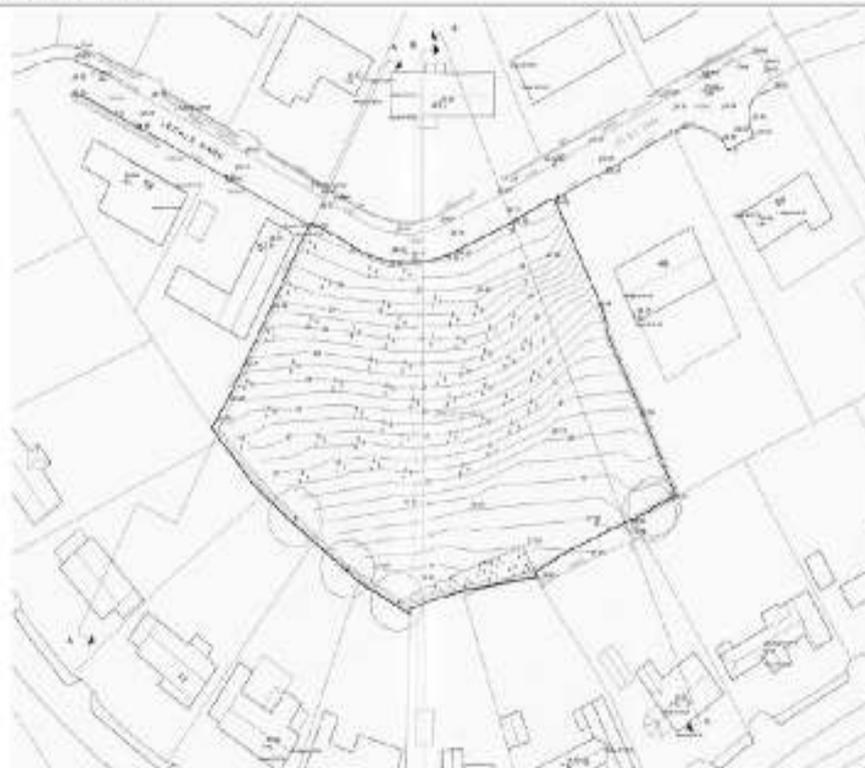
To date 19 representations have been received and one petition in relation to the application (objections) 17 different addresses included on representations and petition. Objections are on the following basis:

- Concerns are raised in relation to congestion, the objectors note that the area is already congested and adding to this would cause greater issues, including the potential to impact safety as some points in the access are tight and traffic can only pass in single file.
- Design of the dwellings is not considered to be in keeping with the mature, established development of the site.
- Objectors believe that there is potential for environmental impacts as there is a wide range of flora and fauna on the site.
- One objector notes Japanese knotweed growing in the field.
- Concerns re drainage and soakaways as already dated infrastructure, objectors concerned additional pressures will impact and reliance on septic tanks could give rise to amenity issues such as smells etc.
- Concerns raised in relation to water pressure and additional load on the infrastructure.
- Objectors believe given mature trees have been cut down there is the potential for overlooking and loss of privacy and light. No's 7, 11 and 17 Lecale Park specifically have raised concern in relation to this matter. In terms of overlooking concerns are raised in relation to the potential for overlooking onto 5-19 Lecale Park and 49 and 57 Lecale Park.
- Owners/occupiers of no 49 and 57 Lecale Park believe that their properties would be at risk in terms of structural safety during building works with heavy plant and machinery operating disturbing foundations.
- Planning already granted for an additional three dwellings under LA07/2018/0938/O which will already add to the current problems and this proposal will further add to these problems.
- Bin lorries are already forced to reverse up the cul de sac and on occasions parking issues have resulted in the bins not being emptied.
- Construction works will cause noise and disturbance during development and impact on neighbouring dwellings.
- Objectors believe design, layout and density of the scheme is not in keeping with the existing character or pattern of development.
- Existing natural screenings shown in initial drawing include trees that have been removed and a hedge that is noted as to be retained and augmented is actually in

the ownership of no 49 Lecale Park.	
Letters of Support	0
Letters of Objection	19
Petitions	1
Signatures	31
Number of Petitions of Objection and signatures	
Summary of Issues: objections to the proposal are outlined above and will be discussed later in the report.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is a piece of land within an existing housing area known as Lecale Park which is a housing development of single dwellings located on generous plots on elevated lands that are accessed off the Strangford Road. The site itself is a steep piece of land that runs down to the rear of existing housing, it is currently covered in rough grass and whin, there is no boundary to the front of the site and it is currently bounded by site guard along the road, the remainder of the boundaries are made up with a mix of boundaries from other adjacent properties.

The site in question is located within the settlement development limits of Downpatrick as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty. The site also falls within the consultation of a monument being a workhouse. The site is within an existing established housing development predominantly characterised by large single dwellings on quite generous plots and some on sloping sites resulting in stepped dwellings. The site is in quite close proximity to a local landscape policy area.



Description of Proposal

Five dwelling units, landscaped gardens and associated site works

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

LA07/2019/0706/O - Lands between 49 and 57 Lecale Park, Downpatrick - Erection of 5no dwellings (amended and additional plan) – refusal – 11.06.2020

Application on same site refused for the following reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the proposed development of 5 dwellings in the site fails to respect the surrounding context and would be inappropriate to the character of the site.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (a) in that the proposed density of the development would be significantly higher than that found in the established residential area of Lecale Park LA07/2019/0706/O.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (b) the pattern of development is not in keeping with the overall character and environmental quality of the established

residential area of Lecale Park.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that the proposed development would create conflict as a result of unacceptable adverse impact on existing properties Nos 5, 7, 9, 11, 15, 19 and 19 Lecale Park, in terms of overlooking and dominance.

R/2001/1319/F - Lands opposite 39 Lecale Park, Demesne Of Down, Downpatrick - Private dwelling – approved – 26.02.2002.

LA07/2021/1777/O - Site adjacent to 46 Lecale Park, Downpatrick - Renewal of Outline permission for 3No. Dwellings previously approved under LA07/2018/0938/O – approved – 22.12.2021.

LA07/2018/0938/O - Land east to 46 Lecale Park and west of 64 and 66 Strangford Road, Downpatrick - Proposed 3no dwellings – approved – 29.10.2018

CONSIDERATION AND ASSESSMENT

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 7 Quality Residential Environments
- Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

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

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

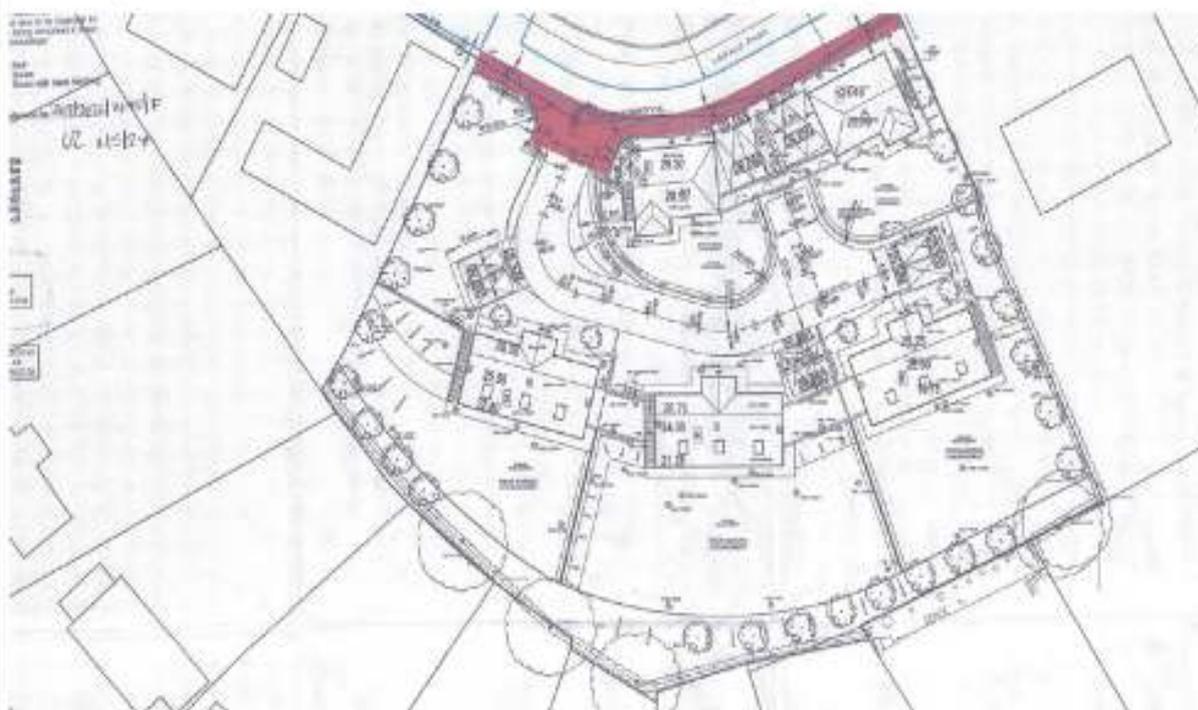
6.133 of the SPPS deals with housing in settlements and it is noted that there is no dispute between the content of SPPS and PPS 7 therefore this application is considered

under PPS 7 Quality Residential Developments.

Policy QD1 Quality in New Residential Development states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development. All proposals for residential development will be expected to conform to all the following criteria:

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

Taking account of the proposed scheme the design and layout of the scheme is considered satisfactory. The levels across the site cause difficulties as the site drops away like adjacent lands within the development. The proposed dwellings are single storey in appearance from the front and either two or three storey to the rear depending on their position within the slope. 5 detached dwellings are proposed on the site.



5 detached dwellings are proposed on the site and each has private amenity space and car parking.

House Type A



front elevation



rear elevation

House Type A1



front elevation



rear elevation

House Type B



front elevation



rear elevation

House Type B1



front elevation



rear elevation

Taking account of the designs shown above the dwellings generally appear single storey in appearance to the front and drop down into the site, becoming either two or three stories high. The dwelling designs are unremarkable but take account of the site sloping nature of the site, there are similar style dwellings adjacent to either side of the site that also split across their plots. In general this aspect of policy has been adhered to.

The proposed materials and finishes are considered acceptable and in keeping with those found in the vicinity.

In terms of density, it is considered that the 5 dwellings proposed will largely respect the overall density of the area, the agent had submitted a map of the most recent development within the area and the density does appear to be largely acceptable noting that there was a reduction of units as part of the processing of this application. Given the appearance and site arrangement the works will not appear as a more dense development.

(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.

Taking account of the characteristics of the site, associated constraints and adjacent built development there are no archaeological, built heritage or landscape features identified on the site that require further protection or assessment and consideration. There were no specific features identified within the site that would be impacted as a result of the works. The site is within relatively close proximity to a historic monument being the workhouse but given the site sits within previously developed land and given the proximity of the site to the previous workhouse it is not considered that any further consideration is required.

(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 application is for 5 dwellings within an existing development therefore does not meet the thresholds to require public open space is provided. This development is an older development and there are no areas of public open space within the development at present. In terms of private amenity all dwellings have large rear gardens proposed ranging from 105m² to 442msq therefore the average amenity space far exceeds the requirements set out in Creating Places that advises on circa 70sqm. Plots 3-5 has an element of greenspace to the front of the dwellings which does soften the frontages, bin storage areas are located to the sides of the dwellings which is not normally considered acceptable but given the privacy of the site accessed off the main route through the development and taking account in the drop of levels to the rear of the site this is the most feasible position for bin storage.

Dwellings 1-2 sit at a higher level and present onto the existing road network within

Lecale Park. Sections through the site indicate that there is to be a retaining wall to the rear of the dwellings at a height of 1.2m with a 0.6m railing on top, this will provide privacy to the rear amenity area of dwellings numbers 1 and 2 and while a softer boundary treatment would have been preferred again taking account of the more private area the rear amenity faces out onto the finish is considered the most appropriate to provide privacy and screening. The dwellings to the front of the site have no grassed area to the front of the site and present almost directly onto the road. It is noted that most dwellings within the development have considerable front amenity areas however the dwellings presented take account of the steep nature of the site.



(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 scale and nature of the development there is no requirement to provide any further necessary neighbourhood facilities. No specific facilities are available or provided to serve the existing development and no existing facilities will be impacted as a result of the works. This aspect of policy has not been impacted.

(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 measure.

The site can meet the needs of patterns of movement in general, the change in levels and provisions of steps both internally and externally would not support the needs of people whose mobility is impaired, it is noted though in movement patterns externally around the public elements of the site meets all requirements including those with impaired mobility. Again the site can utilise the existing provisions for public transport in the area already available to the site.

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

Each dwelling has 2 allocated parking spaces, which are side by side and located within the front curtilage of the dwellings, there are also 3 visitor parking spaces identified on the private road serving dwellings nos 3-5. Adequate parking provision has been provided that is accepted functionally by DFI Roads. Existing parking provisions will not be impacted upon as a result of the works.

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

There are a mix of dwellings within the overall development with some more recent development towards the access junction into Lecale Park. Split level dwellings are a feature within Lecale Park therefore the split level dwellings presented are considered to respect the character of the area in terms of design and layout. The finishes are generally considered to respect the existing character and appearance of buildings found within the development. The topography of the site does provide limitations and dictates to a degree what can be accommodated on the site in terms of overall layout and design.

(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.

Consideration is given to the potential for impact on neighbouring dwellings in terms of loss of amenity and it is noted that there have been a number of objections received in relation to the application including a petition with 31 names on it.

The points of objection include the loss of privacy of no 5 to 21 Lecale Park and to no 49 and 57 Lecale Park. Creating Places recommends 20m separation back to back taking account of the topography of the land, in this instance given the steep gradient 20m would not be considered sufficient, the agent has demonstrated that there is far in excess of 20m back to back onto any of the properties from 5 to 21 Lecale Park. For example back to back from the proposed dwelling labelled no 4 and 11 Lecale Park is a separation of approx. 46m, separation distances between the existing and the proposed are considered to be sufficient in ensuring there is no unacceptable loss of amenity by way of privacy or creating opportunities for unacceptable overlooking from the proposed development in terms of back to back separation distances.

In terms of the impact on dwellings 49 and 57 Lecale Park that face forward onto the existing road network within Lecale Park consideration is given to the level of built

development proposed adjacent to the sites and the potential for impact.

In terms of no 49 Lecale Park there will be the development of two dwellings along a shared boundary being the western boundary to no 49. Given that there historically has been no development along this boundary of no 49 the development of two dwellings along it will have a perceived impact. House type A and B1 are adjacent to the boundary of no 49, there are limited openings on the side elevations of all of the dwellings proposed but in terms of house type A there is one opening to the side gable facing no 49 and it is noted that it serves an ensuite, house type B1 has no windows on the gable, it is not considered that there will be any unacceptable overlooking as a result of the development on no 49. In terms of the relationship between the site and no 49 it is not considered there will be any demonstrable overlooking or overshadowing as a result of the works on the property known as 49 Lecale Park.

Consideration is also given the potential for impact on the dwelling to the other side of the site being no 57, it is noted that no 57 is an L shaped building with a considerable amount of built development along the eastern boundary, the closest building this boundary is a B type design dwelling and the dwelling is set back off the road and away from the built development of no 57, it is not considered there will be any overlooking or an unacceptable loss of privacy as a result of the provision of the dwellings on the site adjacent.

Given the positioning of the proposed dwellings and taking account of the existing layouts of dwellings and taking account of the dwellings proposed as part of this development it is not considered that there will be any unacceptable loss of privacy or private amenity, nor will there be any loss of light or dominance as a result of the development.

Dwellings on the upper side of the Lecale Road sit on more elevated grounds and face onto the road and will not be impacted as a result of the works.

The concerns of neighbours in terms of privacy have been considered and while it is acknowledged that the ground has laid dormant for years and that given the steep topography of the site there are concerns re overlooking and loss of privacy however it is considered that the agent has provided a more than adequate separation distance between existing and proposed dwellings and taking account of the overall scheme a refusal in terms of loss of privacy could not be sustained. It is the developer's responsibility to ensure that the development does not cause damage to or undermine existing structures as would be the case with any approval.

The overall design of the dwellings, including those with balconies or open spaces as exhibited to the rear of house type A are considered to be acceptable and will not have any detrimental impacts on neighbouring dwellings in terms of loss of light or loss of privacy given the separation distances and the fact the balcony does not protrude

beyond the proposed rear building line.

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

This scheme appears to be compliant with this policy, there are no public spaces that are not overlooked to some degree and in general the scheme is considered to be acceptable in terms of being designed to deter crime and promote personal safety.

Consideration of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

Policy LC1 is considered – protecting local character, environmental quality and residential amenity which states that in established residential areas (which this is) planning permission will only be granted for the infilling of vacant sites to accommodate new housing where all the criteria is set out in QD1 of PPS 7 and the additional criteria set out below are met.

(a) the proposed density is not significantly higher than that found in the established residential area.

The proposed density of the development cannot be considered to be higher than what is considered established in the area, the sloping site has resulted in ample amenity space being afforded to each dwelling and on the basis of large plot sizes the density is reduced, it is noted that the density of the plot sizes are not dissimilar to what is exhibited within the site in present. The proposed density is considered to be in keeping with the existing dwelling plot size and density and the application is in keeping with policy as the density exhibited is not significantly greater than what is 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.

The pattern of development is considered to be in keeping with the overall character of the area, the split level dwellings are a common feature within the development given the hilly topography of the development and the continually rising site. The majority of dwellings are on generous plots with adequate amenity space and there is a mix of designs and dwelling styles to allow for the designs put forward now to successfully integrate into the character of the overall established residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The dwellings presented meet the space standards as set out in annex A and in most cases far exceed the space standards for example House type A is a 4 bedroom 8 person dwelling, space standards advise on 7 person/4 bed maximum and in the case of a three storey dwelling require 115/120m² internal floor space whereas house type A offers in excess of 250m² internal floor space. This aspect of policy has been met.

PPS 2 Natural Heritage

Objections were received in relation to the presence of Japanese Knotweed being present on the site, a bio diversity check list was submitted in relation to the application and given that the site is covered in dense scrub an extended ecological statement was submitted. As part of this statement the site was searched for Schedule 9 listed plants (Japanese knotweed, Giant hogweed and Himalayan balsam) and none were identified within the site. The authority can be content that this objection has been considered and that no further reports or action is required in relation to invasive species.

Taking account of the Bio Diversity checklist and subsequent Extended Ecological Statement it is not considered that there will be any detrimental impacts on species protected by law, the provisions of PPS 2 Natural Heritage do not appear to have the potential to be impacted as a result of the works proposed.

PPS 3 Planning, Access and Parking.

DFI Roads have been consulted in relation to the proposal and have no objections to the proposals. Adequate parking provision has been identified for each dwelling and DFI Roads are content with the overall internal arrangement and the additional traffic on the existing infrastructure. The application meets with all the requirements in terms of DFI Roads requirements in terms of safety and parking.

Policy NH6 Areas of Outstanding Natural Beauty.

The proposal is within the Strangford and Lecale Area of Outstanding Natural Beauty therefore policy NH 6 Areas of Outstanding Natural Beauty is considered and it states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

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

The site is within the settlement development limits of Downpatrick as defined in the Ards

and Down Area Plan 2015, the overall special character of the AoNB have already been somewhat diluted within the urban area generally. The proposals put forward are generally in keeping with the character of the area and moreover will not have a detrimental impact on the character and appearance of the AoNB overall. The overall design and layout of the site This aspect of policy has not been offended.

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

The proposed dwellings are large in size and scale but overall are considered to be acceptable in terms of respecting the existing character and appearance of the built development. It is noted that there is a listed building in quite close proximity to the site being an old workhouse however this is far enough removed from the site so as for the works to not impact on the noted building.

- c) the proposal respects: • local architectural styles and patterns; • traditional boundary details, by retaining features such as hedges, walls, trees and gates; and • local materials, design and colour.**

The overall design and appearance of the proposed dwellings largely respects the overall character and appearance of the surrounding area and the detailing used has taken account of necessary provisions given the sloping site and protecting the character and appearance of the area. In general this aspect of policy has been met.

PPS 15 PLANNING AND FLOOD RISK

In terms of FLD 1 Development in fluvial and coastal flood plains – the site lays outside of the 1 in 100 year flood plain and DFI Rivers had no comment or request to make.

FLD 2 Protection of flood defence and drainage infrastructure is considered and DFI Rivers note that given the location of this site the provisions of FLD will not be impacted.

FLD 3 Development and surface water is considered and it is noted that as the works exceeded one of the thresholds set out in FLD 3 a Drainage Assessment was requested and the drainage assessment was considered by DFI Rivers and found acceptable subject to condition which will be included in any approval to issue. DFI Rivers did not require any further information.

FLD 4 and 5 are not impacted upon, DFI Rivers make no comment or requests in relation to FLD 4 or FLD 5.

Presentation to Planning Committee

NI Water responded to consultation recommending refusal but advised that Subject to

successful discussions and outcomes regarding issues highlighted in the responses below, NI Water may reconsider its recommendation.

The agent is currently in engagement with NI Water in relation to the above and has submitted a Wastewater Impact Assessment was submitted to NIW for this proposal, A Solution Engineer Report was issued 23th November 2023. On this basis the authority is content to proceed using a negative condition mechanism, however as this is not in direct agreement with the NI Water response that currently recommends refusal the application must proceed to committee.

In addition to this there has been strong representation in relation to the application with 19 letters of objection and a petition of 31 names and of these representations there have been objections from at least 6 different addresses therefore exceeding the threshold that requires that the application is presented to Planning Committee. This application for the two reasons above will be presented directly to Committee.

Neighbour Notification Checked

Yes

Summary of Recommendation

On balance, taking account of policy, consultations and representations made in relation to the application a recommendation of approval is made.

Conditions:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: **2101 01A, 04G, 05, 06, 07, 08, 09, 10, 11, 12, 15C, 16C and P0070/R001G**

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

3. 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. **P0070/R001G** published 30/04/2024

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

4. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number **P0070/R001G** published 15/03/2024 Council Planning hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

5. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. **P0070/R001G** published 15/03/2024, **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.

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

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

7. No other development hereby permitted, shall be commenced until the footway has been completed in accordance with details submitted to and approved by Planning on drawing No: **P0070/R001G** published 15/03/2024

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

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

Reason: Road safety and convenience of traffic and pedestrians.

9. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFI Roads Street Lighting Section.

(These works will be carried out entirely at the developer's expense.)

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

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

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 in consultation with NIW.

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

12. 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.

13. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 12, 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.

14. Prior to the construction of the drainage network, the Applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason – In order to safeguard against surface water flood risk.

15. All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities should pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites and IAQM

Guidance (2014): Guidance on the assessment of dust from Demolition and construction. Appropriate controls for noise, dust and vibration during demolition and construction should be implemented.

Reason: In the interests of residential amenity.

16. During construction, noise generating activities shall be limited to the following times:

Monday – Fridays 07:00 -18:00

Saturday – 08:00 – 13:00

Sundays and Bank holidays – No noise generating work

Reason: to protect residential amenity

17. All hard and soft landscape works shall be carried out in accordance with the approved details plan ref 2101 04G . The works shall be carried out prior to the occupation of any part of the development.

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

18. 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.

Case Officer Signature: Fionnuala Murray

Date: 09.08.2024

Appointed Officer: A.McAlarney

Date: 15 August 2024

Somerville Consulting Speaking Rights Request and notes Ref: LA07/2022/1495/F

In support of a planning approval for 5 dwellings on lands opposite 41 Lecale Park Downpatrick Ref: LA07/2022/1495/F at Newry Mourne and Down Planning Committee 4th September 2024 at 10.00am

Introduction

I am Una Somerville a qualified Planner with almost 40 years' experience, I am the agent for the application. I request speaking rights in order to support the Planning Department's recommendation for approval and urge the Committee to vote in favour of the recommended decision. The scheme as originally submitted was wholly compliant with planning policy however the applicant agreed during the determination period to amend the proposal to take account of issues raised by objectors as follows:

- density (reduced from 6 units to 5),
- semi-detached dwellings were removed, all units are now detached,
- additional soft landscaping added to the frontage parking area,
- the generous separation distances were further increased to the rear, as the road was pulled up the site, rear dormers were removed and replaced by Velux style windows,
- increased the amount of green space adjacent to no. 57 with the road access moving marginally to the east further away from no. 57,
- boundary treatment strengthened to no. 49,
- retention of all existing boundary vegetation and strengthened it,
- Creating Places suggests private amenity space of 70sqm per house for rear gardens. The two dwellings to the front of Lecale Park have rear gardens of 105sqm and 126sq m respectively. And the remaining dwellings have even larger gardens. The scheme therefore fully complies and indeed exceeds guidance on quality residential environments.



- commissioned a Biodiversity checklist and Preliminary Ecological Appraisal to address concerns which revealed compliance with PPS 2 Nature Conservation.
- given the generous separation distances, the Planning Department have agreed the application would not adversely impact residential amenity.



Somerville Consulting Speaking Rights Request and notes Ref: LA07/2022/1495/F

Consistent and orderly decision making is a fundamental plank of good planning. The planning history in this vicinity shows a series of approvals close to the application site. An approval of this application will accord with that approach.

The character of the area in this locality, as defined by plot sizes, house types, amenity space and separation distances is very varied. The proposal accords with the established residential character as required by PPS 7 and its addendum.



	Approvals and extant development	Site area	Density	Plot ratio – approx. units per ha
No. 1	LA07/2015/0770/O	0.98ha	12 units	12 per ha
No. 2	R/2012/0492/F	0.17ha	3 units	18 per ha
No. 3	LA/07/2018/0938/O	0.30ha	3 units	10 per ha
No. 4	R/2005/1734/F No. 60 Strangford Road	0.15ha	3 units	20 per ha
No. 5	Lecale Park nos. 13 to 19	0.316ha	4 units	13 per ha
No. 6	Whole of Lecale Park	2.48ha	27 units	11 per ha
	Subject application	0.40ha	6 units	15 per ha
	Revised application – 5 units	0.40ha	5 units	12.50 per ha

Table 1. Plot densities

The basis of Planning law and Practice is that there is a presumption in favour of development unless there is harm. The evidence provided in support of the application and the responses to the concerns raised, show that there will be no demonstrable harm. The application is:

- within the development limit of Downpatrick where there is a presumption in favour of development,
- in the middle of the long-established residential area of Lecale Park,
- a quality design respecting the varied character of the area and using the topography as other dwellings have within the Park.

I ask the Committee to respectfully approve this application as the proposal will transform an unkempt and degraded parcel of land into good quality family homes.

Una Somerville B.A. (Hons), M.Sc. MRTPI
28th August 2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1448/F

Date Received: 05.09.2022

Proposal: Proposed mixed use development with ground floor commercial unit and 9 no. apartments and on-site parking for 13 vehicles.

Location: 17-21 Main Street, Camlough

Site Characteristics & Area Characteristics:

The site as defined in red takes in an existing commercial building and public house situated in the main commercial area of Camlough. To the rear of the site there is a grassed area which rises gradually to the rear boundary which is defined by natural trees / hedging. The site is located within the development limit for Camlough and an Area of Archaeological Potential as defined by the Banbridge Newry and Mourne Area Plan 2015. Surrounding the site are a number of commercial and residential properties with parking also located to the front.

Relevant Site History:

Application Number: P/1993/0436

Decision: Permission Granted

Decision Date:

Proposal: Bookmakers office with retail unit on 1st floor

Application Number: P/1989/0281

Decision: Permission Granted

Decision Date:

Proposal: Proposed detached garage and store room

Application Number: P/1975/0237

Decision: Permission Granted

Decision Date:

Proposal: Proposed erection of signs and poster boxes

Application Number: P/1980/0047

Decision: Permission Granted

Decision Date:

Proposal: proposed conversion of part of existing public bar to carry out fish &

Application Number: P/1976/0807

Decision: Permission Granted

Decision Date:

Proposal: Proposed alterations and extension to existing youth club

Application Number: P/2000/1052/F

Decision: Permission Granted

Decision Date: 15 August 2000

Proposal: Change of use from licensed premises to Bookmaker's office

Application Number: P/2000/1950/F

Decision: Permission Granted

Decision Date: 31 January 2001

Proposal: Change of use from licenced premises/fast food outlet to bookmakers office.

Application Number: P/2003/0208/F

Decision: Permission Granted

Decision Date: 01 May 2003

Proposal: Extension and alterations to existing Licensed Premises to include new lounge, toilets and store

Application Number: P/2003/2005/F

Decision: Withdrawal

Decision Date: 16 July 2007

Proposal: Demolition of existing licensed premises and construction of new supermarket with licensed premises for off sales, storage on first floor, ancillary accommodation, associated car parking and upgrading of existing vehicular access (to rear).

Application Number: P/2007/0968/F

Decision: Permission Granted

Decision Date: 09 November 2009

Proposal: Mixed use development consisting of 4 no. ground floor commercial/retail units and 12 no. apartments with on-site parking for 24 vehicles

Application Number: P/2010/1111/F

Decision: Permission Granted

Decision Date: 14 October 2011

Proposal: Retention of alterations to existing vacant licenced premises to provide reduced licenced area and partial change of use to create 1 no retail unit

Application Number: P/2014/0907/F

Decision: Permission Granted

Decision Date: 26 February 2015

Proposal: Erection of bar and restaurant

Application Number: LA07/2020/1027/F

Decision: Permission Granted

Decision Date: 17 November 2020

Proposal: Change of use from existing takeaway to proposed betting shop. (Amended site plan and description)

Application Number: LA07/2022/1444/F

Decision: Permission Granted

Decision Date: 19 February 2024

Proposal: New public house

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland
 The Planning (Use Classes) Order (Northern Ireland) 2015
 Planning Strategy for Rural Northern Ireland
 Banbridge Newry and Mourne Area Plan 2015
 PPS 3 – Access, Movement and Parking / DCAN 15
 PPS 7 – Quality Residential Developments
 APPS 7 – Safeguarding the Character of Established Residential Areas.
 PPS 6 – Planning Archaeology and the Built Heritage
 PPS 12 – Housing in Settlements.
 PPS 15 – Planning and Flood Risk.
 PPS 2 – Natural Heritage
 Parking Standards.
 Creating Places
 DCAN 8
 DCAN 15

Consultations:

DFI Rivers – No objections noted, condition offered.

NI Water – Refusal due to network capacity issues.

Environmental Health –no objection noted, conditions offered.

DFI Roads – no objections in principle. Conditions offered.

Historic Environment Division – no objections noted. Proposal in compliance with PPS 6 / SPPS

Shared Environmental Services – SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Condition offered.

NIEA – no concerns.

Objections & Representations

10 neighbours notified on 05.08.2024 and the application was re-advertised in the press on 03.07.2024. No objections or representations received.

Consideration and Assessment:

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated

09/01/2023. This found that the project would not have an adverse effect on the integrity of any European site.

Banbridge Newry and Mourne Area Plan 2015 (BNMAP)

The site is located within the Development Limit for Camlough which is noted a village in BNMAP. To the front of the site there is an Area of Archaeological Potential zoning which will be considered under PPS 6 in further detail within this report. The remainder of the site is *whiteland* where the Plan remains silent on the use and decision making is deferred to the retained policies explored below. Land zoned for housing under designation CL 06 exists immediately to the rear of the site.

Given the lack of designation on the site and AAP considered under PPS 6 below, I am content the proposal is not out of keeping with the prevailing Area Plan.

Strategic Planning Policy Statement for Northern Ireland

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

In terms of the commercial element of the proposal, the SPPS will be key policy given the discontinuation of PPS 5.

The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

Noting the planning history of the site which includes commercial units at this site, the surrounding commercial environment and the fact there is currently a commercial unit and public house on the site, it is reasonable to conclude the acceptability of a commercial unit at this site. Whilst there is no town centre designated within Camlough, I consider the proposal consistent with aim, objectives and policy approach in that the site is located in the most obvious commercial area of the settlement.

The scale of the proposal amounts to 40sqm which is considered modest and proportionate to the village setting of the proposal. The design appears as a typical shopfront finished in traditional timber hardwood and is considered acceptable for the area. The nature of the commercial unit, whilst not described could be conditioned to ensure it falls within the Part A of the Use Classes Order to control the future use of the unit.

Cumulatively I am content the commercial aspect of the proposal is acceptable at this site and in conformity with the policy provisions of the SPPS.

Planning Policy Statement 7 - Quality Residential Environments

As there is no significant change to the policy requirements for residential proposals within settlement limits following the publication of the SPPS and it is arguably less prescriptive, the retained policies within PPS 7 as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy QD1 Quality in New Residential Development is applicable to the residential aspect of the proposal. A new apartment block is proposed to rear of the site holding 6, 2 bed apartments with 3, 2 bed apartments proposed above the commercial unit to the front of the site. Such applications are expected to conform to all the criteria listed below a-i;

- (a) The development respects the surrounding context in that residential land uses are apparent within the mix of retail and commercial uses in the immediate area including Maryville, Quarter Road and the housing designation to the rear of the site. The visual appreciation of the scheme in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas have been considered in terms of the character and topography of the site. The layout of the proposal seeks the continuation of the street scape along this commercial portion of Camlough with a courtyard entrance to the rear where parking and open space is proposed along with the 3-storey apartment block. Appreciation has been given to the housing zoning to the rear of the site and the apartment has been brought forward to mitigate against future overlooking issues.

The apartment block and parking areas will largely be obscured with the existing built development in the immediate area. The scale of the development is generally reflective of the surrounding built development. The increase of ridge height of approximately 1.72m is not considered excessive or unreasonable given a number of roof types and heights are located within the vicinity of the site. The roof to the proposed front elevation which is flat and finishing to a slope to the front, whilst untraditional, is reflective of the surrounding mix of roof types including, pitched, flat and hipped.

The proportions and massing of the buildings appear acceptable for the scheme and the proposed landscaping is proportionate the hard surfacing required for the design proposals.

- (b) The existing boundary trees and hedgerows are noted to be retained and the Area of Archaeological Potential has been considered through consultation with HED. Historic Monuments Unit have considered the impact on archaeological potential and confirmed the proposal is compliant the prevailing policy (PPS 6 / SPPS). HED Historic Buildings Unit has also confirmed that nearby Listed Buildings are sufficiently removed from the site so as not to negatively impact.

- (c) At approximately 100 sqm of private open space that will unlikely be critically viewed and natural boundaries retained I am content this policy criteria has been satisfied.
- (d) The site occupies a location within the Village of Camlough where neighbourhood facilities are accessible.
- (e) The scheme supports walking and cycling with adequate access to nearby transport links. Whilst upper floors may be problematic for those with mobility issues, a number of apartments are located on the ground floor.
- (f) The site offers 13 spaces which equates to 1.4 spaces per apartment. I consider this to be an adequate provision given the location within the heart of the village.
- (g) In terms of materials and detailing the proposed buildings will be finished in blue/black concrete tiles, rendered corbelled fascia, cast aluminium rainwater goods, smoother render finish and a traditional timber hardwood shopfront. I consider these finishes and detailing to be traditional and appropriate for the surrounding area and environment. In terms of the apartment block, the design is relatively traditional with good use of glazing to the front of the property and an acceptable solid to void ration. The roof type is pitched. The design of the commercial unit reflects a traditional shopfront which is acceptable for the village setting. The apartments over the shopfront whilst approximately 1.7m higher than the existing streetscape is acceptable when the wider context of this part of the village is considered. The roof type of a flat arrangement running into a pitched appearance is unusual, however both elements are reflective of the surrounding area and built development.
- (h) Environmental Health has noted the potential for noise and odour nuisance. In order to mitigate this potential, conditions have been offered. These include controlling the use and activities of the proposed commercial unit and ensuring the proposed apartments should have noise mitigation measures including acoustic reduction ability. With these aspects incorporated as conditions, I am content the proposal is acceptable for the surrounding adjacent land uses. There is no obvious adverse impact on surrounding properties in terms of overlooking (to an unreasonable level), loss of light, overshadowing, noise or other disturbance. The apartment block has been moved back from the rear boundary to protect the housing zoning CL 06.
- (i) Both developments to the front and rear are overlooked which helps deter crime and promote personal safety.

I conclude that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area and will not result in unacceptable damage to the local character, environmental quality or residential amenity of this area.

As a result of the above I conclude the proposal is in general compliance with policy QD1 of PPS 7 and DCAN 8. I also conclude that the proposal is in general compliance with the principle and policies of PPS 12.

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

Policy LC 1

- a) At a rate of approximately 90 units per hectare and mindful that this is for apartment accommodation, I do not consider the proposed density to be considerably higher than that found in the surrounding established residential area.
- b) As noted in the consideration above I conclude the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area
- c) The apartment block to the back of the site has a floor area of approx. 70sqm with the apartments over the commercial unit having approx. 74sqm. I consider both these figures to be consistent with Annex A of the Addendum to PPS 7 in terms of space standards.

As the proposal meets the policy requirements of policy QD 1 and the above A-C, I am content the proposal is in general compliance with APPS7.

Planning Policy Statement 6: Planning Archaeology and Built Heritage

Historic Environment Division was consulted with regard the archaeological designation and the close proximity to listed buildings. Both departments within HED has offered no objection to the proposal with the site which is far enough removed from any listed buildings to significantly affect the setting and scheme is considered by HED to be consistent with policy criteria of policies BH1 and BH2. The proposal is consistent with regard to PPS 6 and the SPPS.

Planning Policy Statement 3: Access Movement and Parking / DCAN 15 / Parking Standards.

DFI Roads has been consulted with regard to PPS3 Access, Movement and Parking and has no objection to the proposal on the basis of compliance with the attached conditions. As noted above the proposal cumulatively offers 13 spaces for 9 apartments which equates to 1.4 spaces per apartment. Given the central position of the site in the village of Camlough I am content with the parking provision offered. There is also notable on street parking provision to the front of the site. Consequently, the proposal is consistent with PPS 3, DCAN 15 and Parking Standards.

Planning Policy Statement 15: Planning and Flood Risk.

DFI Rivers was consulted and have confirmed that policies FLD 1, FLD 2, and FLD 4 are not applicable to the site. A Drainage Assessment has been submitted for consideration and DFI Rivers has confirmed that the design and construction of a suitable drainage network is available. DFI Rivers request a negative condition in order to appraise the final drainage assessment before construction of the drainage network. This satisfies the policy provisions of FLD 3. DFI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. DFI Rivers is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, DFI Rivers has

no reason to object to the proposal from a reservoir flood risk perspective and the proposal is compliant with policy FLD 5.

Planning Policy Statement 2: Natural Heritage

NIEA has considered the ecological information and Bat Roost Potential report submitted to the Department from an Ecologist. NIEA has confirmed it has no concerns with the proposal and therefore I conclude that the proposal will not have an adverse impact on priority / protected species or habitats and is in general compliance with PPS 2.

NI Water

NI Water there is a public foul sewer within 20m of the site, however a high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties.

NI Water has also advised there is available capacity from the water main which is within 20m of the site which can service with the proposal.

There is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface water network, or via direct discharge to a designated watercourse, at an agreed discharge rate. Any discharges into a NIW surface water sewer will be restricted to a rate which does not exceed Greenfield Runoff of 10 litres/second/hectare, unless otherwise agreed in writing. NI Water has advised a negative condition can be used to ensure compliance and that surface water is adequately dealt with from the site.

The agent has submitted a Solution Engineer Report confirming engagement with NI Water on outstanding issues, and for this reason it is considered a negative condition could be applied to resolve the above issues.

Recommendation:

Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 1768 - 06A, 1768 - 03C, 1768 - 07, 1768 - 04, 1768 - 02 and 1768 - 01

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

3. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 1768-03C prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

6. No other development hereby permitted shall be commenced until the road works indicated on Drawing No. 1768-03C have been fully completed in accordance with the approved plans.

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

7. Details of signs and road markings to control the flow of traffic on the public road to be in accordance with the Traffic Signs Regulations (NI) 1997 shall be provided at the applicant's expense and to be in accordance with the Department's requirements prior to the site becoming operational

Reason. Road safety.

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

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

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

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

10. That no development shall proceed beyond sub-floor construction until a suitable dedicated surface water solution has been agreed upon. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006, for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

11. The hours of operation for the commercial unit shall be limited to 9.00am – 6.00pm Monday to Saturday and 1.00pm – 6.00pm Sunday only.

Reason: To safeguard residential amenity.

12. No fast-food takeaway business is permitted within the commercial unit at any time.

Reason: To safeguard residential amenity.

13. There shall be no noise producing equipment located outside the fabrics of the building.

Reason: To safeguard residential amenity.

14. Bins shall be stored as shown on Drawing 1768-03C at all times.

Reason: To safeguard residential amenity.

15. There shall be no more than 12 bins at any time: 9 Apartments (3 each) 3 commercial unit.

Reason: To safeguard residential amenity.

16. Any mechanical extraction systems (Kitchen Cooker extract fans etc) that are to be fitted shall be with acoustic attenuation, designed to prevent noise disturbance to nearby receptors.

Reason: To safeguard residential amenity.

17. Noise mitigation measures as per Agents Response dated 16th December 2022 shall be implemented to ensure future occupants will not be disturbed by noise and odour from adjacent proposed public house.

Reason: To safeguard residential amenity.

18. All external walls shall have the acoustic reduction ability as set out in the Agents Response dated 16th December 2022. The fabric of the apartment buildings shall ensure that the internal acoustic environment is adequate for bedrooms.

Reason: To safeguard residential amenity.

19. The gross retail floor space of the development hereby approved shall be used only for any purpose within Part A of the Schedule to the Planning (Use Classes) Order (NI) 2015:-

Reason: To control the nature, range and scale of commercial activity to be carried out at this location.

20. 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.

21. The existing natural screenings of this site, as indicated on the approved plan 1768 - 03C 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 within 28 days.

Reason: To ensure the maintenance of screening to the site.

Case Officer: Ashley Donaldson 20.08.24

Authorised Officer: Maria Fitzpatrick 20.08.24



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

Application Reference: LA07/2022/1029/F

Date Received: 17th June 2022

Proposal: Extension to existing holiday park comprising new caravan pitches, retention of 3no. existing caravan pitches, landscaping and associated works

Location: Lands to the immediate north & west of Silvercove Holiday Park, 98a Leestone Road, Kilkeel, BT34 4NW

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

The application site occupies a coastal and rural location south east of Kilkeel; located adjacent and to the rear of an existing caravan park (Silvercove Caravan Park) at the periphery of Leestone Road. Access to the site is taken from Leestone Road via a private gravel lane, which runs parallel to the beach and terminates at Silvercove Caravan Park.

- 1.1 The site boundary encompasses the access road and a small area within the caravan park which has been developed as caravan pitches, in addition to a larger area (L-shaped) of agricultural land to the rear / north of the established caravan site. A watercourse runs along the western boundary of the site and caravan park, separated from the caravan park by palisade fencing. There are several dwellings in the locality; with No's 105 and 103 directly adjacent / east of the access to the caravan park.
- 1.2 Whilst the area is primarily rural in character, there are also dispersed single dwellings residential and tourism development within the immediate context. In addition, there is a sand pit located some 65m east of the site (field separating) and a further caravan park located approximately 600m east of the site, at the juncture of Leestone Road and the unadopted coastal lane.

2.0 SITE HISTORY:

2.1 The site was historically used for sand and gravel extraction, with the existing caravan site (known as Silvercove Holiday Park,) subsequently approved in 2018. The caravan site as existing, has been extended without any further permissions. As such, this application seeks retrospective permission to regularise the 3 no. caravan pitches developed without permission in addition to permission for a further extension. Owing to the site area, the application is categorised as 'major' and has been preceded by a Proposal of Application Notice, with relevant planning records outlined below:

- LA07/2022/0145/PAN: Extension to existing holiday park - **PAN Concluded 11.02.2022**
- LA07/2016/1126/F: Proposed caravan site adjacent to existing Holiday Park, utilising existing Holiday Park facilities (landscaping proposals/additional details) - **Permission granted 12.01.2018**
- P/1993/0190/F: Extraction of Sand and Gravel - **Permission granted 05.12.1996**
- P/1988/0008/F - Sand extraction - **Permission granted 18 Jul 1988**

3.0 LEGISLATIVE PRE-APPLICATION REQUIREMENTS:

- 3.1 As the application site exceeds 1 hectare in size (3.1 hectares,) the application is classified as 'major', in accordance with The Planning (Development Management) Regulations (Northern Ireland) 2015 as amended (Table 2, Category 9 – all other development.)
- 3.2 Section 27 (2) of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting a major application. In addition, Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'proposal of application notice' (PAN), to the appropriate council, or as the case may be the Department, that an application for planning permission for the development is to be submitted. There must be at least 12 weeks between the applicant giving the notice and submitting any such application.
- 3.3 The applicant submitted a PAN (reference LA07/2022/0145/PAN) on 19th January 2022, which was concluded by the Council on 11th February 2022, in accordance with Section 27(4) of The Act and The Planning (Development Management) Regulations (Northern Ireland) 2015 as amended.
- 3.4 This major application has been subsequently submitted following the required 12 week notice period (submitted 17th June 2022) and has been accompanied by the submission of a Pre-application Community Consultation Report (PACC) dated June 2022.

3.5 Regulation 5(2) and (3) of The Planning (Development Management) Regulations (Northern Ireland) 2015 as amended sets out the minimum requirements to be met in relation to pre-application community consultation. It is noted that the timing of this application falls within the temporary amendment to regulations (The Planning Development Management Temporary Modifications Coronavirus Amendment Regulations NI 2020,) which removed the requirements for a public event. The following actions have been taken in an attempt to comply with legislative requirements:

- A notice containing the required information and details of the public consultation webpage was published in the Mourne Observer on 16th February 2022 (copy provided;)
- The public consultation webpage was live from 23rd February 2022 to 23rd March 2022. This included information about the application site, proposed development together with details on how attendees could provide comments as well as outlining the next steps in the process. This included the opportunity to request a video call with the design team.

3.6 In addition, the following actions were undertaken:

- The PAN was sent to all Councillors within the Mournes DEA on 14th January 2022;
- Leaflets were delivered to all properties within 200m of the application site on 16th February 2022 (copy provided;)

3.7 The PACC Report notes that no written or verbal comments were received during this process and concludes that the applicant has undertaken additional steps beyond the minimum requirements and remains committed to engaging with stakeholders throughout the planning application process.

5.8 On the basis of details submitted, it has been satisfactorily demonstrated that legislative pre-application requirements for this application have been met. The PACC report is also a material consideration within this assessment, though it is noted there are no comments submitted from members of the public.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 As the development is within Category 12 (C) 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.

4.2 The Council subsequently determined on 14th July 2022 that the planning application does not require to be accompanied by an Environmental Statement. The agent was notified of this determination by letter on 15th July 2022 and a copy of the determination has been placed on file records.

5.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- RDS 2035 – Regional Development Strategy for Northern Ireland
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- The UK Marine Policy Statement (MPS);
- The Draft Marine Plan for Northern Ireland;
- Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026;
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 15 – Planning and Flood Risk (September 2014)
- PPS 16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards

6.0 CONSULTATIONS:

Shared Environmental Services (final response dated 12.23) - 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 mitigating conditions.

DfI Rivers Agency (response dated 29.07.2022) – Drainage details reviewed. No objections to PPS15 (revised) requirements, subject to conditions and informatives being met.

DAERA Environment, Marine and Fisheries Group & NIEA (responses dated 11.10.2022 and 17.05.2024) -

Marine & Fisheries – In initial comments advised of significant concerns regarding coastal flooding and coastal erosion along the access road to this development. Following a review of concerns including a meeting on 25.04.2024 with Council Planners, a final response was issued whereby Marine and Fisheries advise there are concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon the access road to this proposed development. (further consideration below.)

Water Management Unit - has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal conditional to any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice (informatives / guidance provided.)

Regulation unit - advise it remains the responsibility of the developer to undertake and demonstrate that all works have been effective in managing all contamination risks (informatives / guidance provided.)

Natural Environment Division - No concerns / objections subject to conditions being met (informatives / guidance provided.)

NI Water (response dated 02.08.2022) – Recommend refusal. Subject to successful discussions and outcomes regarding issues highlighted in the detailed response NIW may reconsider its recommendation (further consideration below.)

DfI Roads (response dated 20.07.2022) - No objections to the proposal.

Loughs Agency (response dated 23.08.2022) - No objection in principle to the proposed development (informatives / guidance provided.)

NMDDC Environmental Health Dept (response dated 10.10.2022) - Environmental Health have reviewed the information provided by the planning service and have no objections in principal to the application (informatives / guidance provided.)

7.0 OBJECTIONS & REPRESENTATIONS:

7.1 The application was advertised in The Mourne Observer on 20th July 2022, with the statutory advertising expiry 3rd August 2022.

7.2 11 neighbouring properties were notified of the application by letter on 11th July 2022, with the statutory notification period expiring on 25th July 2022.

7.3 Three neighbour notification letters were returned from Royal Mail, as follows:

- 97 Leestone Road (marked as 'no such address')
- 95 Leestone Road (marked as 'no such address')
- 83 Leestone Road (marked as 'address inaccessible')

7.4 At the time of writing (June 2024,) no third party representations have been received for consideration and both the statutory advertising and notification periods have expired.

8.0 SUMMARY OF PROPOSAL:

8.1 In addition to the retention of 3 no existing static caravan pitches (which were not part of the former permission granted by virtue of LA07/2016/1126/F,) the proposal involves an extension to the north and east of the existing Silvercove Caravan Park, comprising the following key elements:

- 50 new static caravan pitches;
- Landscaping and open space;
- Pedestrian link to the existing holiday park

The proposed Site Plan is included below:



8.2 This assessment is completed on the basis of details available for consideration, including the application form details and the following supporting documents and plans, as submitted:

- Drawing No. 20-11 02 – Site Location Plan (dated stamped 17th June 2022)
- Drawing No. 20-11 01 - Site Layout Plan (date stamped 17th June 2022)
- Planning Statement (O'Toole & Starkey Planning Consultants, dated June 2022)
- PACC Report (O'Toole & Starkey Planning Consultants, dated June 2017)
- Flood Risk and Drainage Assessment (Flood Risk Consulting, dated June 2022)
- Transport Assessment Form (MRA Partnership, dated May 2022)
- Preliminary Ecological Appraisal (Sterna Environmental Ltd, signed and dated 8th April 2022)
- Emergency Evacuation Plan (As revised, submitted 19th April 2024)

9.0 CONSIDERATION AND ASSESSMENT:

9.1 Promoting a sustainable approach to the provision of tourism infrastructure (RG4) is one of five elements of regional guidance set out in the RDS, aimed at underpinning sustainable economic growth in Northern Ireland. The guidance set out in RG4 seeks to apply this sustainable approach to tourism development in the following ways:

- *Promote a balanced approach that safeguards tourism infrastructure while benefiting society and the economy;*
- *Improve facilities for tourists in support of the Tourist Signature Destinations;*
- *Encourage environmentally sustainable tourism development.*

For reasons assessed further below, the proposal constitutes an

environmentally sustainable tourism development in that it seeks to meets the needs of present tourists and host regions while protecting and enhancing opportunities for the future through the planned expansion within the established site.

- 9.2 Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.
- 9.3 The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015,) operates as the current Local Development Plan for this site and identifies the site as being located within the countryside and a designated Area of Outstanding Natural Beauty (Mourne and Slieve Croob AONB – AONB2.)
- 9.4 SPPS, PPS21 and PPS16 Policy TSM6 (New and Extended Holiday Parks in the Countryside)
- 9.5 The SPPS (paras 6.265 – 6.266) directs that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the Local Development Plan, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context.
- 9.6 Design is a particularly important consideration when considering the impact of tourism development proposals in the countryside, particularly within areas designated for their landscape, natural or cultural heritage properties.
- 9.7 Applications for tourism development will also be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development. The safeguarding or enhancement of an existing or planned public access to the coastline or other tourism asset will be a particular consideration when assessing proposals for tourism development
- 9.8 PPS21 Policy CTY1 sets out a range of development types which, in principle may be acceptable in the countryside. This includes tourism development in accordance with the TOU Policies of PSRNI. As the TOU policies have now been superseded by PPS16, Policy TSM6 is the prevailing determining policy in dealing with new and extended holiday parks in the countryside, in addition to the Coastal Development requirements of The SPPS and Marine Policy Statement, owing to the site's existing access road, which runs adjacent to the coast.
- 9.9 Under Policy TSM6, permission will be granted for an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. 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.

- 9.10 Proposals for holiday park development must be accompanied by a layout and landscaping plan) and will be subject to the specific criteria (a) – (g), considered below, on the basis of the Site Layout and Landscaping plan submitted (Drawing No. 20-11 01 – Site Layout Plan date stamped 17th June 2022:)
- 9.11 (a) The site is located adjacent to an existing caravan park and has the ability to extend into the subject site without adverse impact on visual amenity and rural character. The proposed landscaping includes a grassed area to the rear / north of the extension to be augmented with 6 no. new trees in addition to clusters of 3 no trees in the northern and western corners of the site. The northern boundary is proposed to be formed by a post and wire fencing with new native species hedge separating the adjoining agricultural lands. Similarly, a new native species hedge is proposed along the north-eastern boundary of the site. The proposed planting should account of the site's coastal location and the type of shrubs/trees to grow in this environment. **Conditional to the proposed landscaping being implemented and maintained in perpetuity, the proposal does not cause concerns in relation to criterion a.**
- 9.12 (b)The site is located immediately adjacent to the existing caravan park and views of this park are well protected from the Leestone and Moor Roads due to the existing vegetation as well as the built structures and vegetation along both roads and field boundaries. The proposed site would also be sheltered from public views for the same reasons and the proposed buffer planting will also soften the visual impact and assist in the integration into its rural and coastal location. Views of the proposed extended caravan park would only be available on immediate approach to the site from the private lane before 103 and 105 Leestone Road. Planting is also proposed within the site, with grassed areas around and between the caravan pitches to soften the scheme. **Overall, the proposal is considered acceptable to criterion b;**
- 9.13 (c) In the context of the existing caravan park, if approved, the development would be approximately 7.1 hectares overall. In accordance with Annex 4 to TSM6 (landscape design considerations for holiday parks,) the provision of communal open space should be considered as an integral part of the design in order to:
- meet formal and informal recreation and amenity open space needs,
 - contribute to the attractiveness of the development,
 - create a safe, convenient and accessible space for all holiday park users, particularly children, the elderly and people with disabilities,
 - reduce the need for people to seek open space outside the park,
 - enhance security through providing opportunity for on-site activity.

- 9.14 In terms of play and recreational green space, the proposal includes an area of grass to the north / rear of the site (approximately 3680m².) The existing holiday park also includes a small play park and playing field area close to the entrance, with c.7400m² total usable communal green space to serve the development. It is noted there are additional landscaped areas incorporated throughout the layout which do not form part of this calculation, but which add value in the form of visual amenity. The normal expectation for communal open space is 15% of the site area, which in this case equates to c.10,650m² for the overall caravan site. The proposed landscape areas equate to approximately 10.4% of the overall site area.
- 9.15 **Whilst this is below the normal requirement for 15%, in the context of the site, which is located directly adjacent to a usable beach, the overall provision of communal open space is considered appropriate in this site specific circumstance when assessed against criteria c.**
- 9.16 (d)The proposed layout is informal with soft landscaping and adequate separation distance between caravan pitches, **therefore the proposal is considered acceptable to criterion d.**
- 9.17 (e) The road layout involves an extension to the existing main road within the site, with 1 feeder drive off it to the east which loops around the area to be extended. Areas for car parking are provided (informally)beside the caravan plots. **Overall the proposal appears appropriate for its locality and established holiday park and respects the local traditions of form, materials and detailing, compliant with criterion e.**
- 9.18 (f) There are no features of archaeological or built heritage impacted by the site. The existing northern hedgerow boundary is proposed to be retained and supplemented with new planting, whilst the existing planting to the west is to remain untouched. Conditions can be imposed if necessary, regarding the Wildlife Order and protected species/habitats. **The proposal overall is considered acceptable to criterion f.**
- 9.19 (g)NI Water advise 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.
- 9.20 The application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. NIW advise there is available capacity at the Waste Water Treatment Works and there is a public foul sewer within 20m of the proposed development boundary. However a high level assessment has indicated potential foul 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. NIW advise the applicant should consult directly with NIW to ascertain whether any necessary alternative drainage / treatment solutions can be agreed. An Impact Assessment will be required, upon the completion of which and subject to re-consultation, NI Water may reconsider its recommendation.

- 9.21 DAERA's Water Management Unit (WMU) also advise that given these issues, alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.
- 9.22 Since NIW's response, an application for a Wastewater Impact Assessment has been submitted to NIW and the Planning Authority have been provided with a copy of the NIW Solution Engineer's Report on this application (dated 25th July 2023.) This report is valid for 18 months and recommends that Option 1 should be investigated in further detail. If the options presented in this report are found to be unviable, then an alternative Storm Water offsetting location can be investigated. As part of any future development, the proposed development site will require separate foul and storm sewers, and any existing storm sewers must exit the site via a dedicated storm outfall. This is a statutory requirement and is necessary to ensure the site meets the standards of adoption by NIW under Article 161.
- 9.23 As an agreeable solution has not been reached at this stage, it will be necessary to impose a planning condition to ensure that an agreeable solution is agreed in writing with the Planning Authority prior to the commencement of any development proposed, to ensure there is a suitable sewerage solution for this site and in the interest of public health.
- 9.23 In summary and for reasons outlined above, the proposal is considered acceptable to The SPPS (Para 6.625,) PPS16 Policy TSM6 and PPS21 Policy CTY1 requirements, subject to the necessary conditions outlined at the end of this report being met.**
- 9.24 SPPS and Coastal Development
The aim of the SPPS (para 6.34) in relation to the coast is to protect the undeveloped coast from inappropriate development, consistent with the RDS; In considering such development proposals, attention must be paid to the retention of existing public accesses and coastal walkways. Para 6.42 of the SPPS directs that development will not be permitted in areas of the coast known to be at risk from flooding (see Flood Risk), coastal erosion, or land instability.
- 9.26 DAERA's Marine Conservation Team (MCT) having considered the impacts of the proposal, initially raised significant concerns regarding coastal flooding and coastal erosion along the access road to this development. DAERA's MCT identify that this section of coastline has a high risk of coastal erosion and although this site already has development on it, sea defences along this coastline are not guaranteed and may not be provided or feasible in the future, which should be taken into consideration.
- 9.27 DAERA notes that it is now widely accepted that climate change is happening and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore in areas known to be experiencing coastal flooding and/or under threat from coastal erosion, a precautionary approach should be taken.

- 9.28 DfI Flood mapping shows the access road to the site is located adjacent to the present day and climate change sea floodplain boundaries. Given the uncertainty regarding climate change and the impact that increased storminess will have in the future, DAERA advise that the access road may be threatened with inundation during extreme events in the future. In addition, it is stated within the Flood Risk & Drainage Assessment submitted that *'the limited depth of the coastline in front of the access road will significantly reduce the size of waves that can break on the beach with larger waves breaking further offshore'*, while also predicting that the expected wave height impacting the coast will be less than 1m in height. However, DAERA recognise that this is not supported by any hydrodynamic modelling and does not seem to take into consideration climate change and sea level rise.
- 9.29 Given this position, DAERA advised that until this information is provided, there remains the possibility that wave heights may exceed the 'predicted' value of less than 1m and as such, the access road may be under threat from both the impacts of coastal erosion and flooding in the future. Given the potential threat to this site, DAERA recommend that the applicant should look to obtain alternative access for this development which will not be under threat from the impacts of coastal erosion and coastal flooding. Should the Planning Authority be minded to approve this application, DAERA Marine and Fisheries should be re-consulted and provided with evidence that the Core Policy on Climate Change has been considered and applied.
- 9.30 In relation to coastal flooding, DfI Flood maps indicate that the site is c.200 meters from the present day and predicted climate change sea floodplain boundaries, with the access road adjacent to these boundaries. Due to its close proximity, both the site and the access road in particular may be vulnerable to future flooding events and increased storm waves. As such, the risks of potential future impacts of climate change and flooding must be considered in line with the SPPS and the following relevant policies and plans:
- The UK Marine Policy Statement (MPS);
 - The Draft Marine Plan for Northern Ireland;
 - Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026.
- 9.31 Section 2.6.7.4 of the MPS seeks to ensure inappropriate types of development are not permitted in those areas most vulnerable to coastal change, or to flooding from coastal waters, whilst also improving resilience of existing developments to long term climate change. Section 2.6.8.5 also notes that development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion elsewhere. Section 2.6.8.6 advises that authorities should not consider development which may affect areas at high risk and probability of coastal change, unless the impacts upon it can be managed.
- 9.32 The MPS directs that planning decisions that affect or may affect the whole or any part of the NI Marine area, must be made in accordance with marine policy documents, unless relevant considerations indicate otherwise.

- 9.33 The Draft Marine Plan for Northern Ireland (published April 2018) is a consideration in all relevant planning applications and public authorities are responsible for implementing the Plan through decision making processes. Of particular relevance to this assessment is the Core Policy on Climate Change which states:
- "Where climate change has the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:*
- a) How the impact has been considered; and*
 - b) Measures to address the adverse impact, where appropriate."*
- 9.34 The MPS advises the consideration of the precautionary approach. Section 2.6.8.4 states: *"...Marine plan authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable impact on coastal change. A precautionary and risk-based approach, in accordance with the sustainable development policies of the UK Administrations, should be taken in terms of understanding emerging evidence on coastal processes"*
- 9.35 This approach is also reflected in the draft Marine Plan for Northern Ireland under paragraph 119 of the Coastal Processes policy, which states: *"While the impact of climate change, sea level rise and increased storminess is largely unknown, it is now widely accepted that climate change is happening and at a considerably faster rate than previously advised. Storms are increasing in frequency and intensity and sea level is rising. Therefore in areas known to be experiencing coastal flooding and/or erosion, a precautionary approach should be taken"*
- 9.36 The planning history on the site is acknowledged, with a previous approval granted under LA07/2016/1126/F, whereby the Drainage Assessment demonstrated that the application site was sufficiently elevated above the coast to be protected during a 200 year coast flood level (without and with an allowance for climate change), and that the existing shingle beach is an excellent natural defence against coastal erosion and that this natural defence has been demonstrated by the coastline at the proposed site remaining constant over at least the past 200 years was acceptable to DAERA at that time (permission granted 18th Jan 2018.)
- 9.37 In terms of surrounding approvals, it is also noted that under LA07/2017/1625/F planning permission was granted on 15/06/2023 (adjacent to 77 Leestone Road) for tourism development (6 self-catering units, open space and carparking) which shares the same coastal access road. In this assessment, determining weight was afforded to the planning history for this site, which included an approval, by the previous planning authority for self-catering units, differentiating it from the current application under consideration.
- 9.38 The proposed development if approved, would subsequently increase visitor numbers and vehicles to the site and result in an intensification of the coastal access road. Whilst the established history on the site is acknowledged and a material consideration, it is a well-established planning principle that each application must be treated on its own merits.

- 9.39 It is noted that the FRA and DA assertions that *“the limited depth of the coastline in front of the access road will significantly reduce the size of waves that can break on the beach with larger waves breaking further offshore, while also predicting that the expected wave height impacting the coast will be less than 1m in height”* have not been supported by any hydrodynamic modelling and does not appear to take into consideration climate change and sea level rise.
- 9.40 In acknowledging all of the significant concerns of DAERA’s Marine and Fisheries, the knowledge that climate change is happening and at a considerably faster rate than previously advised, the Planning Authority requested a meeting with DAERA to discuss the site specific related concerns. DAERA advised that since their previous response dated 11th October 2022, DAERA commissioned several coastal change surveys with the aim of improving their understanding of coastal processes and inform decision making along the coast (this data has been made available online via the Northern Ireland Coastal Observatory.) DAERA were subsequently re-consulted for updated advice given the changes in data available and the passage of time since their initial response.
- 9.41 In final comments dated 17.05.24, DAERA advise that there are concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon the access road to this proposed development, with data sets indicating that the section of coastline upon which the Leestone Road is located has been historically eroding at a rate of between 0.01 – 0.10 m per year, which is considered to be significant. DAERA also note that the recently completed Bedrock Geology Survey, undertaken by GSNI, indicates that the bedrock geology found along this section of coastline consists of ‘Sandstone’ which is considered susceptible to the impacts of erosion. Given the susceptibility of Sandstone to the impacts of erosion, the level of risk faced by this section of coastline may increase in the future in light of climate change, sea level rise and increased storminess. Storms are increasing in frequency and intensity and sea levels are rising, which very likely will lead to increased rates of erosion in coastal areas. Given that the access road is located along a section of coastline consisting of Sandstone bedrock geology that has been historically eroding, it is likely to be vulnerable to these physical processes in the future.
- 9.42 DAERA note that consideration should therefore be given to obtaining alternative access for this development which will not be under threat from the impacts of coastal erosion and climate change in the future.
- 9.43 Following receipt of this advice, the applicant has been afforded the opportunity to seek an alternative access to / from the site. In response, the applicant has provided an Emergency Evacuation Plan, which details measures to be undertaken to ensure the safety of users within the site in the event that the access road becomes unable. This includes the following measures:
- Monitoring and alerts (re weather forecasting) ;

- Evacuation routes –In the case the primary route along the shore between the bottom of Leestone Road and Silvercove Holiday Park becomes impassable due to coastal erosion or flooding, an alternative evacuation route is available for caravan owners, guests and staff via the land adjacent and north of the application site. The owner of these lands has provided a letter confirming that he is granting access across his lands in the event that the primary access route becomes impassable due to severe flooding / coastal erosion (signed letter provided.)
 - Communication Plan;
 - Emergency Supplies;
 - Training and drills
 - Evacuation Procedures.
- 9.44 The Planning Authority note that DAERA has not recommended refusal given the set-back distance of the site from the area of concern, which solely relate to the access road and not the application site in itself. Whilst the applicant hasn't been able to demonstrate an alternative vehicular access to the site, precautionary measures can be utilised to ensure safe pedestrian movements from the site in the event that the existing access road becomes susceptible to coastal erosion / storm flooding and rendered unusable. The proposal relates to caravans which are in themselves, temporary and movable in nature and can be carefully managed in this regard. In considering all of the material issues in this specific application, determining weight is given to the nature of the development, the planning history and the precautionary measures proposed within the Emergency Evacuation Plan, which critically, includes an alternative means of access / egress for users of the application site in the event of extreme weather conditions whereby the existing access is unsafe to use.
- 9.45 In considering all of the material considerations, the proposal is deemed to be acceptable to paragraphs 3.13 and 6.42 of The SPPS, Section 2.6.8 of the UK Marine Policy Statement and The Core Climate Change Policy of The Draft Marine Plan for Northern Ireland, this is subject to necessary planning conditions being complied with.**
- 9.46 SPPS and PPS15 (Revised - Planning and Flood Risk)
The proposal includes the use of soakaways to deal with surface water drainage. Following the submission of the FRA and DA, DfI Rivers Agency responded with the following comments regarding the proposal (with Policies FLD4 and FLD5 not applicable to this application:)
- 9.47 Policy FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.
- 9.48 Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse is located along the western boundary of the site. 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. DfI PAMU acknowledge the vegetation along the western boundary is existing and no new development will take place. Based on the proposed site layout, DfI Rivers PAMU has no reason to sustain an objection under policy FLD 2.

9.49 Policy FLD3 - Development and Surface Water - DfI Rivers PAMU has reviewed the Drainage Assessment by Flood Risk Consulting, stamp dated 17th June 2022 and while not being responsible for the preparation of this DA, accepts its logic and has no reason to disagree with its conclusions. The responsibility for the accuracy of the DA and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors. DfI Rivers PAMU note the Drainage proposals are preliminary and request the imposition of a planning condition in the event of an approval, requiring the submission of a final DA to the Planning Authority, which contains a detailed drainage network design and compliant with Annex D of PPS 15 prior to the commencement of any of the development on site.

9.50 Given the advice of DfI Rivers Agency, the proposal is compliant with PPS15 (Revised) Policy requirements, conditional to the agreement of a Final Drainage Assessment, in accordance with the detailed requirements of Policy FLD3.

9.51 Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council, which is the competent authority responsible for authorising the project. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

9.52 In reaching this conclusion, SES has assessed the manner in which the project is to be carried out, including any mitigation. This advice is subject to the following mitigation measures being conditioned in any approval:

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

9.53 SPPS and PPS2 (Natural Heritage)

The impact on European Sites (Policy NH1) has been considered under the EIA assessment above, whereby it was determined that the proposal is unlikely to result in significant environmental effects.

- 9.54 Policy NH2 deals with species protected by Law. DAERA's Natural Environment Division has not raised any concerns in relation to protected species.
- 9.55 The site does not impact on any national sites of nature conservation importance, in accordance with Policy NH3.
- 9.56 Policy NH4 deals with sites of local nature importance, whilst NH5 deals with habitats, species or features of natural heritage importance. The application site is in close proximity to South Down Coast Site of Local Nature Importance (SLNCI) The site contains hedgerows and is adjacent to a watercourse which are Northern Ireland Priority Habitats (NIPH). DAERA's, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions. NED acknowledges receipt of the Preliminary Ecological Assessment (PEA), date stamped 17/06/2022 and have considered the contents. In the event of an approval, a planning informative would be necessary to advise of the timing of the removal of vegetation to protect breeding birds and to ensure a suitable buffer of at least 10m is maintained from the watercourse to protect NI Priority habitats within the South Down Coast SLNCI.
- 9.57 DAERA's Inland Fisheries is content that the proposal is unlikely to have any significant impact on Inland Fisheries interests in the vicinity of the proposal, provided appropriate mitigation is in place to protect the aquatic environment. The applicant must ensure the nature of any discharges from the site both during the construction phase and operational phase are not to the detriment of the aquatic environment and fisheries interests therein. All potential pathways for surface water to flow to the aquatic environment must be identified and appropriate mitigation be in place before any construction commences. The applicant has indicated that surface water is to be dealt with by soakaway and that foul is to go mains system, Inland Fisheries has no concern in this regard.
- 9.58 As considered within the TSM6 assessment above, the proposal would not in itself compromise the integrity of the AONB and is acceptable to Policy NH6 requirements.
- 9.59 **Overall, the proposal, subject to conditions is acceptable to PPS2 requirements.**
- 9.60 SPPS and Residential Amenity
NMDDC Environmental Health department has not raised any concerns or objections in relation to residential amenity. The previously approved layout includes the nearest caravans to the boundary with 105 and 103 Leestone Road being 14.5m – 17m away, with the rear of these houses are a further 13-19m away from this boundary. The proposed layout includes caravans located further north of those approved previously and would not decrease the approved separation distances to nearby dwellings, with further landscaping proposed along the eastern boundary.

9.61 In the event of an approval, the conditions imposed under LA07/2016/ should also be imposed in relation to this development, stipulating that no musical instruments, radios, tape recorders, petrol engine generators or any noisy equipment shall be permitted between the hours of 11pm and 7 am to reduce any potential noise nuisance and general disturbance from the site.

9.62 Notably, NIW advise that there is a capacity issue with the foul network infrastructure and the proposal is unable to connect to NIW mains foul network. This presents concerns in relation to sewerage and a subsequent impact on public health. In the event of an approval, there would need to an appropriate method of sewerage agreed prior to any commencement of development, in the interest of public health.

Conditional to the above considerations being met, the proposal would not result in an unacceptable impact on residential amenity.

9.63 Contamination

DAERA's Regulation Unit and Groundwater Team advise that it's the responsibility of the developer to undertake and demonstrate that all works have been effective in managing contamination risks. RU note that the proposed extension will have limited to no ground works and as such, there is a low risk to the water environment.

9.64 NMDDC's Environmental Health Department advise that if any foreseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. A planning condition will be included requiring that in this eventuality, all works shall cease and In this case, The Planning Authority informed and a full written risk assessment in line with the current government guidance, which details the nature of the risks and necessary mitigation measures should be prepared and submitted to the Planning Authority for written approval (in consultation with Environmental Health.)

Subject to these requirements being complied with, the proposal does not raise any concerns in relation to contamination and public health.

9.65 SPPS, PPS3 and DCAN15

The proposal seeks to use the existing access to the site off Leestone Road (unadopted.) Parking provision, whilst not specified, would appear to be in line with the existing arrangement within the site, with space for informal parking for 1 vehicle to the side of caravans. DfI Roads advise that they have no objections to the proposal. **On this basis, the proposal is considered acceptable to the requirements of PPS3, DCAN15 and DOE Parking Standards.**

10.0 **RECOMMENDATION:**

Approval, subject to the following conditions being complied with:

11.0 **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. 20-11 02 – Site Location Plan (dated stamped 17th June 2022)
 - Drawing No. 20-11 01 - Site Layout Plan (date stamped 17th June 2022)
 - Elevations

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

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

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

4. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS15 shall be submitted to the Planning Authority for its consideration and approval (in consultation with DfI Rivers Agency.) Development shall take place in accordance with the approved details.

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

5. The Emergency Evacuation Plan shall be implemented during the operational lifetime of the development hereby approved.

Reason: To ensure the safety of users of the approved development, in the event of extreme coastal flooding.

6. A suitable buffer of at least 10m must be maintained between the location any refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and any watercourses, surface drains or coastal habitat present onsite or adjacent to the site.

Reason: To protect Northern Ireland priority habitats South Down Coast SLNCI.

7. All hard and soft landscape works shall be carried out in accordance with Drawing No. 20-11 01 - Site Layout Plan (date stamped 17th June 2022) 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 any of the buildings hereby permitted.

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

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

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

9. In the event that any unforeseen contamination is encountered during the development, all works on site shall immediately cease and the Planning Authority shall be informed and a full Risk Assessment shall be submitted to an approved by the Planning Authority (in consultation with Environmental Health.) This Risk Assessment shall be in line with current Government guidance and shall details the nature of the risks and necessary mitigation measures. Works shall be carried out in accordance with the approved details.

Reason: In the interest of public health.

Case Officer Signature: O. Rooney

Date: 19/08/2024

Authorised Officer Signature: Patricia Manley

Date:19.08.24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3129/F

Date Received: 11/08/2023

Proposal: Proposed single social housing dwelling.

Location: Land directly adjacent to 11 Lismore Park, Crossmaglen, Newry.

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Crossmaglen as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is a rectangular portion of land located on the edge of the public road and adjacent to existing two-storey semi-detached properties. The site is an area of grass land within a larger area of open space, the area of open space wraps around existing properties and includes a small playground set to the south of the application site. The site slopes gently from its boundary with No 11 to the south, the site is open with no defined boundaries except the existing timber fence and small wall running along the shared boundary with No 11.

The site is located within a residential area where house types are made up of two-storey semi-detached properties and single storey semi-detached properties, the area includes the existing open space made up of open grass areas and the small, enclosed playground.



Site History:

LA07/2017/0417/PAD - Complex Needs Dwelling - Lismore Park, Crossmaglen.

LA07/2021/2130/PAD - Bespoke complex needs unit - Lands at Lismore Park, Crossmaglen.

As part of the previous PAD applications Northern Ireland Housing Executive were advised that there would likely be a presumption against the proposed development as the existing open space performs a significant recreational role for the local community. It was also stated that the proposed single dwelling would not bring "substantial community benefits" that decisively outweigh the loss of open space.

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 7 - Quality Residential Environments.
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas.
- Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12.

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

Consultations:

DFI Roads – Following the submission of amended drawings Roads have no objection to this application subject to conditions.

NI Water – NIW stated in their response that there are no objections subject to suggested conditions being included on any approval.

DFI Rivers – No objections raised to the proposal.

NI Housing Executive – The response stated that giving social housing need in Crossmaglen NIHE consider there is a need for this proposed accommodation.

Objections & Representations:

The proposal was advertised in local press on 13/09/2023, ten (10) neighbouring properties were notified on 29/11/2023. No objections have been submitted, seventy-nine (79) representations of support have been submitted, these representations outline their support for the proposal and feel the proposed dwelling would improve the living circumstances of the family.

Information has also been provided by Occupational Therapy, a local doctor and a consultant, this information contains confidential information and as such has not been made public, it is noted that the information received is in support of the application.

Consideration and Assessment:

The 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 within the settlement limits of Crossmaglen within the Banbridge/ Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement (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.

Paragraph 4.7 continues that the networks or green spaces provide a wide range of environmental benefits and can provide opportunities for social interaction by serving as a focal point for recreation and community activities.

Para 4.8 then highlights that the protection of existing, and provision of new, quality open space within or close to settlements play a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity an interaction with others.

Paragraph 6.201 indicates that one of the regional strategic objectives for open space is "to safeguard existing open space and sites identified for future such provision".

While the area is not zoned for open space in the Banbridge / Newry and Mourne Area Plan 2015, the site and adjacent lands are currently an area of well-maintained open green space, therefore PPS8 Policy OS 1 needs to be considered.

Proposal

The agent submitted an initial supporting statement which outlines that the site is currently used as open space and is under the ownership of NIHE with the intention to transfer the site to Rural Housing Association to develop a 4-person 3-bedroom complex needs dwelling which is required to provide suitable living accommodation for a young person with ongoing medical needs. The statement outlines that an Occupational Therapist report has been included in which the requirements for the proposed dwelling are outlined including the need for all facilities to be on one level with ramped access to the property.

Also submitted are letters from a Doctor and Consultant treating the young person, these letters outline the ongoing health issues and lend their support to the application as in their view suitable accommodation is much needed and approval of this application would help to provide a more suitable living arrangement that will allow for the best care to be available.

The submitted statement contains consideration against PPS8 in which the agent outlines the reasons they feel the proposal is in line with policy, the agent has detailed the level of open space that would be removed by the proposed development.

Open Space Analysis

The lands required are located within an area of open space. In order to quantify the loss of open space the calculations have been devised below:

LANDUSE	AREA HECTARES	PERCENTAGE
Overall existing open space area	1.11	100%
Development area	0.05	4.5%
Open space retained after development	1.06	95.5%

There will be a reduction of 4.5% of the overall open space within the area.

The Rural Housing Association provided details of a Community Consultation that was carried out, the process consisted of a letter drop to 58 residents in Lismore Park and Lisbeg Park area. It is stated that the letter drop exceeded the suggested 90m radius to ensure as many residents were made aware of the proposal.

A presentation was uploaded to the Rural Housing Association website which residents were directed to, of the 58 households consulted no direct comments were received. Elected councillors were contacted and informed with two offering their support.

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 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 supporting evidence provided by the agent, occupational therapist, doctor and consultant demonstrates that there is a need to deliver this bespoke complex needs unit, and while the Planning Authority is sympathetic to the situation, given that the proposal will provide one dwelling it is not seen that it would bring substantial community benefits, and on this basis the proposal would involve the loss of existing open space. The proposal would be considered piecemeal development that would in this case erode a small portion of the open space provision but which would set a precedent that over time would lead to further erosion of the open space provision. The annex 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.

Within para 5.2 of the associated Justification and Amplification it highlights that there is growing concern at the loss of open space to alternative uses. The use of land as open space, however, is no less important than other uses and the Department therefore attaches great importance to its retention, for once built on is almost certainly lost to the community forever. Accordingly the Department operates a general presumption against the loss of open space to competing land uses.

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 would be considered appropriate to the size of the surrounding residential area and no other package of measures have been put forward to warrant its loss.

In this case, the proposal would therefore be contrary to policy OS 1 of PPS 8 as the proposal would involve the replacement of an area of open space with a dwelling.

Notwithstanding the above and in the interests of completeness, the proposal requires to be assessed under Policy PPS 7.

Planning Policy Statement 7 – Quality Residential Environments

Decisions regarding planning applications in settlement limits are assessed against PPS 7. Planning permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

All proposals for residential development must conform to the criteria noted in the policy QD 1 – Quality in New Residential Development:

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 surfaces areas.

The surrounding context includes various architectural styles, designs and appearances. The development on balance respects the surrounding context and is appropriate when considered alongside existing buildings. The proposal is considered to be of an acceptable design and will not be inappropriate given the differing house types in the area. The proposed dwelling is single storey in design will be orientated with its gable facing the public road. Although the dwelling does not match existing properties in the area consideration is given to this being a property designed to meet certain requirements and as such the differing appearance is not considered such that it will offend the overall character of the wider area.

b) Features of 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.

No features within the vicinity which require protection.

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 site layout shows the level of proposed private amenity space (140 sqm), it is considered that an adequate level of private open space is provided with areas of open space shown to the front and rear of the proposed dwelling. It is also considered that the proposal will not impact on the amenity space of the adjacent property No 11.

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

The proposal is within a small settlement and is for one dwelling, this criterion is considered n/a.

e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides

adequate and convenient access to public transport and incorporates traffic calming measures;

This is not applicable for single dwellings however the proposed site will be within walking distance to a local bus stop.

f) Adequate and appropriate provision is made for parking;

The site layout plan shows provision for parking spaces within the curtilage, there are sufficient access and turning arrangements on site. DFI Roads has no objections to the access arrangements.

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

The proposal is for a modest single storey dwelling which is quite simple in its form and appearance, although positioned adjacent to semi-detached two-storey properties there are existing single storey properties located in the vicinity of the site on the opposite side of the road. On balance the design is considered acceptable in terms of its simple form and materials which are seen as in keeping with the surrounding properties, materials include red brick which will be in keeping with elements of adjacent properties.

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;

The proposed development will not create conflict with adjacent land uses as these are predominantly residential. The layout and orientation of the proposal is consistent with adjacent buildings, the proposed dwelling has been set in line with the frontage of No 11.

There are no issues of overshadowing or dominance on surrounding buildings given the design of the dwelling. The proposal includes one ground floor window facing the gable of No 11, this window will serve a bathroom and will not lead to any loss of privacy or overlooking.

There are no issues with regards to harming surrounding residential amenity or privacy.

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

As the proposal is for one dwelling, it is not essential that the development is designed to deter crime and promote personal safety however the dwelling will be located close to other properties.

On balance the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas and accords with criteria a -i of PPS 7.

Access

DFI Roads raised no concerns with the application in terms of access and parking, as such the proposal is considered to be in line with the policy requirements set out in PPS3 and DCAN15.

Recommendation: Refusal

Reason for refusal:

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.

Case Officer:

Wayne Donaldson

Date: 26/07/2024

Authorised Officer:

Maria Fitzpatrick

Date: 02/08/2024

RE: Rural Housing Association Request for Speaking Rights at Planning Committee Meeting Wednesday 4th September 2024

LA07/2023/3129/F Land Directly adjacent to 11 Lismore Park, Crossmaglen Submission on behalf of Paul Fox, Development and Property Assets Director, Rural Housing Association

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

Background

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

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

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

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

Development land within the area is limited with all zoned housing land being developed out. Identification of brownfield sites have been limited due to factors such as landowners preferring private development opportunities.

NIHE undertook an assessment of their landholdings in the Crossmaglen area, which consisted of open space within their existing estates. The land at Lismore Park was the only suitable option.

Policy OS1 PPS8

We would ask that the committee give the following points further consideration as a substantial community benefit against PPS8 OS1.

This new build unit will achieve the following:

- Providing a quality social housing unit for a family with complex needs who are residing in a property that cannot accommodate their basic needs. The bespoke unit will improve their quality of living standards.
- Minimal impact on biodiversity as area is currently grassed.
- Development of this open space would bring the following community benefits:
- This new build dwelling will provide a quality social housing unit for a family with complex needs. The benefits realised from the delivery of this unit will enhance the living conditions for a family with acute health conditions, but also their support network will greatly benefit. Access to quality housing will positively improve general day to day living which will reduce the strain on carers, health workers and other agencies. These positive social outcomes benefit not only the family but the wider community which they are a part of.

- The development will see employment within the construction industry for the duration of the contract.
- Apprenticeship opportunities for local unemployed people.
- Create an attractive addition to the estate with increased surveillance over the remaining open space.

Loss Open Space

The reduction in open space is minimal, therefore should be considered a weighting factor in the decision of this application. The land lost due to the proposed development can also be outweighed by other areas amenity and recreation space in close proximity. The benefits achieved by the development of this unit are deemed to outweigh the loss of open space at this location.

The Association would also point to the NIHE consultation which yielded a positive response and In the process of Rural Housing Association's application, 79 representations of support from the local community were submitted, it is felt this has not be fully considered in terms of the local communities desire regarding what constitutes "substantial community benefit". No objections have been submitted regarding the proposal.

The Association believes it has presented a proposal which fulfils the exemption criteria of Policy OS1 PPS8.

NMD Planning Committee 'Speaking Rights' Request Form

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Delegated Application List w/c: 04/09/2024	Planning Application Number: LA07/2023/3129/F	Requested by: Sinead Collins, NIHE
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Proposed single social housing dwelling on land directly adjacent to 11 Lismore Park, Crossmaglen.**Reason for refusal:**

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.

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

Background

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

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

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

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

Development land within the area is limited with all zoned housing land being developed out. Identification of brownfield sites have been limited due to factors such as landowners preferring private development opportunities. There are no new social housing schemes programmed in the area.

NIHE undertook an assessment of their landholdings in the Crossmaglen area, which consisted of open space within their existing estates. The land at Lismore Park was the only suitable option.

Policy OS1 PPS8

We would ask that the committee give the following points further consideration as a substantial community benefit against PPS8 OS1.

There is a requirement for 57 additional social housing units in Crossmaglen over the period 2023-2028 and there have been no new build social homes delivered in the village over the past 10 years.

Lismore/Lisbeg is a vibrant and popular Housing Executive estate in Crossmaglen where generations of families have settled and expanded, and a strong community network has developed. There is a

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low turnover of tenanted properties as those connected to the area have a preference to stay rather than relocate to neighbouring villages or into Newry City.

The family for whom this new home is intended currently live in a NIHE home in this estate and their circumstances exacerbate the need for them to remain close to their vital support network. The family have been on transfer list for a new social home in the area since 2017 when it was established that their current home was unsuitable for a child within the household who has a severe medical condition and requires a wheelchair and 24-hour care. Unfortunately, the current home is unsuitable for an adaptation nor has the nominated housing association been successful in identifying a suitable alternative on the open market. The development of a new dwelling has been identified as the only remaining option to cater for the child's current and long-term needs.

The proposal site was identified through careful consideration by NIHE Planners of the extent, quality and location of existing open space within the Lismore housing estate. It was considered appropriate to choose a site which would continue the existing street frontage along Lismore Park, without impacting on the access or setting of the established playpark which is located to the south-west of the site. While there are no immediate plans to 'restructure' the open space in this estate, the proposed dwelling will be in close proximity to the playpark and will offer enhanced surveillance of this area as well as a benefit to the child for whom the new home is intended.

The letters of support for this application are testament to the fact that the development of this dwelling will provide a much-needed housing solution for a family who are embedded within this rural community.

The provision of this dwelling will not only accommodate a family with an acute housing need, but their current home will become available for reallocation and therefore a further household will benefit from a home in this location. In addition, the proposed development will create jobs both directly and indirectly through construction and future maintenance of this social home.

The PPS8 Protocol previously agreed between NIHE and DOE Planning set out that selective redevelopment of portions of open space within NIHE estates for additional affordable housing would offer a number of benefits, both to the individuals housed in the new properties and to the wider community.

Access to good quality housing is a basic human need and is recognised as a fundamental human right by the Universal Declaration of Human Rights (article 25(1)). The 2021 Programme for Government draft Outcomes Framework consultation identified housing as a key priority area and recognised the need to facilitate and support housing associations, to provide appropriate social housing and to ensure that everyone has access to good quality, affordable housing.

This particular case serves to highlight that without adequate housing, people's basic needs cannot be met. Lack of access to housing is associated with social exclusion, risks to health and low educational outcomes. Conversely access to quality housing is positively associated with health, education and child development outcomes and with general well-being. These positive social outcomes benefit not just the individual but also the wider community of which they are a part.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1398/F

Date Received: July 2021

Proposal: Demolition of existing factory buildings and replacement with 11 no. private dwellings and block of apartments containing a ground floor and first floor unit with associated site works, drainage and new access

Location: 4c Temple Hill Road Newry

Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red comprises a roughly rectangular shaped plot of lands located on the periphery of the settlement development limits of Newry as designated within the Banbridge, Newry and Mourne Area Plan 2015.

The site comprises two large derelict buildings that were once associated with Numac Fabrications, who have since relocated. The vacant buildings are finished in a mixture of red brick, painted smooth render and steel cladding. The lands slope upwards from road level in a northeasterly direction. The roadside boundary is defined by a concrete wall and a planted verge whilst the remaining boundaries are defined by a concrete wall, hedgerow and fencing.

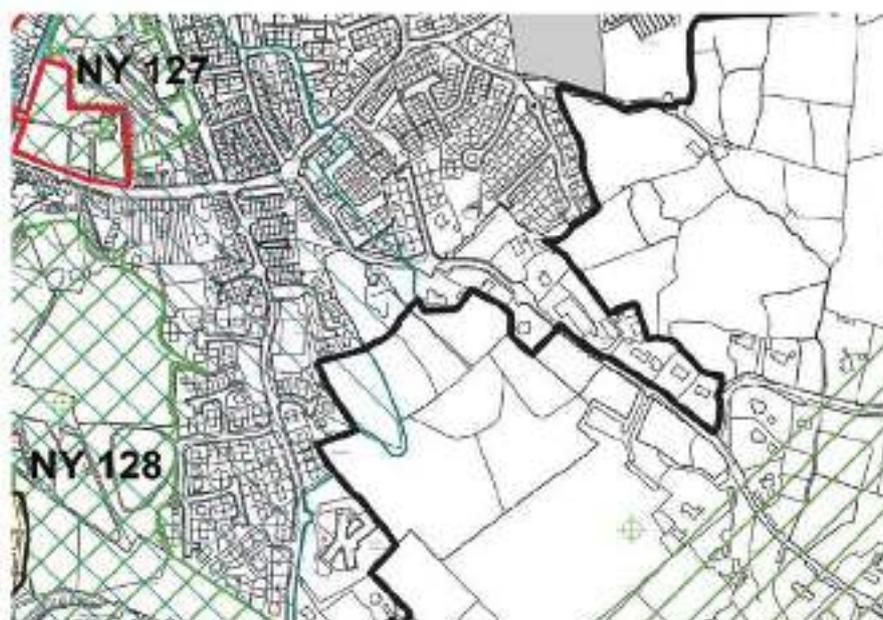
Characteristics of area: Given the site's location within the settlement development limits, the main land use of the area is predominantly residential whereby there is a mixture of house types, plot sizes and development patterns. As you travel towards the site out of Newry and into the rural countryside along Temple Hill Road, development becomes more sporadic and is characterised by detached dwellings on generous plots.



Site location map



Application site



Extract of Map No. 3/02a

Site History:

- P/1980/1118 – Ballynacraig, Newry – Site for housing development – Permission refused January 1981
- P/1989/0709 – Temple Hill Road, Ballynacraig, Newry – Site for metal fabrication factory – Permission granted November 1989
- P/1992/1059 – Temple Hill Road, Ballynacraig, Newry – Retention of existing factory and new entrance – Permission granted May 1993
- P/1995/0125 – Temple Hill Road, Ballynacraig, Newry - New vehicular entrance to factory – Permission granted March 1995

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015
- Strategic Planning Policy Statement of Northern Ireland (SPPS)
- Planning Strategy for Rural Northern Ireland (PSRNI)
- **Planning Policy Statements**
- PPS 2 – Natural Heritage
- PPS 3- Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 Addendum – Safeguarding the Character of Established Residential Areas
- PPS12- Housing in Settlements
- **Further Guidance**
- DCAN 8- Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards

- Parking Standards
- Creating Places, Living Places Urban Stewardship and Design Guide.
- Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
- Parking Standards

Consultations:

- HED HM - content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements as the site has previously been subject to extensive ground disturbance.
- NI Water - recommended refusal as the receiving foul sewerage network has reached capacity and the public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. A Waste Water Impact Assessment has been submitted to NI Water for assessment. The Agent has furnished the Planning Department with a letter from NI Water dated January 2023 whereby NI Water are consenting to a foul discharge connection at a rate of 0.15 l/s to the existing connection manhole. A reconsultation with NI Water has confirmed this information.
- Environmental Health – offered no objection in principle to the proposal. Environmental Health added that farms have the potential to cause public health nuisances from odour, noise and flies. This department recommends that where, as in this case, it is proposed to site a dwelling close to working farm buildings that in order to provide a quality residential dwelling and not place restrictions on farm activity that a suitable separation distance is provided between the working farm buildings and the residential dwelling not associated with the farm. It is difficult to be prescriptive in relation to the distance to be applied but in this departments view a minimum separation distance of 75m from farm buildings to the proposed dwelling should be applied. The Planning Department acknowledge the existing farm east of the application site. This will be discussed in more detail below.
- DfI Roads – Several consultations were issued during the processing of the application. A final response was returned in February 2024 whereby DfI Roads had no objections to the proposal subject to conditions.
- DfI Rivers – In a response dated November 2021, DfI Rivers advised that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain (Policies FLD 1), Policies FLD 2, 4 and 5 are not applicable to the site and as per Policy FLD 3 a Drainage Assessment was required. In a final response dated May 2023, DfI Rivers advised that while not being responsible for the preparation of this Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. DfI Rivers recommended a pre-commencement condition in order to safeguard against surface water flood risk.

Objections & Representations:

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

6 neighbouring properties were notified on 25th August 2021. 1 additional property was notified of the application on 6th November 2023. Re-notification letters were issued to 5 addresses due to amended plans/amended proposal description on 6th November 2023.

The application was also advertised in Newry Democrat and Newry Reporter on 24th and 25th August 2021 respectively. The application was re-advertised in both papers on 21st and 22nd November 2023.

Two letters of objections were received from M.P. Toale and Associates obo the owner of the neighbouring property and farm, No. 6 Temple Hill Road, Newry.

The mains concerns are listed below:

- Development is within 75m from an active farmyard;
- The farm has been occupied since 1960;
- Previous use of site as an engineering works was compatible with farming operations;
- Proposed dwellings will be impacted by general farm noise, odours and other activities;
- The development limit is expected to be altered in the near future and no change of use should take place in the meantime;
- The site does not have the capacity to accommodate the number of dwellings proposed.
- The response provided by N.I. Water in their response dated 20th January 2023 is remarkable. This response states that this extensive development would have less volume of discharge than a relatively small steel fabrication workshop operating 8am to 6pm.

The concerns outlined above will be fully considered during the assessment of the proposal.

Proposed development:

Full planning permission is sought for a residential development, comprising the erection of 11 no. dwellings and 2 no. apartments. The existing buildings on the site will be demolished to accommodate the development.

Originally the proposal was for the erection of 9 no. dwellings and 4 no. apartments. The original proposal is shown below.



Proposed house type (detached) – August 2021



Proposed house type (semi detached) – August 2021



Proposed house type (semi detached)



Proposed landscape plan

Proposed finishes include grey smooth rendered walls, white PVC windows, doors and RWGs and black rooftiles. Proposed ridge heights and FFLS are as follows:

Plot no.	Ridge height from FFL	FFL
1	8.4m	61.5
2	8.4m	61.5
3	8.4m	61.5
4	8.4m	62
5	8.4m	62
6	8.4m	62
7	8.4m	62
8	8.4m	63
9	8.4m	62.5
10	8.4m	61.75
11	8.4m	60.75
12	7.5m	59.5
13	7.5m	59

Access off Temple Hill Road is through the middle of the site. Areas of open space are either side of the access. The majority of parking is to the side of the dwellings with the exception of plot 2 (middle terrace) and plot 13 (apartment block) where the

parking is to the front. Each unit has its own private amenity space. Landscaping includes the planting of a hedgerow along all boundaries of the site except the roadside boundary which is to remain undefined.

Consideration and Assessment:

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.

Planning Act and Development Plan Considerations

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The site is located within the development limit of Newry. The Area plan is silent on the land use for this area however The Plan Strategy and Framework confirms development proposals within the settlement development limits will be considered in the context of all prevailing regional planning policy and with any relevant Plan Policies and Proposals.

SPPS, PPS12 (PCP1 and PCP2), PPS7 (QD1), PPS7 (Addendum) Safeguarding Established Residential Areas, PSRNI (DES 4), Creating Places, DCAN 8 and DCAN 11 PPS3, Parking Standards and DCAN15

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

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

It is considered that the proposal is contrary to the principles set out in the SPPS for the reasons set out below.

PPS 12- Housing in Settlements

Planning Control Principle 1-Increased Housing Density without Town Cramming

The policy directs that an increase in the density of housing development should be promoted within town and city centres however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the density along with form, scale, massing and layout respect adjacent housing and safeguard privacy. It is considered that the design and layout of the

development does not adhere to the principles set out within PCP1 and in permitting such proposals will inevitably result in adverse impact upon the local character and environment.

Further consideration of these issues has been considered under PPS7 below.

Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

Planning Control Principle 3- Sustainable forms of development.

While the site is within the settlement area, the development would harm the character of the immediate residential area, therefore it is not considered to be a sustainable form of development. There is further consideration of this within PPS7.

HS 4 - House Types and Size

A mixture of different types and sizes of houses and apartments are proposed. This variety will help to provide choice within a housing development and assist in the creation of a balanced community in the local area and will also help create visual variety and interest.

PPS 7- Quality Residential Environments, Policy QD1

Policy QD 1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; The application site is on the periphery of the development limit. Travelling along Temple Hill Road out of Newry and towards Ballyholland, the area is characterised by lower density housing. The map below shows the spatial pattern in housing densities in Newry. Closer to the edge of the development limit and the rural countryside, the pattern of development takes the form of one-off houses built along the road.



New housing should be constructed up to the maximum density that is deemed appropriate to the character of the site. The application site measures 0.43 hectares. Thirteen units are proposed. This results in a density of 30 units per hectare.

Whilst the Planning Department acknowledges the presence of higher density housing developments, particularly comprising apartment blocks, within the development limits; the specific circumstances and suburban character of the application site must be taken into consideration. Redevelopment schemes in established residential areas need to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or overdevelopment.

As outlined above, the Planning Department requested a reduced scheme proposing only detached dwellings. In response, the Agent amended the scheme – originally the proposal was for the erection of 9 dwellings and 4 apartments. The scheme under consideration is for 11 dwellings and 2 apartments (comprising a mixture of semi-detached and terraced dwellings).

The Agent has provided 3D images of the proposed development.



Proposed development



Proposed development

There is an awareness, when travelling along Temple Hill Road out of the city towards Ballyholland, that the density of development decreases. The critical views of the site are travelling in either direction along the Temple Hill Road. The introduction of semi-detached and terraced units and an apartment block would be at odds with the developed character of this stretch of Temple Hill Road where detached properties possess reasonably generous roadside plots. The built form of the scheme would jar with the overall massing of the majority of buildings along this road.

The Agent has referred to two approvals issued by the Council – LA07/2015/1102/F and P/2005/2593/F. P/2005/2593/F refers to an approval in Ballyholland for a

housing development approximately 0.96km from the application site. The site circumstances are different.

LA07/2015/1102/F was approved in April 2018 for the erection of 3 dwellings (2 semi-detached with 1 detached) on a site approx. 70m from the application site. There was previous planning approval on the site - P/2009/1065/O and P/2012/0236/RM for 3 dwellings on the site which would have been a relevant consideration in the determination of the application. That being said, there is a visible awareness of the site (LA07/2015/1102/F) from the junction at The Beeches which is a housing development comprising semi-detached dwellings with a similar density to that approved. For these reasons, the circumstances of both sites are different.

The layout, scale and massing of the development on site fails to respect its townscape surroundings and, as such, these aspects of the proposal conflict with criterion (a) of Policy QD 1.

(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;

HED Historic Monuments advised that the site has previously been subject to extensive ground disturbance and therefore confirmed that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

(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 13 residential units. 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. Pockets of open space are provided to the front of the housing development, overlooked by all properties which provides a degree of surveillance. The open space is suitably located and would provide an attractive residential environment as well as providing recreational and social value.

Adequate provision for private open space in the form of gardens has been provided. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. Both apartment units are served by adequately sized private amenity space. Creating Places recommends a minimum of 40sqm for any individual house but also advises that back garden provision should be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater. The proposed development complies with this guidance.

(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 proximity to Newry City which offers a range local neighbourhood facilities including social and community uses such as schools, creches, surgeries, local shops and play facilities.

(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 Temple Hill Road thus providing a good movement pattern that supports walking and cycling. The proposed footpath to the northwest of the entrance will link up to an existing footpath which provides safe pedestrian access into the city.

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

Three no. 3 bed terraced dwellings, eight no. 3 bed semidetached dwellings and two no. 2 bed apartments are proposed are proposed. The site layout plan provided shows in-curtilage parking space and provision for at least 2 vehicles for each unit. DfI Roads have been consulted and are content. This parking provision is compliant with the Parking Standards.

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

The overall design concept for a new residential environment should seek to provide contrast and interest balanced by unifying elements to provide coherence and identity. The scheme comprises 3 no. terraced units, 4 no. semi-detached units and 1 no. apartment block. All buildings are two storey and finished with grey smooth rendered walls, white PVC windows, doors and RWGs and black rooftiles. The finishes and two storey form are considered acceptable given the range of finishes and house types apparent within the immediate area. The general appearance of the units draws reasonably successfully upon local building traditions and current supplementary planning guidance. However, the houses do not fit sufficiently well into the streetscape of this particular established residential area to be judged acceptable and, to that extent, the design solution proposed here infringes criterion (g) of Policy QD 1.

(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;

Two letters of objections were received from M.P. Toale and Associates obo the owner of the neighbouring property and farm, No. 6 Temple Hill Road, Newry.

The main concerns are in regard to the proposed dwellings potentially being impacted by general farm noise, odours and other activities. The neighbouring farm has been occupied since 1960 whereby the farm owner has advised that the previous use of the application site as an engineering works was compatible with farming operations.

During the processing of the application, the Council's Environmental Health Department was consulted. Environmental Health offered no objections in principle to the proposal. The response referred to potential public health nuisances from odour, noise and flies from the adjacent farm complex. EH recommended that in order to provide a quality residential dwelling and not place restrictions on farm activity that a suitable separation distance is provided between the working farm buildings and the residential dwelling not associated with the farm which is 75m.

Environmental Health did not recommend a redesign of the layout.

The farm is accessed via a laneway from Temple Hill Road that abuts the south-eastern boundary of the application site. The farm buildings sit immediately to the east of the application site.

The dwellings on plots 1-7 will be closest to the farm holding with separation distances of a minimum of 8m from the rear elevation of the properties to the common boundary. Planting is shown along this boundary, however minimal details are provided.

A dwelling has been constructed within the last 8 years directly adjacent to the application site, on the side garden of No. 6 Temple Hill Road. The new dwelling is now known as 6C Temple Hill Road and is sited a similar distance from the farm holding as the dwellings proposed. The dwelling was approved under LA07/2015/0563/F and during the assessment of the application, consultation with Environmental Health was carried out. EH offered a similar response to this current application, advising that farms have the potential to cause public health nuisances from odour, noise and pests and recommending a minimum of 75m from farm buildings. The Department acknowledges that the applicant for LA07/2015/0563/F is the owner of No. 6 Temple Hill Road and the adjacent farm holding.

The prevailing wind direction is from the southwest. The proposed dwellings are sited southwest of the farm sheds. Given this and the limited separation distance between the proposed dwellings on plots 1-7 and the adjacent farm holding, the Planning Department considers the layout will create conflict with adjacent land uses and there is the potential for impact on the proposed properties resulting from existing farm activities. The Planning Department previously requested a reduced scheme comprising detached dwellings only to ensure that development was appropriate to the area. An amended scheme with a reduced no. of units on larger plots to the front of the site alongside a more detailed landscaping scheme incorporating a landscaping buffer of an appropriate depth, may have overcome the unacceptable separation distances between the new properties and the farm holding.

There is adequate curtilage enclosure and separating distance between the proposed dwellings to avoid any discernible loss of residential amenity to prospective occupiers of these properties. The blank of the house on Plot Nos. 1 would avoid any potential overlooking or loss of privacy at the bungalow (No. 6c) to the southeast.

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

All units provide a degree of surveillance of the pockets of open space proposed. All rear gardens are enclosed. Parking is to the side of each unit and within close view.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
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."

As outlined above, new housing should be constructed up to the maximum density that is deemed appropriate to the character of the site. The application site measures 0.43hectares. Thirteen units are proposed. This results in a density of 30 units per hectare. Whilst the Planning Department acknowledges the presence of higher density housing developments, particularly comprising apartment blocks within the development limits, the specific circumstances and suburban character of the application site must be taken into consideration. Redevelopment schemes in established residential areas need to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or overdevelopment.

The overall design and layout do not respect the surrounding context which is characterised by detached roadside dwellings. The Department considers the scheme to result in overdevelopment whereby the pattern of development is not in keeping with the overall character and environmental quality of the established residential area which is inappropriate and would erode the character of the area. All dwelling units and apartments are to be built to a size not less than those set out in Annex A.

A Planning Strategy for Rural Northern Ireland - PSRNI

Whilst there is no objection in principle to a residential land use, it is the totality of the scheme in terms of layout and form which will cause adverse impact to the area. New development should minimise visual, functional and physical disruption and enhance or create interest, vitality or variety. The scale, layout and design of the proposed scheme would detract from the character and design of the local area. The proposed development is insensitive and disrupts the scale and rhythm of the development within the immediate area which marks the entrance to the city, owing to its location at the edge of the settlement limit. The proposal fails to comply with DES 2 of PSRNI.

PPS 2 - Natural Heritage

The site is not in close proximity to adjacent designated sites (it is more than 1km away) including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs.

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 currently comprises a number of disused buildings, rank vegetation and areas of hardstanding.

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 proposal involves the demolition of existing buildings. The proposal also involves the removal of the roadside wall and rank vegetation throughout the site.

There are no areas of woodland, peatlands and wetlands etc. within close proximity to the application site. There are no rivers/stream/hydrological link within the application site. The existing roadside boundary is defined by a low concrete wall. As such, no hedgerow removal is required to facilitate visibility splays.

Observations during a site visit confirmed that the buildings to be demolished are in relatively good condition with limited access points given the intact roof, doors and windows.

The proposal involves planting along the perimeter of the site, which could be controlled by way of condition if approval was to be granted. The compensation planting will create new habitats to compensate for impacted habitat through the removal of the buildings and rank vegetation on the site ensuring that biological communities are able to relocate to a suitable nearby location.

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 Temple Hill Road. The layout includes a footpath to either side of the road from the existing footway link along Temple Hill 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.

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, Archeology and the Built Heritage

The application site is in proximity to a scheduled monument DOW 046:015 which is an Ecclesiastical Site. HED Historic Monuments were included in the consultation process and advised that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements and advised that the site has previously been subject to extensive ground disturbance.

PPS8 – Open Space, Sport and Outdoor Recreation

As mentioned above, this proposal involves the construction of 13 residential units. 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. Pockets of open space are provided to the front of the housing development, overlooked by all properties which provides a degree of surveillance. The open space is suitably located and would provide an attractive residential environment as well as providing recreational and social value.

Adequate provision for private open space in the form of gardens has been provided. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. Both apartment units are served by adequately sized private amenity space. Creating Places recommends a minimum of 40sqm for any individual house but also advises that back garden provision should be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater. The proposed development complies with this guidance.

PPS 15 – Planning and Flood Risk

In a response dated November 2021, DfI Rivers advised that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain (Policies FLD 1), Policies FLD 2, 4 and 5 are not applicable to the site and as per Policy FLD 3 a Drainage Assessment was required. In a final response dated May 2023, DfI

Rivers advised that while not being responsible for the preparation of this Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. DfI Rivers recommended a pre-commencement condition in order to safeguard against surface water flood risk.

Recommendation:

The proposed scheme is on whiteland within the development limits of Newry. Whilst the Department has no objections in principle to the redevelopment of the site with housing, the scheme must be appropriate and respectful to the character of the area. The site is located on the edge of the settlement limits, marking the entrance to the city from the rural countryside. The Department acknowledges the presence of higher density housing developments within proximity to the application site, consideration must be given to the existing development immediately adjacent, whereby the development pattern is characterised by detached roadside dwellings on generous plots.

Whilst the Department is not requesting a scheme that mirrors the development either side of the site, a reduced scheme comprising only detached dwellings would be more appropriate to the area. The proposal fails to comply with PPS 12, PPS 7, APPS 7 and PSRNI for the reasons listed below. Accordingly, refusal is recommended.

Reasons for refusal:

1. The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, G and H) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principles 1, 2 and 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, appearance of buildings and hard surfaced areas;
 - The design of the development does not draw upon the best local traditions of form, materials and detailing;
 - The design and layout will create conflict with adjacent land uses in terms of noise, odour and general disturbance from the adjacent farm holding due to insufficient separation distances and will harm the living conditions of prospective occupiers.
2. The proposal is contrary to (a) and (b) of Policy LC1 of PPS7 (Addendum) Safeguarding the Character of Established Residential Areas in that the applicant has failed to demonstrate that all of the criteria as set out in Policy QD1 of PPS7: Quality Residential Environments has been met.

<p>Case Officer Signature: Eadaoin Farrell</p> <p>Date: 16.07.24</p>
<p>Appointed Officer Signature: Pat Rooney</p> <p>Date: 18.07.2024</p>

Speaking Rights for Newry Mourne and Down District Council Planning Committee**Application Reference:** LA07/2021/1398/F**Proposal:** Demolition of existing factory buildings and replacement with 11 no. private dwellings and block of apartments containing a ground floor and first floor unit with associated site works, drainage and new access**Location:** 4c Temple Hill Road Newry

Dear Committee member and officers,

I am Tony Havern, one of the sons of the owner of the working farm yard which is directly adjacent to this application site. We want to make it clear we have no grievances with the applicants of the planning application as they have always been good neighbours, but we are very concerned about the risk of new occupants moving in so close to our working family farm who may not be used to odour, noise and constant activity though the night and early hours of the morning.

There is 100+ cattle feeding/being reared in this farm at all times. We can only feed before and after working hours which can mostly be 4.30am and 9pm at night.

My grandfather has run a cattle dealing business from this yard from 1961 we are 3rd generation to run both cattle dealing and farming business from this premises- my father's livelihood depends on the yard being able to function.

When new cattle arrive to the yard from the mart (most days) and a lot of the time, late at night after night sales etc. They cause considerable noise as they are annoyed due to being in a strange environment of the delivery lorry and new sheds/surroundings. The noise of the cattle delivery lorries will also be sufficient to waken the occupants of all of the proposed dwellings. We believe this will cause serious problems with people living in these houses due to inadequate separations distances between the new houses and our farm buildings. New, prospective occupants of the houses may purchase the dwellings, not realising how much noise and odour results from normal farming practices.

All in all, we are genuinely concerned that approval of these houses would cause our livelihood and business considerable harm: are we expected to close down our farm which has been here from my grandfather in 1961 and a livelihood in which we have spent over 63yrs building and improving because we can see no way for it to continue with houses built on top of it.

It is also clear that Environmental Health Department advised in their consultation response that a minimum separation distance of 75m between the new dwellings and the existing farm buildings should be followed. However, it is clear that the separation distance for all of the houses in the development is less than half of this prescribed distance. The closest units are actually approximately within 15m of our working farm sheds. I am told by experts that new dwellings should never be approved anything like as close as this to farm sheds.

It is clear from the drawings that this development fails to comply with Environmental Health's method of assessment and therefore, there should be an objection in principle from Environmental Health.

No mitigating odour or acoustic assessments were submitted to the Planning Department and therefore the agent has not addressed this point from the Environmental Health response.

Additionally, we believe that the density of the proposed development is not in keeping with the existing development pattern at this location. Dwellings located here are mostly bungalows on much more generous plots. As the density is so high within this application it means that all 11 dwellings and apartments are all within the 75m separation distance which Environmental Health require.

We therefore respectfully request that the Planning Committee uphold the case officer's recommendation to refuse this planning application so that my father can continue to operate his farm business.

**Surveyors & Assessors
Architectural & Development Consultants
Structural & Civil Engineering Consultants**

a: 11 Marcus Street, Newry, Co.Down, BT34 1ET
t: 028 3026 6602 / 0460 f: 028 30260467
e: info@collinscollins.biz w: www.collinscollins.biz



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Democratic Services
District Council Offices,
O'Hagan House,
Monaghan Row,
Newry,
BT35 8DJ

Date 27th August 2024
Our Ref
Your Ref LA07/2021/1398/F

Re : Demolition of existing factory buildings and replacement with No.11 private dwellings containing a ground floor and first floor unit with associated site works, drainage and new access

For: Maguires

In relation to the application above and the forthcoming planning committee meeting we would like to take this opportunity to outline our how we feel that the application in question meets all the relevant criteria.

The planning report notes that the site is zoned white lands however ignores the fact that this is a brownfield industrial site within the City of Newry whereby it doesn't have the same characteristics as peripheral development. The characteristics of the existing site appear to be ignored when comparing this industrial development with the proposed housing development. If the industrial buildings are removed the proposed housing will enhance the character of the area. The factory buildings are two storey in height, the larger located alongside the Templehill Road at an elevated position. These are quite imposing structures. The majority of the new housing will be set back, with softer landscaping in the form of open space aligning with the Templehill Road. The planning report shows images of the proposed development. What the report does not show, as submitted by the agent, is the before and after images of the development, as the comparison shows the housing reduces the amount of hard landscaping reducing the scale of development within this area of Newry.

The planning report notes that the agent was advised that the site cannot accommodate the scale of housing development and yet the quantum of development on the site will be **reduced by up to 30%**. The large factory building has an area footprint of 803 sqm and the smaller an area of 230 sqm (i.e. total area of 1033 sqm). The total footprint of the proposed housing is 736 sqm. Therefore, the site can easily accommodate the proposed housing.

PPS7 Annex C references previously developed land in respect of Brownfield site. PPS7 notes the safe guarding the Character of Established Residential Areas. We contend that this housing development will enhance the character of the existing residential properties with the removal of these two large factory buildings and the creation of landscaped areas alongside the road. The majority of local neighbours are in extreme support of this proposal as a means of having the factory buildings removed.

There is also local and wider support for the development to be approved as this will provide a much-needed public footpath along the length of the site. This area of Newry is favourable to walkers, the current situation being quite dangerous, as the footpath terminates at this location with people having to walk onto the Templehill Road. This creates a significant opportunity.

There is a huge need for housing of this size within the local area, as the proposed development will house up to 13 families. There is little development land within this area of Newry and as such sites like this should be maximised to accommodate locals.

Economic factors must be considered in this development. As this is a brownfield site the construction costs in developing this site area greater. The two factory buildings must be removed (the smaller, older building contains asbestos). There is also a considerable amount of concrete within the yards that must be excavated. Added to this, the site contains rock. All of these result in higher construction costs. There is a lack of need for larger detached homes, and in contrast, the type of housing proposed can accommodate current purchasers. For these reasons, low density housing does not give the payback to develop this site. This will result in the factory remaining and a lost opportunity for the area.

**Surveyors & Assessors
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a: 11 Marcus Street, Newry, Co.Down, BT34 1ET
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The planners note the development is not suitable due to the location of adjoining the existing farm due to nuisances from odour, noise and flies and yet within the recommendation of the report it states that a reduced scheme of detached dwelling is appropriate. This is conflicting, either the site is suitable for housing or it is not when considering the neighbouring farm. It should be noted that Environmental Health did not ask for the scheme to be redesigned. 14 houses currently back onto this farm. The development will only add an extra 8. The report notes that the prevailing wind is from the southwest, which given the siting of the dwellings will actually take odours away from the dwellings.

The local councillors are in support of a higher density development. For years there has been a campaign by the council to achieve street lighting along this road. This has been declined by the road service due to the lack of unit numbers and the absence of a footpath alongside the factory site. The approval of the path and unit numbers will allow the council to re-engage with the road service to establish street lighting. This in turn will make the connection between Church Street and Ballyholland safer than current. The committee need to discuss this matter as it relates to this application.

The planning department has stated that this site cannot accommodate this scale of development and constitutes overdevelopment, it has been stated that this development will erode the character of the area. The planning report notes that specific circumstances and suburban character of the application site must be taken in consideration however the setting of existing factory buildings appears to have been overlooked in their consideration. The planning report notes that there is an awareness of the density of development along the Templehill Road however it would appear there is that the extent of existing development on this site has not been considered in the planning decision. The committee needs to see first-hand the extent of the existing development on this site with specific reference to the site analysis to assess if the development proposed is a betterment to the area.

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3065/O	Target Date:
Proposal: PROPOSED FARM DWELLING, ACCESS AND SITEWORKS	Location: SITE LOCATED TO THE NORTH EAST OF 46 SLIEVENABOLEY ROAD, DROMARA, CO DOWN. BT25 2HW (amended address)
Applicant Name and Address: Ciaran O'Hare 154 Dundrum Road NEWCASTLE CO DOWN NEWCASTLE BT33 OLN	Agent Name and Address: Karl Ruddle 21E Dundrum Road NEWCASTLE CO DOWN Newcastle BT33 0BG
Date of last Neighbour Notification:	30 July 2024
Date of Press Advertisement:	31 July 2024
ES Requested: No	
Consultations: DAERA NI Water DFI	
Representations: None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: April 2024

Characteristics of the Site and Area

The application site forms a cut out from a larger agricultural field. Access into the site is currently afforded via a field gate along the Slievenaboley Road frontage. Adjacent to the south of the application site is the dwelling and its associated outbuildings at No. 46. Further south along the Slievenaboley Road is a farm yard and buildings.

Due to changing land levels, the application site sits below the level of Slievenaboley Road and below the dwelling and buildings at No. 46 to the south.

The application site is outside settlement limits and is included in the designated Mourne Area of Outstanding Natural Beauty as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Description of Proposal

PROPOSED FARM DWELLING, ACCESS AND SITEWORKS

Planning Assessment of Policy and Other 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 21 - Sustainable Development in the Countryside
 - CTY 1 - Development in the Countryside
 - CTY 10 Dwellings on Farms
 - CTY 13 - Integration and Design of Buildings in the Countryside; and
 - CTY 14 - Rural Character

PLANNING HISTORY

Planning

Application Number: Q/2003/1595/O Decision: Appeal Withdrawn Decision
 Date: 20 May 2004
 Proposal: Two storey farm-workers dwelling and garage

Application Number: Q/2010/0284/F Decision: Permission Granted Decision
 Date: 24 September 2010
 Proposal: Erection of dwelling

Application Number: Q/2012/0288/F Decision: Permission Refused Decision
 Date: 20 February 2013
 Proposal: Erection of Farm Dwelling in substitution for Planning Approval Q/2010/0284/F

Application Number: LA07/2022/1570/O Decision: Permission Granted Decision
 Date: 22 May 2023
 Proposal: Infill Dwelling House in accordance with PPS21, Policy CTY 8

SUPPORTING DOCUMENTS

Design and Access Statement
 Site Location Plan
 P1C and farm map

CONSULTATIONS

- DFI Roads – no objections subject to compliance with RS1 condition
- NI Water – approve with conditions.
- DAERA– farm business active and established, application site being claimed on and under control of named farm business.

REPRESENTATIONS

None

EVALUATION

As this application is for outline permission for a dwelling on a farm, the initial policy context considered is CTY 10 Dwellings on Farms.

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. Exceptionally, consideration may be given to an alternative site else-where on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

The farm business in question is registered to 48 Slievenaboley Road, Dromara. DAERA confirms that the farm business was established in 1991 and that farm payments have been received in each of the last 6 years and the application site is on land under control of the farm business. Officers are therefore satisfied that the farm business is active and established. Criterion A of CTY 10 has been met.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any dwellings or development opportunities sold off from the farm holding in the last 10 years. This is further confirmed by the answer to Q5 of form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. Criteria B has been met.

Criteria C requires the proposed dwelling to be visually linked or sited to cluster with an established group of buildings on the farm,

Exceptionally an alternative site may be considered elsewhere on the farm provided there are no other sites available at another group of buildings on the farm or out farm and where there are either

- Demonstrable Health and Safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

The proposed dwelling is to be set to the side and rear of No. 46 Slievenaboley Road. The agent has confirmed that No. 46 was previously the farm dwelling, however it has since been sold (outside of the ten years). The dwelling and buildings therefore at No. 46 *do not* form part of this farm business and cannot be considered an established group of buildings on the farm. Further east of the site, approx. 90m along the Slievenaboley Road is the farm yard associated with this business. Within this yard are a collection of agricultural buildings. These buildings are considered to be an established group of buildings on the farm. See Layout Plan below.

Policy CTY 10 goes on to state that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where certain other circumstances pertain. There was no further information submitted to advance this exceptional case test. The proposal, therefore fails to meet criteria (c) of CTY 10

Policy CTY10 also stipulates those proposals must also meet the requirements of CTY 13 and 14.

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. As this is an outline application, no floor plans or elevations have been submitted, however within the Design and Access statement it has been detailed that this proposal would seek to construct a new 1.5 storey detached farm dwelling, utilising the roof space for accommodation.

The site will be critically viewed from both the Slievenaboley Road and Rathfriland Road to the north. The new dwelling is to be constructed in a cut out of a larger agricultural field, as such there are no existing northern or north-western boundaries in place. Land levels drop as you move across the application site from west to east which would result in a new dwelling set below the level of the Slievenaboley Road and below the existing built development along this section of the Slievenaboley Road. From vantage points along the Rathfriland Road however the proposed new dwelling would be considered a prominent feature the landscape. The site cannot provide a suitable degree of enclosure for the building to integrate into the landscape and would be highly visible when travelling along Rathfriland Road from the north. The site would be reliant primarily on the use of new landscaping for integration purposes.

The ancillary works include a new access point onto Slievenaboley Road. New accesses are often a visible feature of new buildings in the countryside. Wherever possible, access to a new building should be taken from an existing laneway (para 5.72). The new access would run along-side the existing access that serves No. 46, however due to its width as demonstrated on the Site Location Plan it would be an obtrusive feature in the rural landscape.

The proposal is for outline planning permission. The design and scale of the building, and its ability to blend with the landform, existing trees, buildings and slopes would be assessed at Reserved Matters stage.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where (a) – (e) occur. The proposed new dwelling is considered to be unduly prominent in the landscape. At points along the Rathfriland Road there are uninterrupted views of the application site on approach from the north.

The access has been referred to above in terms of rural character. Access arrangements can often raise awareness of, and draw attention to new development, and when read in conjunction with other existing or approved accesses, can have a combined impact damaging to the rural character of an area.

PPS 3 – Access, Movement and Parking

Policy AMP2 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, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

DFI Roads were consulted as part of this application and have no objections subject to compliance with the attached RS1 form and the submission of detailed plans at RM stage.

PPS2 Natural Heritage

As outlined above, the application site is located within an Area of Outstanding Natural Beauty. Policy NH 6 relates to 'Areas of Outstanding Natural Beauty' and states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where three stated circumstances are met.

The proposal is considered to respect features of importance to the character, appearance or heritage of the landscape. Given the proposal is for outline planning permission, details in relation to the architectural style and pattern, materials, design and colour are not required at this stage.

It is not anticipated that the proposal would involve the removal of any priority habitats, including hedgerows, for the provision of visibility splays. The proposal does not therefore, unduly impact upon the biodiversity of the site.

The agent has advised the Planning Department that the dwelling at No. 46 Slievenaboley Road, was the former farm dwelling until it was sold. This has left the Farm Business without a farm dwelling for a period in excess of 10 years. The Applicant is seeking to reinstate the farm dwelling on the Farm Business through this Application.

While officers acknowledge the desire for a farm dwelling, it is noted that planning approval LA07/2022/1570/O has been granted for the applicant for an infill dwelling within the farm yard at 48 Slievenaboley Road.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement for Northern Ireland, and does not merit being considered as an exceptional case, in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and contrary to criterion (a), (b), (c), (d) and (g) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement for Northern Ireland, in that:
 - It would be a prominent feature in the landscape
 - 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;
 - the new dwelling relies primarily on the use of new landscaping for integration;
 - ancillary works do not integrate with their surroundings and
 - the new dwelling is not visually linked or sited to cluster with an established group of buildings on the farm

and therefore, would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and contrary to Criterion (a) and (e) of Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would be unduly prominent in the landscape and
 - the impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: Laura O'Hare**Date:** 8 August 2024**Appointed Officer:** A.McAlarney**Date:** 08 August 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



Reference	LA07/2023/3065/O
Location	NE of 46 Slievenaboley Road, BT25 2HW
Proposal	Farm Dwelling

Response to Refusal Reasons

The crux of the Departments argument is that they do not consider the proposed dwelling to visually link with the existing group of buildings on the farm. The reasons for this as outlined in the case officer reports is essentially due to them measuring a distance of 90m between the closest farm building and the proposed site.

We respectfully disagree with this for a number of reasons.

First of all, the Department consider the distance between the nearest farm building and the application as 90m, however they have only considered the buildings in the red circle and not the buildings in the northern part of the yard. It is our assertion that the nearest building is only 31m from the site. Consequently, if the Department are focussing on a sole measurement test to define clustering and visual linkage, then the site would cluster with existing buildings on the farm, as its only 31m from the closest building on the farm.

Notwithstanding this, the test of visual linkage is not necessarily an exact measurement, however it is a visual assessment of the site and its context. Paragraph 5.41 of CTY 10, reinforces this, stating; *“when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.”*

(The images on the screen demonstrates this visual linkage with each other)

Therefore, it is our assertion that when viewing the site from these surrounding viewpoints on Rathfriland Road and Slievenaboley Road, the site and buildings on the farm are visually linked with one another and due to the proximity between the site and buildings and topography of the land, there is little appreciation for any physical separation. This therefore ensures compliance with **Policy CTY10 Criteria (c) and Policy CTY13 Criteria (g) of PPS21.**

Notwithstanding the fact that we consider the proposed site is visually linked with existing buildings on the farm, constructing a dwelling in either the farm yard or to the east and south is not possible. There is a live planning permission within the farm yard (LA07/2022/1570/O), therefore ruling out proposing a farm dwelling in the yard. Moreover, the applicant cannot build to the south or east of the yard due to the fall in topography and



amount of ancillary works which would be required to facilitate a development in these locations, will lead to a greater visual impact.

As a result, it is thought that the proposed site north of the farm yard, approx. 31m from the closest farm building and only 20m from the boundary of the farm yard proves to be the most suitable site in terms of visual integration, clustering/visual linkage as well as buildability.

In terms of the refusal reasons relating to Policy CTY 13 and 14, as this is only an outlined permission, details of siting, scale and design will be addressed at Reserved Matters stage. Notwithstanding this, when viewed from the Slievenaboley Road, the site sits at a lower level to the road, therefore the dwelling will not readily appear in the landscape. When the dwelling is visible, it will be read in the context of the existing built development, including the buildings on the farm, therefore the site will not be unduly prominent.

Additionally, when travelling along Rathfriland Road, as mentioned, the site sits at a lower level than the Slievenaboley Road, it will not therefore appear as a prominent feature in the landscape. This is aided by the rising backdrop and the fact that the built development, such as the dwelling and farm buildings are situated on more elevated land, ensuring that any prominent views of the proposed dwelling are minimised. This therefore complies with **Criteria (a) of Policy CTY13 and Policy CTY1.**

In terms of criteria **(b), (c) and (d) of Policy CTY13 and (e) of CTY14**, The site contains existing boundaries, and as mentioned above, the rising backdrop, accompanied with the surrounding topography and built development ensures that the proposal satisfactorily integrates into the surrounding landscape. Additional planting can be proposed/conditioned to augment the existing boundary features, which will further aid integration.

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
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 surveys. Bat Survey submitted. Consultation process completed. Application now being finalised.	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 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	Deferred – to allow applicants to submit amendments	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	Deferred for legal advice	A McAlarney	Deferred for legal advice	N
PLANNING COMMITTEE MEETING 10 JULY 2024					
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	Deferred at request of agent	P Manley	Deferred at request of agent	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2022/1777/F	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) 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	Deferred for site visit	M Fitzpatrick	Deferred for a site visit	N
PLANNING COMMITTEE MEETING 7 AUGUST 2024					
LA07/2023/2374/F	80 Dublin Road Drumena Newry - 2 No glamping pods with associated landscaping	Deferred for site visit June 2024 Deferred as not quorate following site visit July 2024	A McAlarney	Deferred as not quorate following site visit	N
LA07/2023/2813/F	6 Cranfield Chalets, Cranfield, Newry - Proposed Front Dormer to Existing House and First Floor Balcony	Deferred for site visit	M Keane		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2023/2804/O	Approx 140m West of 71 Bishops court Road, Downpatrick - Farm dwelling and garage	Deferred – to be readvertised as incorrect address noted on application	A McAlarney		
LA07/2023/2956/O	Lands between 34 & 36 Flagstaff Road, Newry - 2no infill dwellings	Deferred for site visit	M Fitzpatrick		