



October 24th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 6th November 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

****CLOSING DATE FOR SUBMISSION OF SPEAKING RIGHTS/WRITTEN SUBMISSIONS ****

📄 *Close of speaking rights.pdf*

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1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

Item 6: Cllrs Finnegan, Hanna, Larkin, King, D Murphy & Tinnelly attended a site visit on 29 August 2024.

Item 7: Cllrs Campbell, Finnegan, Hanna, Larkin, McAteer and D Murphy attended a site visit on 19 September 2024.

4.0 Minutes of Planning Committee held on 2 October 2024

📄 *Planning Committee Minutes 2024-10-02.pdf*

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

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

6.0 LA07/2023/2956/O - Lands between 34 & 36 Flagstaff Road, Newry - 2no infill dwellings

For Decision

REFUSAL

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

Cllrs Finnegan, Hanna, Larkin, King, D Murphy & Tinnelly attended a site visit on 29 August 2024.

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

Mr John Cole will be present to answer any questions Members may have.

7.0 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.

Cllrs Campbell, Finnegan, Hanna, Larkin, McAteer and D Murphy attended a site visit on 19 September 2024.

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

Development Management - Planning Applications for determination

8.0 LA07/2021/1258/RM - Lands to the rear of 11 Hilltown Road Newry and adjacent and south of 'Ardfreelin' Hilltown Road, Newry - Erection of 42 residential dwellings comprised of 28no. semi-detached, 14no. detached dwellings, provision of hard and soft landscaping including communal amenity space, provision of in curtilage car parking spaces, and all associated site works

APPROVAL

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

9.0 LA07/2024/0541/F - Lands at Ballydugan Retail Park, Ballydugan Road, Downpatrick, BT30 6AJ - Proposed erection of an ASDA superstore (replacement) with associated Petrol Filling Station including shop; and 4 no. retail units (replacement). Development includes car parking, service yard and all associated ancillary, site and access works

APPROVAL

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

 [LA07.2024.0541.F - Case Officer Report.pdf](#)

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10.0 LA07/2023/3677/F - Lands north of Unit 2G Carnbane Gardens, Carnbane Industrial Estate, Newry BT35 6FY - Proposed 3no. light industrial units and associated site works

APPROVAL

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

 [LA07-2023-3677-F - Case Officer Report.pdf](#)

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11.0 LA07/2021/2043/F - Lands 10m SW of 27 Low Road, Newry, BT35 8RH - Conversion of existing farm outbuildings to one self-catering holiday chalet, with extensions and alterations and proposed new building for the provision of toilet and wash facilities and use of adjoining land for caravan pitches (short term use) with associated landscaping and site works

APPROVAL

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

 [LA07-2021-2043-F - Case Officer Report.pdf](#)

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12.0 LA07/2023/2507/O - 40m SW of no, 58 Kiltybane Road Newry - New dwelling and garage on a farm

REFUSAL

On agenda as a result of the call-in process

 [LA07-2023-2507-O Case Officer Report.pdf](#)

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13.0 LA07/2023/2457/O - 40m of 66 Silverbridge Road, Silverbridge Newry - Infill dwelling and detached garage under CTY8

REFUSAL

On agenda as a result of the call-in process

 [LA07-2023-2457-O - Case Officer Report.pdf](#)

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14.0 LA07/2023/2516/F - 22m NE of 54a Foxfield Road, Crossmaglen, Newry - 2 semi-detached dwellings and 1 garage

REFUSAL

On agenda as a result of the call-in process

[LA07-2023-2516-F Case Officer Report.pdf](#)

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15.0 LA07/2023/3370/O - To the rear of 44 Bavan Road, Mayobridge, BT34 2HS - Infill dwelling and garage

REFUSAL

On agenda as a result of the call-in process

[LA07-2023-3370-O - Case Officer Report.pdf](#)

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16.0 LA07/2023/3151/F - 160 Downpatrick Road Ballynahinch - Proposed replacement vehicular access to dwelling

REFUSAL

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

[LA07.2023.3151.F - Case Officer Report.pdf](#)

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17.0 LA07/2023/3313/O - Between 55 and 59 Ballyculter Road Downpatrick - Proposed 2 detached dwelling units and garages (under PPS 21 -CTY 8)

REFUSAL

On agenda as a result of the call-in process

[LA07-2023-3313-O - Case Officer Report.pdf](#)

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18.0 LA07/2024/0470/F - 4 Cargagh Road Annacloy, Downpatrick, BT30 9AG - Retention of existing granny flat with single storey flatroof extension to side

REFUSAL

On agenda as a result of the call-in process

[LA07-2023-0470-F - Case Officer Report.pdf](#)

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19.0 LA07/2023/2376/O - 60m SW of 131 Derryboy Road, Crossgar - Proposed dwelling on a farm under Policy CTY10 of PPS21

REFUSAL

On agenda as a result of the call-in process

 [LA07-2023-2376-O - Case Officer Report.pdf](#)

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20.0 LA07/2024/0054/F - Lands to the north of 28 Crabtree Road Ballynahinch - Infill dwelling and garage

REFUSAL

On agenda as a result of the call-in process

 [LA07-2024-0054-F - Case Officer Report.pdf](#)

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21.0 LA07/2023/3259/F - Between 116 - 118 Finnis Road, Dromara, Dromore, BT25 2HT - Dwelling and garage

REFUSAL

On agenda as a result of the call-in process

 [LA07-2023-3259-F - Case Officer Report.pdf](#)

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22.0 LA07/2023/3521/O - Land between 16a and 22 Raleagh Road, Crossgar - Dwelling, garage and associated siteworks as per CTY 8 PPS21 - Ribbon Development.

REFUSAL

On agenda as a result of the call-in process

 [LA07.2023.3521.O - Case Officer Report.pdf](#)

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For Noting

23.0 Historic Action Sheet

 [Planning Historic Tracking Sheet - 2024-10-02.pdf](#)

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Invitees

- Cllr Terry Andrews
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- Cllr Callum Bowsie
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- Fionnuala Branagh
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- Cllr Jim Brennan
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- Cllr Pete Byrne
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- Cllr Philip Campbell
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- 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
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- 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
-
- Mrs Annette McAlarney
-
- Cllr Declan McAteer
-
- Cllr Leeanne McEvoy
-
- Jonathan McGilly
-
- Cllr Andrew McMurray
-
- Maureen/Joanne Morgan/Johnston
-
- Cllr Declan Murphy
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- Sinead Murphy
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- Cllr Kate Murphy
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Cllr Selina Murphy
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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
.....
Nicola Stranney
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Central Support Unit
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Mrs Marie Ward
.....
Cllr Helena Young
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SPEAKING RIGHTS/Written SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 6th November 2024

The closing date/time for requests for speaking rights and accompanying written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows:-

**Wednesday 30th October 2024 by
5.00pm**

Requests for speaking rights/written submissions should be emailed to:-

democratic.services@nmandd.org

PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES (AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED).

**ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE
DISREGARDED.**

ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION (POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION WITH THE REQUEST FOR SPEAKING RIGHTS.

“Please note that the protocol applicable to the audio-recording of Planning Committee meetings has been amended following recommendation and ratification by Council. The legal basis on which audio-recording takes place no longer requires the consent of speakers at Planning Committee. Accordingly, the consent of speakers will no longer be requested. Audio-recording will continue to take place of all Planning Committee meetings subject to the exemption in Schedule 6 of the Local Government Act (NI) 2014”.

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 2 October 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 C King	Councillor M Larkin
Councillor McAteer	Councillor S Murphy
Councillor M Rice	Councillor J Tinnelly

Officials in attendance:

- Mr J McGilly, Assistant Director Regeneration
- Ms A McAlarney, Development Manager: Planning
- Ms M Fitzpatrick, Senior Planning Officer
- Mr M Keane, Senior Planning Officer
- Ms P Manley, Senior Planning Officer
- Mr Peter Rooney, Head of Legal Administration (Acting)
- Ms S Taggart, Democratic Services Manager (Acting)
- Ms F Branagh, Democratic Services Officer
- Mrs N Stranney, Democratic Services Officer

Also in attendance in Chamber: Ms Nora Largey, Belfast Legal Services

P/082/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Feehan.

The Chairperson advised that due to a submission that had been received at 11pm on the night prior to the meeting, items 11, 12 and 13 were to be deferred in order to allow officers sufficient time to consider the submission. He apologised to those who had made the effort to attend the Committee Meeting but advised that the items would be deferred until a future Committee Meeting.

Councillor Tinnelly advised he would have to leave the meeting by 12 noon.

P/083/2024: DECLARATIONS OF INTEREST

Councillor Enright stated that he was unclear whether he had a conflict of interest relating to item 11, noting that in the absence of any legal opinion he was unsure whether he should declare an interest.

The Chairperson Councillor D Murphy advised that it was up to the Member to decide whether they had a conflict of interest and advised Members to review the Councillor's Code of Conduct with regards to conflicts of interest.

P/084/2024: 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 Feehan, Finnegan, Hanna, Larkin, King, McAteer, D Murphy and S Murphy attended the site visit on 12 September 2024.

Councillor D Murphy noted that while Councillor Feehan was absent, there was still a quorum with regard to considering the application.

MINUTES FOR CONFIRMATION

P/085/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 4 SEPTEMBER 2024

Read: Minutes of Planning Committee Meeting held on Wednesday 4 September 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 4 September 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/086/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 2 October 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finnegan, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 2 October 2024:

- **LA07/2023/2210/F** - 25 Knockchree Avenue Magheramurphy Kilkeel -Demolition of no. 25 Knockchree Avenue, Kilkeel, BT34 4BP and erection of 5 no. detached two-storey dwellings with associated site works
APPROVAL
- **LA07/2023/3001/F** - 58 Warrenpoint Road, Rostrevor, Newry, BT34 3EB - Replacement Dwelling and 3 no. ancillary outbuildings and all associated site works

APPROVAL**DEVELOPMENT MANAGEMENT**

P/087/2024 **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) **LA07/2023/3129/F**

On agenda as a result of the Call-In Process

Location:

Land directly adjacent to 11 Lismore Park, Crossmaglen

Proposal:

Proposed single social housing dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Ms Maria Fitzpatrick reminded Members of the details of the application, submitted by the Rural Housing Association, and outlined the site layout, available green space and noted that the application had been recommended for refusal as it was contrary to Planning Policies SPPS and Policy OS 1 of PPS8, which noted that development on green space was prohibited unless the community benefit substantially outweighed the loss of the green space.

Councillor Finnegan proposed to overturn the officer's recommendation, stating that while some green space would be lost there would still be 95% remaining, all access to nearby facilities would still be in place and that the 79 letters in support of the application highlighted a community value.

This was seconded by Councillor Hanna who noted that the exception clause existed within the policy for applications such as this and that it would bring substantial benefits to the area.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Finnegan, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3129/F contrary to officer recommendation as contained in the Case Officer Report.

DEVELOPMENT MANAGEMENT**P/088/2024****PLANNING APPLICATIONS FOR DETERMINATION****(1)****LA07/2022/3186/F**

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

Location:

Lands adjacent to 127A Shore Road Kilclief, Strangford.

Proposal:

Proposed new dwelling and detached garage with associated hard and soft landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Annette McAlarney outlined the details of the application and confirmed that the application had been considered against Planning Policy CTY8 as an infill dwelling. She confirmed that the relevant neighbourhood notifications had been carried out, resulting in 7 objections, which were all considered within the case officer's report, and that statutory consultations had all been returned with no objections raised. Ms McAlarney noted that the proposal met the infill policy of CTY8, and all amendments as requested by the Planning Department were deemed acceptable by the agent and applicant and had been submitted accordingly.

Speaking rights:**In Support:**

Mr John Lavery noted that the amended plans as requested by the Planning Department had a lower ridge height than the outline planning application, and the minor changes to the façade of the building led the applicant to believe that the dwelling would integrate with the countryside setting and urged Members to support the officer's recommendation for approval.

Councillor Larkin then proposed to accept the officer's recommendation, which was seconded by Councillor Campbell.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2022/3186/F supporting officer recommendation as contained in the Case Officer Report.

Mr Peter Rooney left the chamber for discussion on the following item, having declared an interest – 10.16am

(2) LA07/2022/1683/F

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

Location:

Site adjacent to 16 Kilfeaghan Road, Rostrevor

Proposal:

Erection of 3 glamping pods with associated access, parking, turning, recycling/waste and cycle store and landscaping

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Mark Keane outlined the application details advising that it had been tabled due to the volume of objections received, 3 of which had been received following the publication of the agenda on the Council website. He outlined the basis of the objections to include concerns regarding road safety, the visual impact of the application, its lack of integration within the natural area, the loss of amenity space, the impact on the AONB, potential disruption to farming activity and health and safety concerns and noted that these had all been considered and detailed within the Case Officer's Report.

Mr Keane advised that the application was located within an AONB but was set well back from the main road, the pods were 6m x 4m and 3m in height and would include new planting to enclose and integrate the site. He further noted that the original application had been reduced from 6 pods following consultation with the Planning Department. He advised that the application had been considered against Planning Policies SPSS 2, 3, 6, 16 and 21 and was recommended for approval, subject to conditions.

Speaking rights:

In Support:

Mr Tom Franklin outlined that the location was a family site and the opportunity to build a home on the site had not arisen, however this application would allow the land to remain within the family and also bring some benefit to the local area. He further confirmed that attendees at the site would be encouraged to enjoy the site, respect the landscape and residents at all times and highlighted his flexibility and engagement with the Planning Department as an example of this respect for the area.

Councillor McAteer then proposed to accept the Officer's Recommendation, which was seconded by Councillor Tinnelly.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Tinnelly, it was agreed to issue an approval in respect of planning application LA07/2022/1683/F supporting officer recommendation as contained in the Case Officer Report.

Mr Peter Rooney re-entered the Chamber at this stage – 10.21am

(3) LA07/2023/2374/F

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

Location:

Abbey Way Car Park, Abbey Way, Newry

Proposal:

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

Conclusion and Recommendation from Planning Official:

Approval

AGREED: This item was deferred to a future committee date.

(4) LA07/2023/2193/F and LA07/2023/2213/LBC

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

Location:

1 Town Hall, Bank Parade, Newry

Proposal:

Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street.

Conclusion and Recommendation from Planning Official:

Approval

AGREED: These items were deferred to a future committee date.

(5) LA07/2022/0382/F

On agenda as a result of the Call-In Process

Location:

Immediately West of 14 Martins Lane Newry

Proposal:

Proposed boarding kennels to include reception and induction kennel.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Maria Fitzpatrick outlined the application proposal including the statutory consultations and neighbourhood notifications which were all returned with no objections. She advised that the application had been considered against a number of Planning Policies as it was located outside the development limit for Newry and lay within the countryside, those policies were SPPS, PPS 2, 3, 4, 6, 15 and 21 alongside Rural Planning Policy, CTY 1, 8, 13, 14 and 15.

Ms Fitzpatrick further advised that the application was recommended for refusal in accordance with PED 3, 4, 5 and 6 of PPS4 in that economic development in the countryside would only be permitted in exceptional circumstances, confirming that it remained the opinion of the Planning Department that the application as tabled did not meet the exceptional circumstances requirement, and that there was not a specific need for this type of facility in this location. She further outlined that the agent had highlighted that this application was exceptional in all the services offered but confirmed that there were a number of veterinary clinics and hospitals located within the local area. She summarised by advising that Planning Policies were strict when allowing economic development within the countryside, and that this application would be better suited to the redevelopment of existing buildings within the countryside or relocated within a settlement.

Speaking rights:

In Support:

Mr Colin O'Callaghan advised that the application was for a specialist kennelling facility that required this remote location so as to not impact on neighbours, stating that the application was unique in that it included boarding kennel facilities, recovery facilities, 24 hour supervised recreational access, an onsite vet living on the premises, facilities for a variety of animals including exotic pets, and offered services such as hydrotherapy, a dog spa, recovery massages, etc. He advised the application would create 6 jobs initially and due to the range of services that would be offered, was not typical of the veterinary clinics or hospitals within the area.

Mr O Callaghan noted that there had been no third-party objections, and no objections raised by statutory consultees, there were on site specific concerns raised and the only issue as outlined by the Planning Department was that there was no reason this application could not be situated within the settlement limit. He ended by noting that Planning Policies provided no explanation or guidance on what the exception to the policy was, therefore, he believed that the ordinary meaning of the word exceptional should be applied here, stating that it was not normal to have dog kennels located in residential areas.

Councillor Rice requested clarification on why the Planning Department felt that this application was recommended for refusal when considered against Policy PPS4, to which Ms Fitzpatrick advised that PPS4 considered economic development and had a number of subsections that considered different types of development in both settlements and within the countryside. She confirmed that the policies were strict on economic development within the countryside, which could only be permitted in exceptional circumstances and stated that the Planning Department did not agree that this application was exceptional and there was no reason as to why it could not be situated within the settlement.

Councillor Rice asked the applicant why they felt that the application was exceptional, to which Mr O'Callaghan advised that PED2 did not provide a definition, and the application was exceptional in that the nearest premises that offered anything similar within one facility was 45 miles away. He stated that were this application to be situated within the settlement limit, there would potentially be noise complaints and parking issues and further reminded Members that there had been no objections raised in relation to the application as situated.

Councillor Hanna queried why the Planning Department were insisting that the application needed to be located within an urban area and whether common sense should prevail regarding the siting of the application, to which Ms Fitzpatrick confirmed that the Planning Department were not insisting on a specific location, rather were providing alternative options following the recommendation for refusal. She further reminded Members that as per Planning Policy, the bar was extremely high in relation to economic development within the countryside and it was the opinion of the Planning Department that it had not been demonstrated that this application was exceptional. She stated that as per PED2, this type of development would be better suited to the re-use of existing buildings as allowed by Planning Policy.

Following a further query from Councillor Hanna regarding the location of the nearest facility that offered similar services, Ms Fitzpatrick advised that the Planning Department did not feel that the District was at a disadvantage not having these facilities under one roof when there were a number of veterinary facilities within Newry.

Following this discussion, Councillor Hanna asked for some information from Mr Peter Rooney as to whether it was for Members to decide on the application.

Mr Peter Rooney noted that the Committee had heard both the Planning Department's opinion along with the opinion of Mr O'Callaghan and stated that while the application was unique, that did not warrant the need to build in this location. He advised that it was up to Members whether they were satisfied that the reasons for refusal could be overruled, and while there was an element of judgement in that, it had to be based on the guidance provided in relation to Planning Policies.

Councillor Tinnelly then queried whether the application could be described as a surgery rehabilitation facility, and whether rehabilitation services would be offered to other veterinary surgeries within the District that didn't have that facility.

Mr O'Callaghan advised that would be correct, and the applicant also intended to offer pound facilities to assist the Council in dealing with temporary housing for animals.

Following this discussion, Councillor Tinnelly queried why the Planning Department did not feel that the application was exceptional, to which Ms Fitzpatrick advised that according to planning Policies, this application would be better suited to the reuse of existing buildings within the countryside as per planning policy.

Councillor Finnegan queried whether the Planning Department had carried out a distance measurement within the District with regard to similar facilities, to which Ms Fitzpatrick advised that this wasn't carried out in terms of services within the District but confirmed that as contained within the Case Officer's Report, the Planning Department had taken consideration of facilities within the locality that offered the relevant services.

Following a query from Councillor McAteer, a discussion ensued with regard to the expected clientele, and what research had been carried out in relation to potential need within the

(6) LA07/2023/2237/O

On agenda as a result of the Call-In Process

Location:

15 Brackenagh East Road, Ballymartin, BT34 4PT

Proposal:

Proposed site for an off-site replacement dwelling and domestic garage.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane detailed the applications to Members, advising it was located within an AONB, was a 2 storey semi-detached dwelling, included a front and rear garden with gated vehicular access from the road to the front garden and access to the rear beyond the outbuildings shown on screen, highlighted to Members that the red line of the application had omitted the rear garden portion of the site and confirmed that there had been no statutory or third party objections received.

Mr Keane highlighted to Members that the original application had a description of a "replacement dwelling" but this had been amended in agreement with the previous agent to "offsite replacement dwelling" due to the fact that the existing dwelling was a semi-detached building. He advised that the proposed new dwelling was a detached building located in the front garden, therefore off-site had a more reflective description of the application.

Mr Keane outlined that the application was considered against PPS21, noted the Planning Department had no objections to a replacement dwelling, the only concern was the siting of the proposed new build, advising that as per Planning Policy CTY3, replacing existing semi-detached or terraced dwellings would only be acceptable if replaced in situ and remaining attached to the existing development, unless mitigating circumstances were taken into consideration. He further outlined that although the agent had raised that the building was in bad condition, had little amenity space and little space to extend with peculiar parking, the Planning Department still felt that there were no overriding mitigating circumstances. He confirmed that while there was an error as listed on the presentation in the first refusal reason, the Planning Department felt that the proposed new build would have a more prominent visual impact and would result in ribbon development along the road.

Speaking rights:

In Support:

Mr Brendan Starkey outlined his reasons as to why the application should have been recommended for an approval, stating that he believed that CTY3 had been misapplied and that the replacement dwelling was wholly within the established curtilage of the existing dwelling, explaining that this was why he believed that the application was for an on-site replacement dwelling, and not an off-site as noted earlier. He further stated that there were mitigating circumstances that had not been considered by the Planning Department which included that the current dwellings were narrow and wide, unduly prominent and lacked symmetry, were extremely dilapidated and had clashing finishes to the local area, while the new proposed build would have a positive impact on the rural character of the area. He also outlined that the proposed access arrangements would improve road safety with regard to the outbuildings blocking sight lines to the road. He advised that the Planning Department

Ms Annette McAlarney outlined that the application had been amended to be located East of the address, not West, confirmed that no objections had been received regarding the application, and that it had been considered against CTY10 of PPS21 for farm dwellings and also against CTY13 and 14, which related to integration and rural character. She confirmed that the farm business was active and established as per policy, but advised that as per Criteria B of CTY10, which required that no development opportunity sold be off from the farm holding within ten years of the application, an issue arose relating to number 63 and its associated garage. She outlined that the registered address of the farm was not at this address, but was registered elsewhere, and therefore the buildings could not be considered linked with the farm, and therefore the proposed site was not visually linked or sited to cluster with an established group of buildings on the farm holding.

Speaking rights:

In Support:

Mr Gerry Tumelty outlined that the main reason for refusal was due to weight applied to the ownership of number 63 and the associated garage in their consideration to being linked to the farm. He provided background information in that the previous owner of the farm had resided at the address and confirmed that following Mr Magee's death, the residence passed to the ownership of his partner, while his son took on ownership of the farm and registered the farm at his current residence. He detailed that while the ownership of the residence was not officially linked with the farm, it had not been sold off and put forth his argument as to the consideration of this with regard to the policy as outlined, advising that the farm holding had not sold off any property or land and therefore the application should have been recommended for approval.

Councillor Hanna requested clarification regarding the siting of number 63 to the farm, and queried some details regarding the stable and ruinous structure, the outcome of which was that the Planning Department were of the opinion that number 63 was not connected to the farm as previously outlined and could not be considered in line with policies, the stable was one building and the roofless structure was not considered a building, therefore there was no cluster for the new build to integrate with.

Further discussion then ensued between Councillor Hanna, Councillor Tinnelly and Ms McAlarney regarding the use of the ruinous structure, the possibility of the stable being considered as one or two dwellings given that the inside was separated by a stone wall similar to that of a semi-detached dwelling, to which Ms McAlarney confirmed that the stable was considered by the Planning Department as one building, not two, and that the roofless ruinous structure was not considered as a building.

Following this discussion, Mr Tumelty advised that the roofless structure exhibited characteristics of a dwelling and should have been considered as such but highlighted that the crux of the issue was what constituted a sell off of property from the farm, as no property or land had been sold off.

Councillor Hanna then requested legal advice regarding the consideration and weight applied to the stable as one or two buildings and to the roofless structure, to which Mr Peter Rooney advised that the Committee may wish to view the site for themselves.

Councillor Campbell queried whether Planning Policy was lenient or not regarding the building being considered as part of the farm holding or not, and Mr Peter Rooney advised that in terms of policy it was a black and white condition, but the situation being put forward here was the dwelling was still a farmhouse, the original farmers wife resided within, and it hadn't technically been sold off. He outlined that policy did reference family, advising that there were particular circumstances that had been articulated by the agent regarding the

background of ownership of the property, and further highlighted that this instance strayed into the technical area of law regarding property disposal following probate with the potential that the policy was open to interpretation but cautioned that this had all been considered by the Planning Department when reaching their decision.

Councillor Campbell further queried the blue line boundary as detailed on the case officer's report, to which it was confirmed that the land at number 63 was still within the farm ownership, but the registered farm business address was no longer at this address, and this had led to the refusal recommendation.

Councillor Enright then queried if the applicant were to move back to number 63 and declare ownership at that address, would the application have been recommended for approval.

Ms McAlarney noted that the Planning Department could not consider a hypothetical situation and reiterated the salient points in that number 63 was not part of the farm business in relation to Planning Policy.

Following a further enquiry from Councillor Enright regarding the wishes of the applicant in relation to an outcome from the Committee, Mr Tumelty confirmed that he wished for number 63 to be seen as an extension of the family farm as the applicant's mother currently resided there and to take note that should something happen to her, the building would revert to the ownership of the applicant.

Councillor D Murphy advised Members that it was the remit of the Committee to consider the application as submitted and not to speculate on any future changes to the situation.

A discussion then ensued regarding the consideration of the stable as either 2 or more buildings, similar to the previous application that had been discussed, to which Ms McAlarney confirmed that it was the opinion of the Planning Department that the stable was one building, while Councillor Hanna and Councillor Tinnelly stated they believed that it was at least two buildings similar to a semi-detached house as the interior was separated by a stone wall and the building had two entrances.

Councillor D Murphy then queried whether the derelict building could be considered a building if a roof had been applied, to which Ms McAlarney advised again that the Planning Department had considered the situation on the ground and could not speculate on any potential changes to existing buildings.

Following the discussions, Councillor Enright then proposed to overturn the officer's recommendation stating that he believed that the property was clearly a farm dwelling within the meaning of planning policy.

Councillor Hanna seconded the motion, stating that in his opinion the stable was more than one building, and should the derelict building be roofed to make a shelter for horses it would be considered a building, and therefore policy requirements would be satisfied.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Enright, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2804/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

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

Agreed: On the proposal of Councillor Campbell, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on the following item, 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 Finnegan, seconded by Councillor Rice, it was agreed the Committee come out of closed session.

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

P/089/2024 **LEGAL OPINION FOLLOWING DEFERRAL OF APPLICATION LA07/2023/2331/F**

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

AGREED: It was agreed on the proposal of Councillor Rice, seconded by Councillor S Murphy, to note the legal opinion shared.

Councillor Tinnelly left the meeting during the above discussion – 11.57am
Councillor Enright left the meeting during the above discussion – 12pm

P/090/2024 **DRAFT DUNDALK AREA PLAN 2024 – 2030**

Read: Report dated 02 October 2024 from Mr J McGilly, Assistant Director Economy, Regeneration & Tourism, regarding a Draft Dundalk Area Plan 2024 – 2030 (**Copy circulated**)

AGREED: It was agreed on the proposal of Councillor Hanna, seconded by Councillor Campbell, to note the contents of the report.

P/090/2024

HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 12.08pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 50% of decisions overturned



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2956/O

Date Received: 12/06/2023

Proposal: Proposed 2No. infill dwellings.

Location: Between 34 and 36 Flagstaff Road Newry.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015; the site lies within an Area of Outstanding Natural Beauty.

The application site is a portion of an open agricultural field on the edge of the public road, the site slopes from the road edge to the northeastern boundary of the site. The roadside boundary and southeastern boundaries are defined by hedges and the two remaining boundaries are defined by post and wire fences; the site is quite open to views when travelling along the public road.

Adjacent and north of the application site is No 34 a relatively modern modest property, adjacent and south is No 36 a small roadside property with associated outbuildings. The site is located in a rural area although there are a number of other properties located in the vicinity of the site.

Site History:

LA07/2017/0615/O - Lands immediately north of No. 36 Flagstaff Road, Newry - Infill Site for 2 No. Dwellings – Permission Refused 20/07/2017 – Planning Appeal dismissed by the PAC 15/01/2018.

Planning Policies & Material Considerations:

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

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

- Planning Policy Statement 2 Natural Heritage
- Building on Tradition.

Consultations:

DFI Roads – No objections in principle to this proposal subject to submission of detailed plans at reserved matters stage.

NI Water – No objections raised.

DFI Rivers - No objections raised.

Objections & Representations:

The application was advertised on 01/08/2023 & 02/08/2023, seven (7) neighbours were notified on 07/12/2023, one objection has been received, the points of objection are outlined below.

- Proposal would result in a loss of views – this carries little planning weight.
- If approved any dwelling should be single storey in design – this would be considered if the Council are minded to approve the application.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for infill dwellings in accordance with policy CTY8.

Policy Consideration

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. North of

the site is No 34 which is considered to have a frontage with the road, a further property is located adjacent and north of No 34. South of the site No 36 is considered to have a frontage with the road. It is considered that 3 buildings are located along the road frontage.

The second step in determining if an infill opportunity exists is to identify whether the gap site is small and the third step in determining if an infill opportunity exists is whether in terms of size, scale, siting and plot size the appeal proposal would respect the existing development pattern. For the purpose of policy that is "sufficient only to accommodate up to a maximum of two houses".

The proposal is for outline permission and so little details are provided, the agent for the application argues that the frontage is in keeping with existing properties in the area. The agent has been advised that the road frontage distance is not the sole consideration but that Policy CTY 8, relates to the gap between road frontage buildings as outlined by the PAC and not to the width of the frontage for an application site. In this instance, the gap between No 34 and No 36 measure 125 metres. Irrespective of the road frontage width of properties in the area, such a gap could accommodate more than two dwellings while respecting the existing development pattern in the area. As a result, proposal fails to meet the second and third steps.

As outlined above within the site history a previous application on the site for two infill dwellings was refused and the appeal dismissed by the PAC, the decision agreed that the gap was excessive and could accommodate up to 3 dwellings. The circumstances on the ground remain the same and have not changed since this previous refusal for the same development.

The appeal decision for LA07/2017/0615/O (2017/A0096) on this same site stated;

"I am clear that is the size of the gap between buildings that is the critical test in Policy CTY 8, not the extent of the site identified for the purposes of applying for planning permission. The gap between the dwelling north of the appeal site and No. 36 Flagstaff Road measures some 120m, and this was not disputed by the appellant. Such a gap could accommodate three dwellings on plots of 40m wide. Whilst I accept that there is other development within the substantial and continuous built up frontage on wider plots the critical test in Policy CTY 8 pertaining to this appeal is whether the gap between buildings is sufficient only (my emphasis) to accommodate up to two houses. Notwithstanding that the appellant submitted a layout showing two dwellings located within the appeal site, as I consider that the 120m wide gap could readily accommodate up to three dwellings the proposal fails to meet this requirement of Policy CTY 8. The proposed development would add to the existing ribbon of development that defines this part of Flagstaff Road."

Another PAC decision 2019/A0158 relates to a similar situation with the gap between buildings for the appeal site being 137 metres, the PAC stated that this gap was not considered small but that it could accommodate more than two dwellings, it concluded that as a result the proposal failed to meet the second and third steps, the planning appeal was dismissed.

The fourth step of the infill policy in CTY 8 that must be considered is whether the proposal meets other planning and environmental requirements.

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such dwellings on the site would be considered prominent features in the landscape. The site at present is open to views as the site lacks natural boundaries and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated, the site is open and would require substantial planting to allow a dwelling to integrate and so any dwellings on the site would be prominent. Dwellings on the site would result in a suburban style build-up of development when viewed with existing buildings in the area and dwellings on the site would add to a ribbon of development along Flagstaff Road. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage

Policy NH6 is applicable as the proposal is located with a designated AONB, namely the Ring of Gullion Area of Outstanding Natural Beauty. The design, size and scale of the proposal can be dealt with by way of conditions. Given the proposal lacks integration, will add to ribbon development and build up, the siting of the proposal is considered unsympathetic to the special character of the AONB in general and of the particular locality.

With regards to biodiversity any development will require the removal of the roadside hedge, any approved development would require additional boundary planting which would compensate for the removal of the roadside vegetation.

Planning Policy Statement 15 – Planning and Flood Risk

DFI Rivers raised no specific objections to the proposal, below is a breakdown of their comments with regards to PPS15.

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable.

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains – Information provided confirms that the surface area will not exceed 1000 sqm and as such a drainage assessment is not required.

The response then states that the private soakaways system proposed have no outlet and drainage is via percolation through the soil strata. Commenting on the efficacy of the proposed soakaways system is outside Rivers Directorate PAU area of knowledge and expertise.

FLD 4 – Artificial Modification of Watercourses - Not applicable.

FLD 5 – Development in Proximity to Reservoirs - Not applicable.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable subject to acceptable drawings being submitted at Reserved Matters stage should the application be approved.

Recommendation: Refusal

Refusal Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Flagstaff Road and does not represent an exception of policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for buildings to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration 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 Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 19/06/2024

Authorised Officer: Maria Fitzpatrick **Date:** 19/06/2024

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 _____



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1258/RM

Date Received: June 2021

Proposal: Erection of 42 residential dwellings comprised of 28no. semi-detached, 14no. detached dwellings, provision of hard and soft landscaping including communal amenity space, provision of in curtilage car parking spaces, and all associated site works

Location: Lands to the rear of 11 Hilltown Road, Newry and adjacent and south of 'Ardfreelin', Hilltown Road, Newry

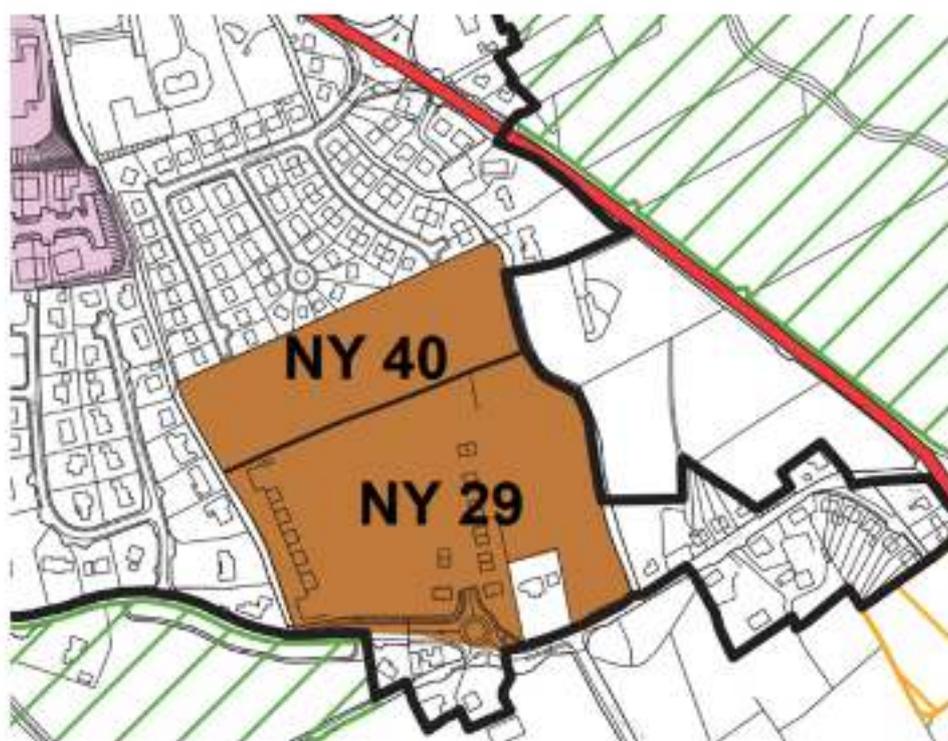
Site Characteristics & Area Characteristics:

The site entails a long rectangular shaped plot currently in use as grazing land enclosed by hedgerow and trees along all boundaries. The site slopes upwards from north-east to south-west. It is located between existing developments including Ardfreelin to the north-west, Cairn Hill to the west and Carneyhough Court to the south-east. Right of Ways abut the site to the east and west. These ROWs are not included within the red line boundary.

The site is within the settlement development limits of Newry and is zoned for housing (NY 40) as designated in the Banbridge, Newry and Mourne Area Plan 2015.



Site location map



Development limits of Newry – Extract of Map No. 3/02a

Site History:

- P/2005/2485/O - Lands to rear of 11 Hilltown Road and adjacent and south of Ardfreelin housing development, Newry - Site for housing development (with access off Ardfreelin, Hilltown Road) – Permission granted August 2014
- LA07/2017/0516/O - To rear of 11 Hilltown Road Newry and adjacent and south of 'Ardfreelin' Hilltown Road Newry - Renewal of approval P/2005/2485/O - Erection of private housing development with access from Ardfreelin Housing Development, Hilltown Road, Newry – Permission granted July 2018

The RM application has been submitted within 3 years of the date of the outline approval listed above. Plans submitted show compliance with all outline conditions.

For clarification, condition No. 14 of the outline approval reads as follows:

"The existing natural screenings of the site along the entire perimeter of the application site as identified on drawing no. LA07/2017/0516/01 date stamped 4th April 2017 shall be retained and no lopping or felling of trees and hedging shall take place without the prior written consent of the Council, unless necessary to provide access to the application lands or to prevent danger to the public in which case a full explanation shall be submitted to the Council within 28 days.

Reason: To ensure the maintenance of screening to the site and to help safeguard the amenity of neighbouring residential properties."

The plans originally submitted showed the removal of some trees along the perimeter of the site which is contrary to the outline condition above. The Agent was advised of this. In response, an amended landscape plan with a note depicting several trees to be removed to allow for the erection of a retaining wall and dwelling. Compensatory planting was proposed. The Department relayed concerns in that the 'justification' for the loss of trees did not result in compliance with Condition No. 14. An amended site layout plan was submitted including a note for the subject trees to be crown reduced.

Given the wording of the condition, this is considered acceptable. However, a Preliminary Ecological Appraisal Survey (PEA) was requested. In response, the Agent advised that works to the trees had already been implemented and no biodiversity concerns were raised by the ecologist with regard to the works.

Consultation with NIEA NED requested the submission of an ecological report or confirmation from an ecologist that a survey/inspection has been undertaken. A letter from an ecologist detailing a desktop study confirming that the works to the trees enabled their retention and that the operation was undertaken with likely negligible risk of illegal disturbance of Bats, Birds, or structures used by them.

Following further consultation, NIEA NED advised that they cannot provide comment on how the development may have had on the local bat population as no bat roosting assessment was carried out on the trees at outline stage or prior to works.

Further clarification provided by the Agent confirmed that there were no signs of any bat activity prior to the tree pruning/crown reduction and that "pruning" in the form of a crown reduction has been carried out rather than "lopping", as incorrectly described by the ecologist. The Agent further advised that due to the poor health of some of these trees, carrying out crown weight reduction has also prevented danger to the public and residents of 40 and 42 Carneyhaugh Court who are very close to these trees.

Given the information submitted to date including correspondence provided by an ecologist, the Department considers the works carried out comply with Condition No. 14 of the outline approval and no further consultation with NIEA NED is required.

Planning Policies & Material Considerations:

- Banbridge / Newry and Mourne Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS 12 – Housing in Settlements
- PPS 15 – Planning and Flood Risk
- Supplementary guidance including
 - Creating Places
 - Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
 - Parking Standards

Consultations:

- NI Water originally issued a response in August 2021 recommending approval. A re-consultation was issued in April 2023 given the timeframe that had since passed, and a response was issued recommending refusal due to capacity issues. This is a Reserved Matters application, as such the principle of a housing development on the site has already been established. A final re-consultation was issued to NI Water explaining the type of application under consideration. NI Water issued a final response recommending approval.
- Environmental Health offered no objections subject to working hours and mains connection conditions.

- DfI Rivers reviewed the Drainage Assessment submitted alongside the application and advised that the applicant has provided adequate drainage drawings and calculations to support their drainage proposals. Furthermore, the applicant has provided evidence from NI Water granting storm water discharge based on a greenfield run-off rate of 19.8l/s from the proposed site to a 600mm diameter public Storm sewer located at the eastern boundary of the site. Therefore, DfI Rivers while not being responsible for the Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. The applicant should continue to liaise with NI Water to ensure the safe discharge of storm water run-off from the proposed site.
- DfI Roads – A final consultation response issued March 2024 acknowledged the letters of objection, however advised that the existing and proposed road specification meets the requirements for a road serving up to 200 houses as per the guidance provided by 'Creating Places'; therefore DfI Roads are satisfied with the proposal.
- NIEA NED – requested the submission of a PEA (explained above as per clarification of compliance with Condition No. 14 of the outline approval). NED also advised that the street lighting plan submitted with this application does not show a map showing predicted light spillage across the site (isolux drawing).

In response, the Agent submitted amended drawings, a lighting impact assessment, an outdoor lighting report and a letter from an ecologist. Following re-consultation, NED requested an ecological report or confirmation from an ecologist that a survey/inspection has been undertaken. A letter from WM Associates Ecology NI (content detailed above) was submitted.

A final response from NED was received confirming that the lighting plan indicates the light spill from proposed lighting on site is unlikely to significantly impact the local bat population.

NED went on to advise that they cannot provide advice/comment on any potential impact the crown cleaning/lopping may have had on the local bat population as no bat roosting assessment was carried out on the trees at outline stage or prior to works, no assessment was deemed to be required at outline stage.

Given the information submitted to date detailed above including correspondence provided by an ecologist, the Department considers the works carried out comply with Condition No. 14 of the outline approval and no further consultation with NIEA NED is required.

Objections & Representations:

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

Objections from neighbouring residents have been received and summarised below:

- Impact on traffic and road safety – potential to create a new access onto Hilltown Road
- Development will impact biodiversity and wildlife
- Increase air pollution and noise from construction and additional traffic
- Inadequate infrastructure – sewage. Concern regarding NI Water's change in response to consultation
- Lack of community consultation
- Damage to existing roadways, footpaths and buildings in Ardfreelin
- Impact on privacy and security of existing residents
- Impact on disabled access – using pavement
- Application should be classified as a major application – site is more than 2 hectares
- Delay in notifying residents of amended/additional information received
- Design of houses and materials are not in keeping with surrounding area
- Open space provision is inadequate
- Antisocial behaviour
- Local schools and nurseries oversubscribed at present
- Property value decreasing
- Loss of view into open countryside

A meeting was facilitated by the Planning Department with residents and several local Councillors.

Following the meeting, the Planning Department did raise the matter with the Planning Agent regarding possible scope to use an alternative temporary access during construction phase. In response, the Agent submitted a Construction Traffic Management Plan which details a work programme including likely duration of works and operational times during the construction phase. The Plan details how construction traffic including site personnel movements will be managed which includes the safe control of traffic movements at the development site by the developer and its sub-contractors during the construction phase. This assessment also considers construction traffic interaction with adjacent land use(s). The Plan includes a map that shows direction of construction traffic as well as parking and machinery and materials storage within the site compound, therefore the pavements within Ardfreelin should not be used by construction vehicles.

It is acknowledged there was no absolute requirement for the agent to provide this Construction Plan at this RM stage.

Noise during the construction phase will be on a temporary basis and restricted to daytime hours. Damage caused by construction works is outside the remit of planning and is a civil matter between involved parties. Also, potential anti-social

behaviour resulting from development is also not a planning consideration. This matter should be referred to the relevant authority.

The concern that local schools and nurseries are oversubscribed at present is not a material consideration in the assessment of this application. The land is zoned for housing.

This is a Reserved Matters application. Outline planning approval has been granted for a housing development with access through Ardfreelin. The site is zoned in the Area Plan for housing. The RM submission complies with the KSR regarding housing density.

The Hilltown Road is a Protected Route whereby Policy AMP 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

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

DfI Roads, who would be most competent on roads matters have been consulted several times during the processing of the application. In a response dated March 2024, DfI Roads advised that they are satisfied with the proposal. DfI Roads acknowledged the letters of objections however advised that the existing and proposed road specification meets the requirements for a road serving up to 200 houses as per the guidance provided by 'Creating Places'.

NI Water originally issued a response in August 2021 recommending approval. A re-consultation was issued in April 2023 given the timeframe that had since passed, and a response was issued recommending refusal due to capacity issues. This is a Reserved Matters application, as such the principle of a housing development on the site has already been established. A final re-consultation was issued to NI Water explaining the type of application under consideration. NI Water issued a final response recommending approval.

The area of an application site relates to the lands outlined in red on the site location map. The site area does not exceed the 2 Hectares threshold. As such, the application is not Major development therefore community consultation is not a legislative requirement. The red line boundary has not changed from that approved at outline stage.

Regarding biodiversity and wildlife, NED confirmed that the lighting plan indicates the light spill from proposed lighting on site is unlikely to significantly impact the local bat population. The existing boundary planting is to be retained.

The design of the houses including the layout of the development and its appropriateness to the character of the area will be considered in detail under Policy QD 1 below. The impact on the privacy of existing residents will also be discussed under Policy QD 1.

The provision of open space is discussed below under Policies QD 1 and OS 2.

Loss of view and devaluation of housing is not a material consideration.

To clarify, the Department is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). Neighbouring land means land which directly adjoins the application site, or which would adjoin it but for an entry or a road less than 20m in width. Identified occupier means the occupier of premises within a 90-metre radius of the boundary of the application site. Identified occupiers that directly adjoin the application site were notified of the amendments made to the application.

A number of properties that also do not directly adjoin the application site received re-notification letters. This is because representations were received from those addresses; as such, the Department notified those addresses of the amendments made to the application. A number of representations were received without any address; therefore, the Planning Department was unable to notify those properties of the changes.

As per Article 8(1)(d) of the GDPO, the Planning Department must not determine the application before the expiration of 14 days from the date stipulated on the notice to any identified occupier. Once the Department was alerted to the delay in the posting of the letters, an extension of time was permitted to allow for the submission of representations. The delay appears to be the result of external delays in the processing and posting of letters.

Consideration and Assessment:

This is a Reserved Matters application whereby outline planning permission for a residential housing development was approved in July 2018 under LA07/2017/0516/O. It has been determined above that this is a valid RM application, as such the principle of development has been established on site. This application will assess the matters reserved such as house types, landscaping, access etc. The residential development will comprise 42 residential dwellings (28no. semi-detached and 14no. detached dwellings), provision of hard and soft landscaping including communal amenity space, provision of in curtilage car parking spaces, and all associated site works. Eight different house types are proposed and details are listed below. Finishes include slate grey coloured 'Redland Mini-Stonewold' roof tiles,

a mix of brickwork and K Rend smooth rendered walls, uPVC windows, external doors and RWGs.

House no.	House type	Ridge height from FFL	Total floor area
6 no. HT 1	3 bedroom detached	7.5m	116.2sqm
4 no. HT 2	4 bedroom detached	8.8m	158sqm
4 no. HT 3	3 bedroom semi-detached	8.3m	111.6sqm
14 no. HT 4	3 bedroom semi-detached	8.6m	115.5sqm
6 no. HT 5	3 bedroom semi-detached	8.3m	149sqm
3 no. HT 6/HT 6A	3 bedroom detached	8.3m	147.8sqm
1 no. HT 7	3 bedroom detached	8.4m	122.5sqm
4 no. HT 8	3 bedroom semi detached	8.4m	149sqm

Two access roads are to be extended from Ardfreelin as per the KSR detailed in the Area Plan. In-curtilage parking is provided for all dwellings. A portion of open space is to be provided. A full landscaping plan has been submitted detailing the retention of boundaries and enhancement of existing boundaries as well as the erection of a planted retaining wall. Other boundaries include 1.8m high vertical board timber fencing (to rear gardens), 1.2m high ranch style fencing and ornamental hedge planting (to the front). The site layout and landscaping plan is shown below.



Principle of Development

As the development is within Category 10(b) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development.

The Council has determined as such that the planning application does not require to be accompanied by an Environmental Statement.

The Planning Act (NI) 2011

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limit of Newry. The site is zoned for housing (NY 40) and accessed through Ardfreelin. The Key Site Requirement for this site is:

- Housing development shall be at a minimum gross density of 15 dwellings per hectare and a maximum gross density of 25 dwellings per hectare.

The residential use of the site and access through Ardfreelin is in line with the Area Plan. The site measures approx. 1.95 hectares with 42 houses proposed, thus resulting in a housing density of 22 dwellings per hectare which is in line with the KSR.

The NI Regional Development Strategy 2035

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high-quality accessible housing within existing urban areas without causing unacceptable damage to the local character. As this proposal is increasing housing provision within the Newry area in a sustainable manner, it would be in line with the regional housing policy of the RDS.

The Strategic Planning Policy Statement

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

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

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

This is a Reserved Matters application whereby outline planning permission for a residential housing development was approved in July 2018 under LA07/2017/0516/O. It has been determined above that this is a valid RM application, as such the principle of development has been established on site. Given the principle of a housing scheme on this site is established, the primary considerations in this assessment relate to the detail and suitability of the proposed detailing, against the relevant design and policies outlined; including those matters relating to;

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

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

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

It is considered that the development respects the surrounding context and is appropriate to the character and topography of the site given the proposed density which is similar to adjacent housing developments whereby the proposed plot sizes are reflective of the plot sizes within the existing residential area which is made up of a mixture of detached and semi-detached dwellings with front and rear gardens and in-curtilage parking and strong building lines. The existing residential accesses serving Ardfreelin will be extended to provide access to the proposed housing development. This in line with the Area Plan and outline approval.

The house types proposed comprise a mixture of detached and semi detached 1 ½, 2 and 2 ½ storey dwellings. The house types are similar to those within the adjacent housing developments, Ardfreelin and Carneyhough Court in terms of scale, mass, design and external finishes. A mix of house types and sizes has been provided, which not only promotes choice and assists in meeting community needs, but also helps create a visual variety and interest.

The dwellings on Plots 42 and 10 with frontage to the internal access roads and the open space are dual fronted which presents an attractive outlook. The building line extending from Ardfreelin is respected. Small grassed front gardens are proposed which reduces the appearance of hard surfaced areas (with the exception of in-curtilage parking spaces) and creates a pleasant space for residents. Areas of planting are also shown on the site plan which contributes to the attractiveness of the development. Suitably sized private amenity space/rear garden areas are proposed.

The FFLs for the dwellings range from 43.75 (north eastern portion of site) to 58 (south western portion of site) which is reflective of the sloping nature of the site and adjacent housing developments Ardfreelin and Carneyhough Court.

Appropriate boundaries are proposed including the retention and augmentation of existing natural boundaries, the erection of a planted retaining wall, timber and ranch style fencing. Whilst the use of prominent retaining walls within and at the margins of sloping sites would typically be unacceptable, a landscaped retaining wall is proposed which will soften the visual impact. The retaining wall along the western boundary of Ardfreelin is also noted.

(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;

No archaeological, built heritage and landscape features were identified. The existing natural boundaries of the site are to be retained as detailed above. NIEA NED have offered no objections regarding the Lighting Plan and the potential impact on habitats and species.

(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 42 dwellings. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits. The policy refers to the developer providing at least 10% of the site area for open space. The SPPS moves away from a specific percentage provision.

The provision of open space has both recreational and social value and helps to establish a sense of identity. The 'greening' of an area can also contribute to people's health, well-being and quality of life, particularly that of children, and can help promote biodiversity.

The application site measures 1.98 hectares. The definition of open space as found in the annex of PPS8 includes 'green corridors' which contains 'amenity walkways'. A total of 1842sqm of open space has been provided which is approx 9.5% of the site area.

It is acknowledged that previous phases (Ardfreelin) have provided no open space, however it is not for this application to make up for this overall shortfall or lack of provision.

The level of open space provided for this specific proposal is deemed sufficient in line with policy.

To provide for maximum surveillance areas of open space are best located where they are overlooked by the fronts of nearby dwellings. The open space is adequately overlooked by the fronts of nearby dwellings and easily accessible.

The average garden amenity is in excess of 70m² which demonstrates a capacity for generous rear gardens which will provide an adequate standard of private amenity space, exceeding the standards laid down in Creating Places. Landscaping proposals, including the retention of the natural boundaries are also considered adequate to soften the visual impact of the development and assist in its integration with the surrounding area.

(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. The zoning in the Area Plan does not indicate the need for neighbourhood facilities. Nonetheless, the application site is within proximity of facilities within Newry including schools, places of worship, shops and restaurants.

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

The proposed layout includes footpath lined streets and a convenient pedestrian footway link to Ardfreelin which extends to Rathfriland Road/Hilltown Road. These footpaths lead directly to Newry City centre. A bus stop is also located at the entrance to Ardfreelin providing another link to the city centre and beyond. The red line boundary does not extend to include two ROWs which exist along the east and west of the application site. Therefore, the development will not hinder these ROWs. Traffic calming measures are shown on the site layout plan including speed cushions and the subdivision of the development into two cul-de-sacs. DfI Roads have offered no objections to the proposal subject to conditions.

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

The site layout plan provided shows in-curtilage parking space and provision for a minimum of 2 vehicles for each unit. DfI Roads have been consulted and are content. The 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;

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

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

The surrounding land is residential in use, therefore the proposed use on land zoned for housing is not at odds with the surrounding land use. There is sufficient separation distance between the proposed dwellings and adjacent farm buildings to alleviate any concerns in terms of unacceptable odour and noise.

Creating Places provides a guidance of a minimum of around 10m between the rear of new houses and the common boundary.

The separation distances between the proposed dwellings and the existing dwellings within Carneyhough Court is sufficient whereby it is considered that there will be no unacceptable adverse effect in terms of loss of light or overshadowing. Careful window placement on rear and gable walls alongside separation distances also alleviates any unacceptable overlooking. Levels indicated on the site plan show the development in Carneyhough Court as similar levels to the dwellings proposed along the southern boundary.

Proposed development along the northern boundary abuts existing properties within Ardfreelin. Plots 34-42 have a minimum 10m garden depth which prevents any unacceptable overlooking, loss of light or overshadowing. Levels indicated on the site plan show the development in Ardfreelin along the northern boundary having similar levels to the dwellings proposed adjacent. Plots 1, 30 and 31 are sited gable to gable with existing development within Ardfreelin. Separation distances are acceptable, FFLs are similar and gable windows serve non-habitable rooms therefore there are no concerns regarding loss of light, overshadowing or overlooking of neighbouring properties.

The separation distances between the new dwellings are sufficient. Gable windows serve landings and bathrooms only. The sections submitted clearly show the sloping nature of the application site whereby through careful design, layout and landscaping, no potential amenity issues between new dwellings would arise.

Existing and proposed landscaping is also noted.

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

Construction Management Plan was submitted to detail how construction traffic including site personnel movements will be managed, including the safe control of traffic movements at the development site by the developer and its sub-contractors during the construction phase

The Department acknowledges the letters of objections received which has been discussed in detail above.

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

The boundaries proposed are adequate to deter crime and promote personal safety. The double fronted dwellings provide a degree of surveillance whereby the remaining properties present an attractive outlook onto the proposed access road. This along with the window placement allows informal surveillance of the development. Car parking for each unit is within close proximity, within the curtilage and well supervised.

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

Addendum to PPS7

Policy LC1 of the Addendum to PPS 7 states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria within Policy LC1 are met:

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

Para 2.4 of Policy LC 1 states "When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The application site comprises land zoned for housing within the development limits for Newry City. The density and general layout, plot sizes, house types, form, appearance and pattern, are in keeping with the existing character and developments of the adjacent housing developments including Ardfreelin and Carneyhough Court which comprise a mixture of semi-detached and detached dwellings. The size of the proposed dwellings also complies with the size standards provided in Annex A.

Policy LC 3 of APPS 7 covers permeable paving in new residential developments. A Drainage Assessment was submitted alongside the RM application whereby DfI Rivers have reviewed it and have advised that the applicant has provided adequate drainage drawings and calculations to support their drainage proposals.

Furthermore, the applicant has provided evidence from NI Water granting storm water discharge based on a greenfield run-off rate of 19.8l/s from the proposed site to a 600mm diameter public Storm sewer located at the eastern boundary of the site. Therefore, DfI Rivers while not being responsible for the Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. The applicant should continue to liaise with NI Water to ensure the safe discharge of storm water run-off from the proposed site.

PPS 2 - Natural Heritage

The site is not in close proximity to adjacent designated sites including any ASSIs, SACs, SPAs, RAMSAR sites, Local Nature Reserves and SLNCIs etc. There are no rivers/stream/hydrological link within the application site. The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development are not considered to be an issue. As such, Policies NH 1, 3 and 4 are not applicable.

Nonetheless, as this is a Reserved Matters application, the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed during the processing of the outline application in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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 only condition attached to the outline approval regarding ecology/biodiversity was the submission of a Lighting Plan. NIEA NED confirmed that the lighting plan indicates the light spill from proposed lighting on site is unlikely to significantly impact the local bat population.

The plans originally submitted showed the removal of some trees along the perimeter of the site which is contrary to the outline condition above. Condition No. 14 of the outline approval reads as follows:

"The existing natural screenings of the site along the entire perimeter of the application site as identified on drawing no. LA07/2017/0516/01 date stamped 4th April 2017 shall be retained and no lopping or felling of trees and hedging shall take place without the prior written consent of the Council, unless necessary to provide access to the application lands or to prevent danger to the public in which case a full explanation shall be submitted to the Council within 28 days.

Reason: To ensure the maintenance of screening to the site and to help safeguard the amenity of neighbouring residential properties."

The Agent was advised of this. In response, an amended landscape plan with a note depicting several trees to be removed to allow for the erection of a retaining wall and dwelling. Compensatory planting was proposed. The Department relayed concerns in that the 'justification' for the loss of trees did not result in compliance with Condition No. 14. An amended site layout plan was submitted including a note for the subject trees to be crown reduced.

Given the wording of the condition, this is considered acceptable. However, a Preliminary Ecological Appraisal Survey (PEA) was requested. In response, the Agent advised that work works to the trees had already been implemented and no biodiversity concerns were raised by the ecologist with regard to the works.

Consultation with NIEA NED requested the submission of an ecological report or confirmation from an ecologist that a survey/inspection has been undertaken. A letter from an ecologist detailing a desktop study confirming that the works to the trees enabled their retention and that the operation was undertaken with likely negligible risk of illegal disturbance of Bats, Birds, or structures used by them.

Following further consultation, NIEA NED advised that they cannot provide comment on how the development may have had on the local bat population as no bat roosting assessment was carried out on the trees at outline stage or prior to works.

Further clarification provided by the Agent confirmed that there were no signs of any bat activity prior to the tree pruning/crown reduction and that "pruning" in the form of a crown reduction has been carried out rather than "lopping", as incorrectly described by the ecologist. The Agent further advised that due to the poor health of some of these trees, carrying out crown weight reduction has also prevented danger to the public and residents of 40 and 42 Carneyhough Court who are very close to these trees.

Given the information submitted to date including correspondence provided by an ecologist, the Department considers the works carried out comply with Condition No. 14 of the outline approval and no further consultation with NIEA NED is required.

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 via an extension of the accesses currently serving Ardfreelin leading to Hilltown Road, which is a Protected Route, therefore Policies AMP 2, 3 and 7 are applicable. The layout includes a footpath to either side of the roads from the existing footway link leading to Hilltown/Rathfriland Road. Each property will have its own in-curtilage parking. DfI Roads has been consulted with regards to the Access, Movement and Parking, who offer no objections to the proposal in principle. The Planning Department acknowledges the letters of objection received regarding access which have been listed in detail earlier in the report. A final consultation response issued March 2024 acknowledged the

letters of objection, however advised that the existing and proposed road specification meets the requirements for a road serving up to 200 houses as per the guidance provided by 'Creating Places'; therefore DFI Roads are satisfied with the proposal.

PPS8 – Open Space, Sport and Outdoor Recreation

This proposal involves the construction of 42 dwellings. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits. The policy refers to the developer providing at least 10% of the site area for open space. The SPPS moves away from a specific percentage provision.

The provision of open space has both recreational and social value and helps to establish a sense of identity. The 'greening' of an area can also contribute to people's health, well-being and quality of life, particularly that of children, and can help promote biodiversity.

The application site measures 1.98 hectares. The definition of open space as found in the annex of PPS8 includes 'green corridors' which contains 'amenity walkways'. A total of 1842sqm of open space has been provided which is approx. 9.5% of the site area, with 2 larger pockets of communal space and smaller lined strips of street areas of green space.

It is acknowledged that previous phases (Ardfreelin) have provided no open space, however it is not for this application to make up for this overall shortfall or lack of provision.

The level of open space provided for this specific proposal is deemed sufficient in line with policy.

To provide for maximum surveillance areas of open space are best located where they are overlooked by the fronts of nearby dwellings. The open space is adequately overlooked by the fronts of nearby dwellings and easily accessible.

The average garden amenity is in excess of 70m² which demonstrates a capacity for generous rear gardens which will provide an adequate standard of private amenity space, exceeding the standards laid down in Creating Places. Landscaping proposals, including the retention of the natural boundaries are also considered adequate to soften the visual impact of the development and assist in its integration with the surrounding area.

PPS 15 – Planning and Flood Risk

DfI Rivers were consulted as part of the outline application. A Drainage Assessment was submitted as part of the RM application. DfI Rivers reviewed the Drainage Assessment submitted alongside the application and advised that the applicant has provided adequate drainage drawings and calculations to support their drainage proposals. Furthermore, the applicant has provided evidence from NI Water granting storm water discharge based on a greenfield run-off rate of 19.8l/s from the proposed site to a 600mm diameter public Storm sewer located at the eastern boundary of the site. Therefore, DfI Rivers while not being responsible for the Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. The applicant should continue to liaise with NI Water to ensure the safe discharge of storm water run-off from the proposed site.

Recommendation:

The proposed scheme is on land zoned for housing within the settlement limits of Newry. It is within an existing residential area and as the proposal is also residential it therefore is an appropriate use for this locality. As mentioned above, this is a Reserved Matters application whereby outline planning permission for a residential housing development was approved. It has been determined above that this is a valid RM application, as such the principle of development has been established on site. Having had regard to the development plan, planning policy and all other material considerations including letters of objection from neighbouring residents, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance, and there are no grounds to sustain a refusal.

Accordingly, approval is recommended subject to conditions.

Draft Conditions:

1. Time
2. Drawing nos.
3. Landscaping
4. Retention of boundaries
5. Roads
6. NI Water
7. Construction Management Plan
8. Landscape Management Plan

<p>Case Officer Signature: Eadaoin Farrell</p> <p>Date: 23.10.24</p>
<p>Appointed Officer Signature: M Keane</p> <p>Date: 23-10-24</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2024/0541/F

2.0 Date Received: 16.05.24

3.0 Proposal: Proposed erection of an ASDA superstore (replacement) with associated Petrol Filling Station including shop; and 4 no. retail units (replacement). Development includes car parking, service yard and all associated ancillary, site and access works

4.0 Location: Lands at Ballydugan Retail Park, Ballydugan Road, Downpatrick

5.0 Site Characteristics & Area Characteristics:

The application site is located within the development/ town limits of Downpatrick set within the existing Ballydugan Retail Park. The site comprises approximately 5.1 ha of land located to the SW of the settlement with access onto Ballydugan Rd.

Site is bounded by Quoile Floodplain to the North, south & west, Down County Railway to the north and to the east Market Street and Dunleath Playing fields.

The existing site comprises of the former ASDA store and a number of retail units. The ASDA store permanently closed due to structural issues and adjacent smaller retail units were also undermined following major flooding within Downpatrick in November 2023, remaining retail units were not damaged and remain as existing. Although a new temporary ASDA store was erected within the existing carpark and remains on site at present (this will not be retained).

The site is on land identified as an Area of Significant Archaeological Interest and Area of Archaeological Potential as identified by the Ards and Down Area Plan 2015



Application Site



Aerial View

6.0 Relevant Site History:

Enforcement History

LA07/2017/0349/CA – Unauthorised car display ramp. Case closed. Oct 19

Application Site:

LA07/2024/0223/PAD - Erection of ASDA superstore (replacement) with associated Petrol Filling Station including shop; and 3 no. retail units (replacement). Development includes car parking, service yard and all associated ancillary, site and access works. Current

LA07/2024/0138/PAN - Erection of ASDA superstore (replacement) with associated Petrol Filling Station including shop; and 3 no. retail units (replacement). Development includes car parking, service yard and all associated ancillary, site and access works. Agreed 28.03.24

LA07/2023/3652/F - Proposed erection of a temporary Asda Supermarket, (consisting of a sales floor, back of house, colleague facilities, plant area, chillers/freezers) rearranged car parking and all other associated site works. Approved 08.03.24

LA07/2020/1299/F - Proposed demolition of existing petrol filling station and replacement with an unattended petrol filling station comprising 4no pumping stations and covered forecourt; underground storage tanks (2no x 75,000 litre); ancillary controls building; Air and water machine; Air, Vac and Fragrance machine; along with the proposed erection of 1no Jet Wash Unit; 1no Car Wash Unit with associated plant room; landscaping and all associated site and access works. Approved 10.11.21

LA07/2020/0353/A - Installation of 3 no. freestanding signs and 1 no. 15" digital screen to booth. Consent granted 06.05.20

LA07/2019/0665/NMC - The refurbishment of the restaurant to include alterations to elevations and construction of extensions totalling 56.3sqm,. Approved 10.05.19

LA07/2018/1138/F - Car display ramp. Approved 21.09.18

LA07/2017/1440/F - The refurbishment of the restaurant to include alterations to elevations and construction of extensions totalling 56.3sqm. Approved 02.11.17

LA07/2017/1230/F - Refurbishment of restaurant, extensions and reconfiguration of drive-thru lane. Approved 28.09.17

LA07/2017/1146/A The installation of 4 no. new fascia signs. Consent granted. 31.08.17

LA07/2017/1145/A - Reconfiguration of the signage suite for revised drive thru lane; 5 No relocated and 3 No freestanding signs. Consent granted. 28.09.17

LA07/2017/0979/F – Car display ramp. Approved 02.11.17

LA07/2017/0930/F - 3 new plant to be installed on the roof. Approved 19.07.17

LA07/2016/0755/A – Signage. Consent Granted 15.08.16

LA07/2016/0742/F- Provision of external seating area to existing coffee shop. Approved 15.08.16

LA07/2015/0496/A – Signage. Consent Granted 15.03.16

LA07/2015/0497/F - 2 proposed condenser units to roof. Approved 09.06.16

LA07/2015/0419/F - Proposed change of use of vacant retail unit to coffee/restaurant use with external alterations to provide shop front. Approved 02.10.15

7.0 Planning Policies & Material Considerations:

- Planning Act 2011
- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Ards and Down Area Plan 2015
- DES 2 - Planning Strategy for Rural Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS15 (Revised) - Planning and Flood Risk
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

8.0 Supporting Documents:

- Bat Report
- Flood Risk and Drainage Report/ Assessment
- Supporting Plan, Design and Access Statement
- Ecological Impact Assessment

- Archaeological Baseline Assessment
- Outline Construction and Environmental Management Plan (oCEMP)
- Design and Access Statement (DAS)
- Pre-Application Community Consultation Report (PACCR)
- Transport Assessment Form (TAF)
- Schedule 6 Letter
- Preliminary Risk Assessment
- Proposed Foundation Solution for New Development proposals
- Generic Quantitative Risk Assessment 2024 (GQRA)
- Storm and Foul Drainage Strategy
- Visuals

9.0 Consultations:

DFI Roads (18.09.24) – No objection

HED (17.09.24) - Content

Rivers Agency (10.09.24)

A watercourse known as the 'Plank Drain' is located adjacent to the S boundary of the site and a culverted watercourse known as the 'Market Street Drain' traverses the eastern region of the site. Whilst a second culverted watercourse known as the 'Town Drain' traverses the western region of the site.

FLD1 - Portion of the S boundary of the site and the existing access are located within the 1 in 100-year fluvial flood plain. Directorate notes that no proposed new development is occurring at this region of the site

Rivers Directorate acknowledges this application has been deemed an exception to policy FLD1 and overriding regional or sub-regional economic importance by the Planning Authority. Rivers Directorate acknowledges the submission of a revised Flood Risk Assessment, comments:

- The submitted hydraulic modelling, outputs contained within section 6 of the FRA demonstrates that there is no increase in flood risk elsewhere as a result of the proposed development in the 1 in 100 year fluvial flooding scenario
- The Finished Floor Levels (FFLs) of the new retail units will be 2.65mOD. This provides an appropriate freeboard of 840mm above the 1 in 100 year fluvial flood plain.
- FRA states that structural issues were identified which forced the closure of the existing Asda store and the adjacent retail units. The applicant is proposing to construct using a different methodology for this new Asda store and adjoining units. The FRA states 'this solution has been demonstrated to be appropriate and tested by the performance of the most recently constructed Phase 2 retail units and the remediated car park'. It is outside Rivers' area of responsibility and expertise to provide assurance on whether this proposed design methodology is suitable.

- The existing access lies within the 1 in 100 year fluvial flood plain and that access to and from the site will be restricted during extreme weather conditions

FLD3 - Rivers Directorate has reviewed the Drainage Assessment and Schedule 6 consent in relation to discharge to a watercourse. Rivers Directorate, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

Flood risk in the climate change scenario

Rivers Directorate advises the planning authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that a portion of the southern boundary of the site and the existing access are located within the 1 in 100 year climate change fluvial flood plain. The predicted 1 in 100 year climate change fluvial flood levels at these locations are 2.09mOD and 2.10mOD. The predicted 1 in 200 year climate change coastal flood level at this location is 1.02mOD

The submitted FRA uses the climate change levels when considering flood risk to the development and we note that the Finished Floor Levels (FFLs) of the new retail units will be 2.65mOD. This provides an appropriate freeboard of 560mm above the 1 in 100 year climate change fluvial flood plain.

As contained within section 6 of the revised Flood Risk Assessment, the hydraulic modelling outputs demonstrates that the proposals will cause no increase in flood plain extents and a maximum increase of 7mm in flood levels on lands adjacent to the southern watercourse, in the 1 in 100 year climate change fluvial flooding scenario. The planning authority is asked to consider this localised increase in flood depths elsewhere as a material consideration in the decision making process.

NIEA (29.08.24)

Regulations Unit - No objection

NED - Additional info required on bats and lighting.

NIEA Water Man (07.10.24) - Content

EH (06.06.24) - No objection

SES (Due 22.10.24) - 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

Translink (06.06.24) - No objection

NIE (13.06.24) - No objection

NIW (14.06.24) - No objection

10.0 Objections & Representations

The application was advertised in local newspapers on the 19th June 2024.

13 neighbours were notified on the 6th June 2024.

No objections received. 1 letter of support received.

11.0 Letter of Support

Baroness Margaret Ritchie (29.08.24)

- ASDA and the associated shopping units are vital to the regeneration and revitalisation of Downpatrick which is urgently required following the floods of late October 2023.
- I have seen the detailed plans back in late March 2024 and talked to the developers and I am fully aware of their commitment to Downpatrick which will provide a much needed retail offering in this area. The developers' plan for the site will make provision for good environmental planning of this special landscape.

Content of letter of support has been noted.

12.0 Consideration and Assessment:

The existing layout at Ballydugan Retail Park has been developed over several phases and as such consists of a mix of varying retail uses.

The Asda food store forms the anchor unit to the overall site, with complimentary non-food units formed either side. The Park also accommodates a fast food/drive thru unit and a petrol filling station with associated shop and car wash occupies the Ballydugan Road frontage.

The Planning Application relates to the demolition of the affected Asda and adjacent non-food retail units, with replacements being formed, along with a new configuration to the petrol filling station with an improved shop offering.

The anchor food store has been relocated to the east of its current position, to be closer to Ballydugan Road, with the 'new' non-food units built to the west of the new Asda. This configuration allows a more efficient single customer car park to be formed centrally, serving all the retail units within the park.

Although the primary uses are essentially the same as the existing layout, the redevelopment will allow the park to be upgraded to provide additional facilities in the form of Click & Collect and Home Shopping to the Asda store, providing further choice of retail experiences and will include enhancement of EV car charging spaces.

The development will also include the reconfiguration of the existing retail park, using the existing site and pedestrian access. However, an additional pedestrian access will be formed to the N boundary of the site which will provide direct linkage to Downpatrick town centre. Access to the N boundary from Ballydugan Road.

The reconfigured layout of Ballydugan Retail Park creates a central courtyard with the main area of customer car parking surrounded by retail units. Each retail unit has an entrance positioned on the main frontage, which is formed with glazed doors and accompanying glazed shopfronts, to provide active frontages addressing the courtyard parking. The elevational treatment of the redevelopment works at Ballydugan Retail Park has been broken down into its separate elements.

The new Asda store has two prominent corners, with the main area facing the courtyard car parking, forming the main store entrance. The opposite part of the building has higher elevation. The PFS shop occupies a prominent location within the overall development and is proposed to be finished in materials to match the larger Asda retail store, including an entrance that has been highlighted with a simple frame, finished in Asda colours.

The non-food units' elevations are treated differently, to allow integration with the existing units that are unaffected by the redevelopment. These are finished with panels of facing brick between the glazed shopfronts at low level, with a canopy formed above the pedestrian walkway, linking both the old and new units. Above the walkway canopy, the elevations are clad, allowing all the units within the park to be read as one.

13.0 Development Management Regulations:

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 as retailing within Part 7 of the regulations as the area of the site exceeds 1 hectare (5.031ha) and therefore requires the submission of Proposal of Application Notice which was submitted under LA07/2022/0138/PAN.

The regulation also requires a pre-application community event to be undertaken this was carried out on the 27th March 2024 at the St Patrick Centre, 53A Market Street, Downpatrick

The agent submitted a Pre-Application Notice to the Planning Department on the 6th February 2024 which was subsequently agreed on 28th March 2024. The agent carried out public consultation by way of delivery of leaflets to home and businesses within 300m radius of the site, public exhibition and meeting with local elected representatives and community representatives

Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time (See Pre-Application Consultation Report dated 16th May 2024).

14.0 EIA Screening:

The proposal falls within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Local Planning Authority has determined through an EIA screening that there will be no likely significant environmental effects, and an Environment Statement is not required.

15.0 Habitats Regulations Screening

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 dated 22nd October 2024 the informed response is attached at Annex A of the consultation response.

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.

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 22nd October 2024. This found that the project would not have an adverse effect on the integrity of any European site.

16.0 Planning Act:

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

17.0 The Regional Development Strategy (RDS) 2035:

The RDS is an overarching strategic planning framework for the future development of NI until 2035, by addressing economic, social, and environmental issues aimed at supporting sustainable development. Downpatrick is a medium town within the Belfast catchment despite quite isolated it nevertheless performs as a higher order role than might be expected by its size.

Downpatrick has been identified within the RDS as a main hub on the E side of NI forming the main town within Down District and main location for retail provision for the surrounding area and wider rural areas. With the RDS recognising that Downpatrick acts as important centre for retailing, commerce and business and serves a substantial number of dispersed smaller settlements.

The development is proposed on lands currently in use for retail purpose and is situated within the settlement limits of Downpatrick within the Ards and Down Area

Plan 2015 (ADAP) with its close proximity to strategic transport corridors makes this site well placed for development in the context of the regional structure and strategic connections, fully conforming with the provisions of the RDS.

18.0 Ards and Down Area Plan 2015 (ADAP)



The Ards and Down Area Plan 2015 (ADAP) is the operational Local Plan for this site, which identified the site as within the settlement limits of Downpatrick (Map No. 3/002A Downpatrick) and within the town centre (Map No. 3/002H)

The area plan sets out that planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

In summary, the proposal in principle, is acceptable to the ADAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.

19.0 Planning Policy Consideration:

SPPS

Planning policy specifically relating to retailing was originally set out within PPS5: Retailing and Town Centres. This policy has now been cancelled following the publication of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and therefore sets out the relevant policy context for the assessment and determination of the application (see paragraph 1.16 of the SPPS).

The SPPS states the 'town centre first approach' will be adopted in regard to retailing, ensuring that the role of the town centre as the primary shopping destination is secured. The following locations are in order of preference for main town centre uses:

- Primary Retail Core;
- Town centres;
- Edge of centre; and
- Out of centre locations, only where sites are accessible by a choice of good public transport modes.

The site originally facilitated an ASDA superstore which was subject to substantial damage resulting in structural issues which resulted in permanent closure of the store and requires replacement. A temporary relocation of the existing retail food store was

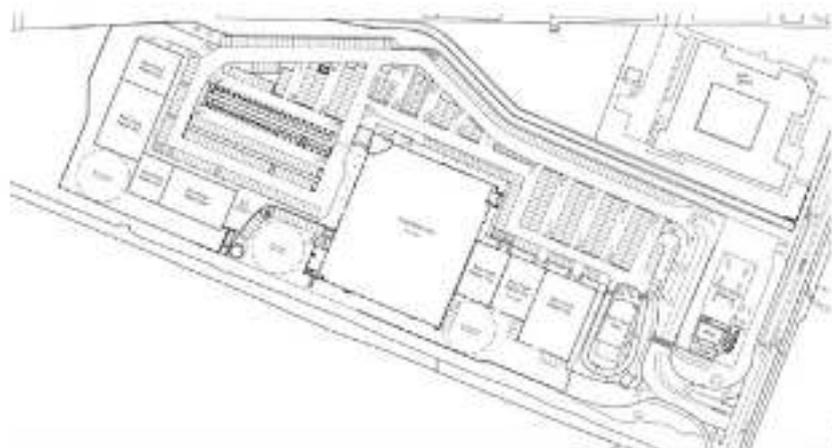
permitted within a smaller purpose built unit within the boundary of the Retail Park (LA07/2023/3652/F). The proposed application seeks to formalise and secure the long-term future of the retailer at the site.

ASDA will continue as the anchor tenant at the retail park the proposed store measuring 5357sqm will replace the existing unit (4680.8sqm) with ancillary service yard. The new store will be located slightly SE of the original store adjacent to the retained Mc Donalds Drive Thru. Proposals include an 8 pump petrol filling station with associated shop and carpark situated to the E boundary.

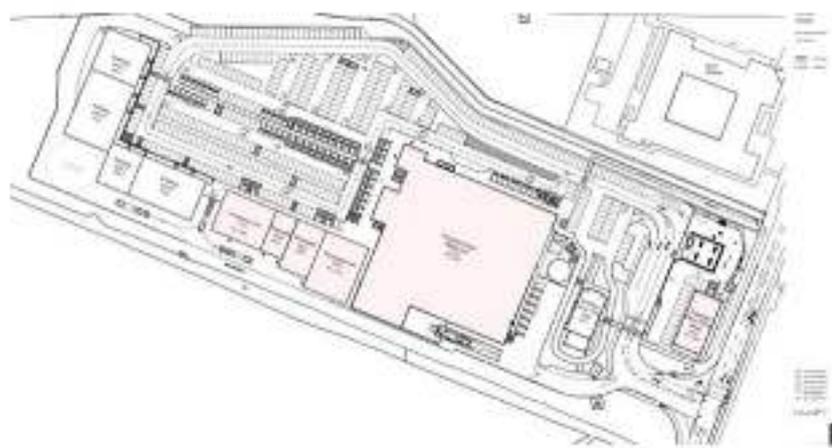
Alongside the closure of the ASDA store 3 other units to the E of the store were also damaged and subsequently closed. Proposals include the replacement of these units by 4 new non-food retail units, these will be located to the W of the ASDA store.

The SPPS outlines in Para. 6.271 that retail uses should be directed towards town centre settlements in the first instance, and as such, the principle of development is established at this location. No further assessment is required on this aspect.

Proposals meet the requirements of the SPPS in relation to retail use.



Existing Site Layout



Proposed Layout

Schedule of Accommodation

EXISTING AREA SCHEDULE (GIA)		PROPOSED AREA SCHEDULE (GIA)			
UNIT	TOTAL AREA (SQM)	SALES AREA (SQM)	STORAGE AREA (SQM)	ANCILLARY AREA (SQM)	TOTAL AREA (SQM)
FOOD RETAIL UNIT	4,800.8	4,350	596	417	5,357
NON-FOOD RETAIL UNITS (TO BE DEMOLISHED)	1,872	1,310	367	-	1,677
PETROL FILLING STATION	123	240	97	35	372
CAR WASH	55				

Table 1 – Schedule of Accommodation

20.0 DES 2 – Townscape

Proposed development is located within the development limits of Downpatrick on unzoned lands within the town centre. The site comprises of a long-established retail park comprising a mix of food retailing (ASDA) and non-food retail units (Poundstretcher, Peacocks, Harry Corry, New Look, Costa, Argos and Halford) along with Petrol Filling Station and McDonalds Drive Thru. The site has the benefit of an existing and established retail use at the site with proposals allowing for continuation of the retail use. Therefore, the land use at this location is acceptable.

Overall, the design and layout has taken account existing design and finishes continuing this use at this location. The proposed layout will consolidate the non-food retailing and improve the parking/ access arrangement internally within the site.

It does not create conflict with adjacent land uses and is sufficiently distanced away from residential properties to avoid any issue relating to residential amenity.

On this basis the application fulfils the requirement of DES 2 of the PSRNI.

21.0 SPPS - Safeguarding Residential and Work Environs 4.11 and 4.12

Paragraphs 4.11 and 4.12 of the SPPS outlines that there are a wide range of environmental and amenity considerations which should be considered when assessing a development management proposal.

Given the town centre location of the development is sufficiently removed from residential properties to have no direct impact upon amenity. No objections have been received and consultees have raised no issues of concern in consultation responses.

Other environmental considerations have been set out below in relation to water supply and sewerage.

Proposals adhere to paragraphs 4.11 and 4.12 of the SPPS for the reasons set out above.

22.0 SPPS and PPS2 (NH2 -Species Protected by Law and NH5 -Habitat, Species or Features of Natural Heritage Importance)

The site of the proposed project is not located within the boundary of any statutory or non-statutory designated sites of international, national, or local nature conservation importance.

The site is hydrologically linked to Strangford Lough SAC, Quoile ASSI, Quoile Pondage NR, Stangford Lough Part 1-3 ASSIs and Downpatrick Marshes SLNCl.

The proposed project will involve the demolition of an existing ASDA superstore and retail units. The southern side of this building is adjacent to linear habitat features which are suitable for foraging and commuting bats.

NIEA in comments dated 29th August 2024 advised that further information was required in relation to presence of roosting bats and lighting plan. This resulted in an additional bat survey report submitted 9th September 2024. The report has concluded that 'no bats recorded entering or emerging from any access points' relating to the former ASDA and retail units therefore no 'destruction of any bat roosts'. Whilst the survey noted bat activity has been observed this has been concentrated within the area of scrub land and trees along the outer boundary which will remain untouched by development proposals.

Development is located within an urban town centre with the buildings experiencing illumination from artificial lighting from a number of sources including decorative lighting, street lighting and security lighting. The survey has recommended that lighting should not be directed towards the treeline and scrub habitat where it may be required.

As a precautionary measure the Planning Department will also add conditions/informatives in relation to the survey findings.

- Designated Sites - NED in comments dated 29.08.24 has assessed the oCEMP submitted and is generally content that the implementation of the mitigation measures outlined should minimise any potential impacts on the watercourses and designated sites outwith the application site.

Although there is a direct hydrological link to Strangford Lough SAC given the distance and on the balance of probabilities that the development would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. SES have also confirmed in their consultation response dated 22nd October there are generally content subject to conditions.

- Birds – NED in their consultation response dated 29.08.24 advise that there is limited suitable habitat on site to provide nesting, roosting and foraging habitat for bird species. The scrub and treeline along the southern edge of the site, as well as the scrub habitat in the western side of the site will be retained. Therefore, NED have raised no issues of concern in relation to birds.

- Badgers - The proposed development footprint does not affect the grassland and scrub habitat in the west of the site where noted badger trails were identified. Therefore, it can assumed that the development is not likely to cause any significant effects on badgers. Furthermore, no setts were recorded within or within proximity to the site boundary.

From the information provided there is no residual environment effects on ecological resources predicted and can be adequately mitigated and controlled through planning conditions.

Subject to the implementation of planning conditions and on the basis of information provided NED are content with the proposals against PPS2 requirements. Proposals meet the requirements of the SPPS and PPS2 for the reasons set out above.

23.0 SPPS, PPS 3 (AMP 2 – Access to Public Roads and Policy AMP 3 - Access to Protected Routes) and DCAN15 - Vehicular Access Standard

A Transport Assessment Form (TAF) was submitted as part of the application. It notes that proposals will replace the existing retail units although there will be a small increase in floor space. Whilst the break down on the TAF relates to PFS and retailing separately. The Planning Department have taken the overall increase of floor space as approximately 6.8%. The TAF goes on to say that despite the small increase in floor area proposals are effectively a like for like replacement of the extant that it is predicted that there will be no significant impact upon the surrounding in transport infrastructure and no significant change in the quantum of development or trips with existing transport infrastructure can accommodate the proposal. This position is supported by DFI Roads in their consultation response dated 18th September 2024 who have indicated they have no objection subject to conditions.

The proposal is using an existing access on to a protect route and is compliant with Policy AMP 2 and AMP 3 of PPS 3.

Policy AMP 7 – Car Parking and Servicing Arrangements and DOE Parking Standards

The existing layout comprises of 452 carparking spaces which were located in two main areas to the E and W of the former ASDA store. The repositioning of the ASDA store slightly to the SE of its original footprint and relocation of non-food retail units to the west will concentrate the main car parking area to the W of the site with retail units surrounding this. Carparking spaces will also increase by 8 additional spaces (460 in total). The proposed arrangement will improve the offering in terms of accessibility by all users with parking shared across all units, with standard, disabled and parent & child spaces, collecting bays and EV charging points. From the submitted TAF the development is replaced with a similar quantum of development and therefore similar level of trips it is anticipated that given the extant baseline scenario the current proposal will not have a significant impact and adequate car park provision has been provided. There is sufficient provision of car parking to accommodate the proposal

DFI Roads in comments dated 18.09.24 have presented no objections in relation to car parking.

Proposals adhere to policy provision of the SPPS and PPS3

24.0 SPPS and PPS 6 - Planning, Archaeology and the Built Heritage

HED Buildings in comments dated 2nd August 2024 have considered proposals in relation to the SPPS (6.12) and BH11 of PPS6 and conclude that proposals pose no greater demonstrable harm to the setting of the listed building within the vicinity. The site is well separated from the building and screened by existing buildings and mature planting to cause no adverse visual impact.

Site is within an area of archaeological potential and as such HED Monuments were consulted on proposals. HED Monuments in comments dated 2nd August 2024 requested further information which was submitted 13.09.24. With reconsideration under the relevant policies of the PPS6 and SPPS. HED Monuments in their latest response dated 17.09.24 are now content with proposals.

Proposals meet the requirements of the SPPS and PPS6.

25.0 SPPS and PPS15 (Revised) - Planning and Flood Risk

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains

The agent submitted a Flood Risk and Drainage Assessment prepared by RPS as part of the application to demonstrate compliance with PPS 15.

Rivers Agency have considered this information and conclude that whilst portion of the southern boundary and existing access position are located within the fluvial flood plain and would be contrary to FLD1. However, acknowledge that the application has been deemed an exception for development within the flood plain.

They have also advised that lands within the western portion of the site are within the 1 in 100 year fluvial flood plain and note that **no proposed new development** will be occurring within this area. As an exception to FLD 1, consideration has been given to the flood risk assessment submitted August 24.

From the information provided Rivers Agency are content from the submitted hydraulic modelling outputs that there is no increase in flood risk elsewhere as a result of the 1 in 100 year flood event. As well as this the finished floor levels (FFL) of the new retail units at 2.65mOD provides an adequate freeboard of 840mm above the 1 in 100 year level.

The agent has provided additional information relating to the structural issues identified relating to the former ASDA unit and adjacent stores. Future construction works to include a different methodology than previous method, with this solution demonstrated to have been tried and tested by the performance of recently constructed units and car park area. Whilst Rivers Agency and the Planning Department cannot provide assurance on this element, the proposed methodology appears logical although this is for the developer to be responsible. Furthermore, whilst a proposed flood risk mitigation strategy has been outlined within the FRA again whilst a reasonable solution the implementation of the proposed flood risk mitigations rests with the developer and advisors. A condition/ informative can be attached informing of this responsibility should planning permission be forthcoming.

Rivers Agency have pointed out that the existing access lies within the 1 in 100 year fluvial flood plain. The Planning Department recognise that proposals intend to utilise the existing and established access arrangements there are no other available alternatives outside this area of risk. However, access to and from the site will be restricted during extreme weather conditions. Again, this is for the developer to be mindful of their responsibilities with regard to health and safety.

FLD2 - Protection of Flood Defence and Drainage Infrastructure

Rivers Agency have identified the watercourse known as Plank Darin and a culverted watercourse known as Market Street Drain and Town Drain which traverses the E and W parts of the site and therefore requires provision of an adjacent working strip to facilitate future access for maintenance. Whilst this has been indicated within the Flood Risk and Drainage Assessment a condition/informative shall be attached to any notice outlining the requirements to provide this.

FLD3 - Development and Surface Water

A Drainage Assessment (submitted August 24) and Schedule 6 consent have been submitted for consideration. Rivers Agency have reviewed this and have indicated that they have no reason to disagree with its conclusions.

FLD4 (Artificial Modification of watercourses) and FLD5 (Development in Proximity to Reservoirs) – Policy provision is not relevant in relation to this application.

Flood Risk in the Climate Change Scenario

Rivers Agency have advised in relation to climate change and predicted flood risk that portion of the southern boundary of the site and existing access are located within the climate change flood plain. With a predicted 1 in 100 year climate change fluvial flood levels at these locations are 2.09mOD and 2.10mOD with the predicted 1 in 200 year climate change coastal flood level at this location is 1.02mOD. Rivers Agency also acknowledge the Finished Floor Levels (FFLs) of the new retail units will be 2.65mOD which provide an appropriate freeboard of 560mm above the 1 in 100 year climate change fluvial flood plain. Rivers Agency also recognise that the hydraulic modelling output from information provided indicates there will be no increase in flood plain extents and a max increase of 7mm in flood levels adjacent to the southern watercourse in a 1 in 100 year climate change flood scenario.

The Planning Department are aware that the existing site is not within the floodplain itself but is surrounded by a fluvial flood plain which effects the southern boundary and existing access. Despite a marginal increase of floor area this does not create further displacement increase in the current flood plain areas. The site contains a long established and existing commercial premises which are within an area of flood risk. The current uses are long established at this location and will be continued as such. Given its town centre location with compatible land uses unfortunately it is difficult to eradicate future risk. The Planning Department nevertheless remain of the opinion that proposals would continue to meet exemption principles as set out within policy and would therefore be in compliance with FLD1 of PPS15 in this regard.

Overall proposals satisfy FLD1, 2 and 3 subject to relevant conditions/ informatives applied.

26.0 Water/ Sewerage

NIW in comments dated 14.06.24 have recommended approval subject to condition.

27.0 Consideration and Assessment Summary:

Having had regard to the development plan and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS6, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable retail development proposal which complies with the area plan, and planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

28.0 Recommendation: Approval

29.0 Draft 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:

- 0060 – External Works PSD Drawing
- 220 05 REV A – Proposed PFS Plan
- 1301 – Storm and Foul Drainage
- 5009 REV T01 – New Car Park Lighting Design
- 02-016 REV P016 – Proposed Ground Floor Plan
- 02-014 REV P06 – Proposed Site Plan
- 02-018 REV P02- Proposed Elevations
- 02-010 REV P02 – Location Plan
- 030 – Proposed Elevations for Non-Food
- 028 – Proposed Floor Plan for Non-Food Retail

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

3. The **gross** internal retail floorspace of the retail units hereby approved shall not exceed 4350 sqm for the food retail unit, 1310 sqm for the non-food retail units and 240 sqm for the Petrol Filling Station.

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

4. The retail units hereby approved **shall not be subdivided or merged** to form additional units nor combined to form fewer units.

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

5. **No internal operations**, including the construction of or extension to mezzanine floors, increasing the floorspace available for retail use shall be carried out without the prior written consent of the Planning Department.

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

6. Prior to the commencement of any construction works and for the duration of the construction phase silt fencing shall be installed and maintained along the entire length of the watercourse along the southern boundary of the site between it and the development area.

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

7. A clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/ fuels, concrete mixing and washing areas, storage of machinery/ materials/ spoil etc and all drainage channels within the site and the watercourse bordering the southern edge of the redline boundary.

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

8. The operational drainage for the site shall be designed and implemented in accordance with drawing No. 1301 (Storm and Foul Drainage Strategy, RPS 17.09.24) dated 18th September 2024. Development shall take place in accordance with the approved details and maintained thereafter.

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

9. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW).

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

10. No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance

with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

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

11. A formal water / sewer connection application shall be made for all developments prior to operational use, including those where it is proposed to re-use existing connections.

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

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

Reason: In the interest of public health

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

Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. published

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

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

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 published

Planning Department 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.

15. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. published 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.

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

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

17. No other development hereby permitted, shall become operational until the roadworks have been completed in accordance with details submitted to and approved by the Planning Department on drawing No: published

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

18. Any road widening / resurfacing will require to be machine laid to a full lane width and all road gullies to be relocated to the new kerb-line with any additional gullies installed as required and agreed with Private Streets Engineer.

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

19. 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. The details of which shall be submitted to and agreed by the Planning Department and shall be implemented as agreed.

Reason: Road safety and convenience of traffic and pedestrians.

20. 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.

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

21. The parking spaces as shown on drawing No. shall be provided prior to the operational use of the development hereby approved and shall be retained and available solely for the parking of vehicles associated with the development thereafter.

Reason: To ensure adequate parking in the interests of road safety and the convenience of roads users.

22. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

23. After completing the remediation works under Condition 22; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

24. All redundant fuel storage tanks (and associated infra-structure) shall be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2 and GPP 27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process,

Conditions 22 and 23 will apply.

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

25. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

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

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

27. All hard and soft landscape works shall be carried out in accordance with drawing No. 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.

28. 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.

29. All lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Engineers,

Regent House, Regent Place, Rugby, Warwickshire, CV21 2PN.

Reason: In the interests of residential amenity.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2023/3677/F

Date Received: 28.11.2023

Proposal: Proposed 3nr Light Industrial Unit and associated site works

Location: Lands north of Unit 2G Carnbane Gardens, Carnbane Industrial Estate, Newry, BT35 6FY.

Site Characteristics & Area Characteristics:

The site takes in approximately 0.3ha of land which is the edge of an existing yard area for gymnastics company Excel. The site which is within the Development Limit for Newry City is in an area zoned for Economic Development under designation NY65 of the Banbridge Newry and Mourne Area Plan 2015. The site which is located in the Carnbane Industrial Estate is also located adjacent to the boundary of LLPA designation NY 117.

Relevant Site History:

Application Number: P/1990/1111

Decision: Permission Granted

Decision Date: 09 January 1991

Proposal: Site for 100,000 sq ft factory for the manufacture of reflective sheeting (Special Industrial Use)

Application Number: P/1997/1049

Decision: Permission Granted

Decision Date: 16 May 1998

Proposal: Proposed industrial estate, siteworks and access road

Application Number: P/2000/2164/F

Decision: Permission Granted

Decision Date: 10 October 2001

Proposal: Access Road and services for multi-user industrial estate.

Application Number: P/2003/0020/F

Decision: Permission Granted

Decision Date: 13 May 2003

Proposal: Construction of road across site, for access to factory site.

Application Number: P/2007/1314/F

Decision: Permission Granted

Decision Date: 18 September 2008

Proposal: Erection of maintenance workshop for machinery with associated offices and site works.

Application Number: P/2008/0653/F

Decision: Permission Granted

Decision Date: 15 December 2008

Proposal: Erection of service workshop, yard, car parks and two storey office block.

Application Number: P/2010/1002/F

Decision: Permission Granted

Decision Date: 19 January 2011

Proposal: Erection of 2 storey office building and associated site works to serve existing service workshop

Application Number: LA07/2016/0438/F

Decision: Permission Granted

Decision Date: 16 June 2020

Proposal: Retrospective change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.

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 4 – Planning and Economic Development.

PPS 3 – Access, Movement and Parking / DCAN 15

PPS 15 – Planning and Flood Risk.

PPS 2 – Natural Heritage

Parking Standards.

The Planning Act (Northern Ireland) 2011

Consultations:

Ni Water – Public water supply within 20m of site and available capacity WWTW. Capacity issues with public foul sewer – refusal recommended.

NIEA WMU – the proposal has the potential to adversely affect the surface water environment.

Loughs Agency – no objections. Advice and conditions provided.

Environmental Health –no objection in principle.

DFI Roads – no objection in principle to the proposal. This comment is on the basis that Planning are satisfied with the proposed in-curtilage parking, turning and servicing arrangements.

DFI Rivers – No objections noted.

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

Objections & Representations

3 neighbours notified on 11.09.2024 and the application was advertised in the press on 25.09.2024. No objections or representations received.

Consideration and Assessment:

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

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 02/05/2024. 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 Newry City on land zoned for Economic Development under zoning NY65. The key site requirements for this zoning are,

1. Access shall be from the Carnbane Business Park access roads.

The proposed development will be accessed from the existing Carnbane Business Park access roads and therefore I conclude the proposal to be in general compliance with the key site requirements contained within the Banbridge Newry and Mourne Area Plan 2015.

The Key Site Requirements have been met within this application ensuring the application is consistent with policy SMT 2 of the Plan Strategy and Framework. I consider the proposal falls under Class B2: Light Industrial from The Planning (Use Classes) Order (Northern Ireland) 2015 and the BNMAP Plan Strategy and Framework confirms Class B2 uses to be acceptable on land zoned for Economic Development.

With the site backing on to LLPA designation NY 117, policy CVN 3 of the Strategic Plan Framework is pertinent to the application. The Plan describes this as an attractive landscape that softens the impact of the Carnbane Industrial site. The features that contribute to the environmental quality, integrity or character of these areas are;

- Localised hill (Greer's Farm), including views and vistas
- Area of nature conservation interest, including areas of woodland and groups of significant vegetation.

The site is currently a disused yard area to the side of the existing commercial building, with the proposed development set back from the boundary some 20m. The building will read with the rest of the existing development within this small cul-de-sac and therefore I am content that the proposal will not have a detrimental effect on the environmental quality, integrity or character of the LLPA.

The proposal is in general compliance with the BNMAP 2015.

Planning Policy Statement 4 / Policy DES 2 of PSRNI / Parking Standards

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

The retained policies as noted below are more prescriptive than the SPPS and therefore will be considered with determining weight as part of the consideration. Given the proposal includes a B2 use class and the fact the proposal is to be sited within the development limit for Newry City, policy PED 1 of PPS 4 is applicable.

PED 1

This policy confirms a B2 use will be permitted in an area specifically allocated for such purposes in a Development Plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. The proposed development is proposed to be located on land zoned for Economic Development which includes other industrial development. The Area Plan confirms B2 uses are acceptable in this area. As established above, the siting of the proposal is deemed acceptable. In terms of scale and form, the proposal is comparable with existing built development in the surrounding lands. The nature of the proposal is acceptable for the location and sited in land specifically zoned for such uses.

The proposal is expected to meet all the criteria of policy PED 9 (considered below) in addition to the above provisions.

(a) The proposal is compatible with surrounding land uses, where similar industrial uses are notable.

(b) The proposal will not harm the amenities of any nearby residents to an unacceptable level. Environmental Health has raised no objections and the nearest residential property is over 350m from the site.

(c) There are no built heritage features associated with the site and whilst there are trees around the site, there are no plans to remove these. The site does border a LLPA which has been considered above and given the distance of approximately 20m from the edge of the site, I am content the LLPA will remain unimpacted by the proposal.

(d) DFI Rivers Agency has no objections to the proposal following clarification on the hardstanding being below the 1000sqm threshold. There is no history of flooding at this site.

(e) The proposal is not anticipated to create a noise nuisance given its location within an industrial estate and approximately 350m from the nearest dwelling house, this position is consolidated by consultation with Environmental Health who have confirmed they have no objection to the proposal.

(f) A negative condition will ensure the proposal is connected to the sewer and agreed by NIW prior to the commencement of development. Whilst NI Water has recommended refusal, this negative condition safeguards effluent being dealt with appropriately. The agent has provided information confirming engagement with NI Water to resolve the issue. There are no known emissions associated with the development.

(g) DFI Roads has no objections to the proposal with regard to the existing road network.

(h) The proposed plans show 21 car parking spaces and 3 commercial spaces. The proposed floor area measures approximately 748sqm which would attract 20 spaces and 2 commercial vehicle spaces according to the guidance published within Parking Standards. On this basis I am content with the parking provision of the facility. There is adequate manoeuvring space provided and DFI Roads are content with the access arrangements.

(i) The proposal is in general compliance insofar that is practical and proportionate to the proposal.

(j) I consider the site layout, building design and associated infrastructure to represent a high quality which is largely dictated by the purpose and requirements of the facility. The design which is in keeping with surrounding uses is appropriate for the site and typical of that found in the surrounding industrial zoning. The buildings are to be finished in dark grey Kingspan panels with some moderate use of glazing to the front elevation which is also typical of the surrounding industrial area. The site layout is sensitive to the development pattern in this section of the industrial estate and includes the retention of existing trees and planting of new trees and a grassed area which helps soften the visual impact of the proposal, which also helps to assist and promote biodiversity and sustainability. Associated infrastructure is minimal and deemed acceptable for the location and site. For these reasons the proposal is also in general compliance with policy DES 2 of the Planning Strategy for Rural Northern Ireland.

(k) There are no area of outside storage noted on the plans. The boundaries consist of existing fencing which is typical for the area and will remain unchanged. Existing trees will be retained and new trees planted along with a grassed area to soften to the impact and help foster a sense of enclosure to the site.

(l) The proposal is designed to deter crime and promote personal safety in that fencing has been erected around the site and gates are proposed to the site entrance.

(m) As the proposal is not within the countryside this criterion is not applicable.

There are no concerns regarding amenity given the distance of approximately 350m to the nearest residential property and Environmental Health has raised no concerns. The design is of an appearance and scale that is in keeping with the built and approved development in the immediate area and will not detract from the appearance or character of the area to an unreasonable level. In conclusion I consider the proposal to meet the policy requirements in full of PED 9 and PED 1 of PPS4 and DES 2 of PSRNI.

Information has been provided to show negotiations with NI Water in terms of capacity issues in the area are on-going. On this basis it necessary to negatively condition the proposal to ensure that a connection has been acquired, prior to the commencement of development.

Planning Policy Statement 15 – Planning and Flood Risk

Following consultation with DFI Rivers, the Department has confirmed that policies FLD 1, FLD 2 and FLD 4 are not applicable to the site. Following the submission of confirmation that there will not be over 1000sqm of new hardstanding, DFI Rivers are content that a Drainage Assessment is not required under policy FLD 3, with flood risk deferred to the applicant's responsibility. Rivers Directorate reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. Rivers Directorate is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status and therefore meets the policy requirements of policy FLD 5.

Planning Policy Statement 3 Access Movement and Parking

DFI Roads has been consulted with regard to PPS3 Access, Movement and Parking. The Department has responded with no objections in principle to the proposal on the basis that Planning are content with the proposed in-curtilage parking, turning and servicing arrangements. As explored above I am content the proposal is acceptable in terms of parking and there is enough space for turning and servicing. The proposal is consequently in general compliance with PPS 3.

Planning Policy Statement 2 Natural Heritage

A Biodiversity Checklist was forwarded by the agent which produced a negative response. Having visited the site, I am content this is accurate, and I am satisfied there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

Recommendation:

Approval. The agent has a reference number for a Wastewater Impact Assessment with NI Water and I am content sufficient engagement has taken place with NI Water to allow the application to move to Planning Committee for consideration of negative conditions. These negative conditions safeguard the environment ensuring no development will commence until all foul and surface water drainage arrangements are agreed.

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: 201 REV A, 200 REV A and 202.

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

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

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

4. 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 3, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

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

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

6. 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.

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

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

8. Yard surface waters shall not be piped direct to watercourses.

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

9. Adequate containment shall be provided for all chemical and oil storage on the site. The provision of bunds shall be in accordance with the appropriate British Standards.

Reason: To prevent pollution of surface waters which is detrimental to fisheries and in the avoidance of doubt.

10. Work methods and materials shall not impinge upon any nearby watercourses. Cement and concrete shall be kept out of all drains and watercourses.

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

Case Officer: Ashley Donaldson 10/10/2024

Authorised Officer: M Fitzpatrick 11/10/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/2043/F

Date Received: 18.10.2021

Proposal: Conversion of existing farm outbuildings to one self-catering holiday chalet, with extensions and alterations and proposed new building for the provision of toilet and wash facilities and use of adjoining land for caravan pitches (short term use) with associated landscaping and site works.

Location: Lands 10m South West of 27 Low Road, Newry, BT35 8RH.

Site Characteristics & Area Characteristics:

The site as defined in red takes in approximately two thirds of an existing agricultural field, a smaller portion of a larger agricultural field, agricultural buildings and part of an existing yard area. The site borders approval P/2007/0011/RM which appears under construction. The site which is located within the countryside and the Ring of Gullion AONB, is located close to a sharp curve in the Low Road. A number of dwellings are notable in the vicinity of the site and development pressure appears to be increasing.

Site History:

Application Number: P/1986/0449

Decision: Permission Granted

Decision Date:

Proposal: BUNGALOW

Application Number: P/1987/0739

Decision: Withdrawal

Decision Date: 30 July 1987

Proposal: Site for dwelling

Application Number: P/2003/1072/O

Decision: Withdrawal

Decision Date: 10 September 2003

Proposal: Site for dwelling and garage.

Application Number: P/2003/1885/O

Decision: Permission Granted

Decision Date: 16 January 2004

Proposal: Site for dwelling and garage

Application Number: P/2004/2243/O

Decision: Permission Refused

Decision Date: 14 February 2005
 Proposal: Site for dwelling and garage

Application Number: P/2004/2095/O
 Decision: Permission Refused
 Decision Date: 14 June 2005
 Proposal: Site for dwelling and garage

Application Number: P/2007/0011/RM
 Decision: Permission Granted
 Decision Date: 21 November 2007
 Proposal: Erection of dwelling & garage.

Consultations:

DFI Roads –following additional information, no objections in principle subject to compliance with attached conditions.

NIEA – No concerns subject to compliance with attached conditions.

DAERA Armagh – Business ID over 6 yrs old, Category 1, claimed for last 6 yrs and on land currently being claimed for subsidies.

SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

Environmental Health – no objections in principle.

NI Water – approval with standard conditions

Objections & Representations

37 neighbours notified on 08.04.24 and the application was re-advertised on 11th January 2023. 90 Objections received.

Areas of Objection

1. Potential anti social behaviour, air pollution and noise nuisance on local neighbours.
2. Road unable to cope with extra traffic associated with development.
3. Entrance is on a dangerous bend and would impact road safety.
4. Proposal out of character for the area and AONB.
5. Road, near the corner is prone to flooding.
6. Exits either side of Low Road are dangerous which would be exasperated by people hauling caravans.
7. Location is unsustainable due to distance to local facilities and services.
8. Concerns on who will be staying at the caravan site particularly in off season periods.
9. No public footpath or street lights.
10. Impact on visual amenity and lack of integration.
11. Decrease the value of surrounding property.
12. Lack of consultation with neighbours and not consulted by the applicant.
13. Proposal will cause excessive littering which will cause harm to the natural countryside and animals / wildlife living within it.
14. There is no need for the facility and concerns it could become residential.
15. Potential waste and refuse pollution associated with the proposal.
16. Proposal should be called a caravan site.
17. The ground is soft, damp, boggy ground not capable or sewer and will only run into nearby river.
18. Loss of nearby residents' privacy.
19. Similar businesses already in the area.

All objections will be addressed further in this report.

Planning Policies & Material Considerations:

The Planning Act (Northern Ireland) 2011
Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 2
Planning Policy Statement 16
Planning Policy Statement 3 / DCAN 15.
Parking Standards
Building on Tradition

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The LDP in this case is the Banbridge Newry and Mourne Area Plan 2015.

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

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

As the development is within an AONB and Category 12 (e) 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. I have concluded that an EIA is not required for the proposal.

Banbridge Newry and Mourne Area Plan 2015.

The site is located in the countryside and Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. The site is located on unzoned land outside any development limit. There are no site or proposal specific comments in the Strategic Plan Framework, however in general terms the Plan's overall strategy includes the promotion of development of sustainable tourism and the test for the application is to balance facilitating tourist development in suitable locations without adversely impacting the environmental and man-made assets which attract tourists. Decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 21 – Sustainable Development in the Countryside

The agent has confirmed they consider the proposal to meet the farm diversification policies of PPS 21. PPS 16 Tourism identifies at paragraph 5.3 (single unit self catering accommodation proposals) proposals involving the reuse or adaptation of an existing farm building, or exceptionally a new building on a farm shall be considered under PPS 21 (Policy CTY 11). Similarly, paragraph 5.8 confirms proposals for a touring or predominantly touring caravan / camping sites on a farm shall be considered under PPS 21 (Policy CTY 11).

Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One such type is farm diversification proposals in accordance with policy CTY 11. Policies CTY 13, CTY 14 and CTY 16 remain applicable to the application and will be considered in further detail below.

Policy CTY 11 makes provision for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. DAERA Armagh has confirmed the business is active and established and has been in existence since 2005 with subsidies received in each of the last 6 years. Existing agricultural buildings are also located at the Ballmacdermot Road with a proposed CLUD approved in February this year for an agricultural shed. This points to the continued use of the agricultural business. With the applicant of this proposal and the owner of the farm business, one and the same and the provision of the vast majority of the holding remaining available for farming activities beyond the subject site, I am minded to accept that the proposed tourist activities would be run in conjunction with the existing agricultural activities. This position is consolidated by PAC statement 2014/A0142 where the commissioner reminded the reader that the term 'run in conjunction with the agricultural operations on the farm' is not clearly defined in the policy and it does not say that farm diversification schemes must complement the farm business or that a certain proportion of the business must be related to the farm.

The following criteria (a)-(d) will also apply to proposals considered for farm diversification under this policy.

- (a) DAERA Armagh has confirmed the business is active and established and has been in existence since 2005 with subsidies received in each of the last 6 years.
- (b) In terms of the scale of the development the caravan pitches take up approximately 2/3 of an existing agricultural field where the built development generally amounts to gravels paths and grasscrete pitch areas. Substantial planting has been included. Existing agricultural buildings are proposed to be converted and extended for a self catering holiday chalet and a new build is proposed to adjoin an existing building to house changing and shower facilities associated with the caravan pitches.

The new build for the shower block is lower than the existing adjacent shed and save for the rear return, has a similar footprint. Whilst the finishes aren't noted, these can be conditioned. The scale is similar to the existing building, it is set back from the public road and benefits from mature trees close by to aid integration and offer enclosure.

The holiday chalet proposes to extend the existing agricultural buildings. Whilst the extension is substantial in terms of new floor area (79sqm) consideration has been given to the modest size of the existing building of 29sqm and it is accepted that a sizeable extension is required to make the proposal viable. That being said, at 108sqm in total, the building remains modest in scale, mass and form. The finishes proposed seek to retain the traditional finishes of the outbuildings, and replicate the roof style, whilst also adding some modern elements such as zinc and timber which are broadly consistent with guidance within Building on Tradition. The holiday chalet will be read with the existing dwelling adjacent, and that under construction immediately west of the site. The development will also be absorbed by the backdrop of mature trees and barn located within the farmyard ensuring the holiday chalet does not appear prominent in the landscape.

In terms of the character, paragraph 5.47 of the justification and amplification notes this policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri tourism schemes. I am therefore content

tourism schemes such as this, can, in principle, be acceptable to the character of the rural area. The character of this area which includes an AONB designation appears as a predominately rural area with an increasing number of dwellings existing in the immediately locality on otherwise flat, low lying agricultural land overlooked by Slieve Gullion. The proposal for short term caravan pitches and a self catering holiday in my opinion is inconsequential to the existing character of the area and could operate simultaneously without having an adverse impact on either residential activities or agricultural activities. Visual appreciation of the character of the area is not likely to be significantly altered by the proposal particularly given the proposed planting, the short term nature of the caravan site and the set back location of the new build. The conversion and extension of the agricultural buildings will be read along with the existing built development around the site without featuring prominently in the landscape.

- (c) There is no built heritage associated with the site. Whilst there are no natural heritage features of importance designated at this site, existing natural boundaries have been in the majority retained and supplemented where practicable. The watercourse has also been considered and protected against ingress of sediment and other polluting materials by Siltmat to be placed widthways in the channel.
- (d) Environmental Health has been consulted and have responded with no objections in principle. The nearest non associated dwelling to the caravan pitches is approximately 55m and approximately 42m to the self-catering holiday chalet. It is entirely reasonable to consider that the proposal can coexist with nearby residential properties without causing significant amenity issues. It would be unreasonable to withhold permission on the basis of potential poor behaviour at the caravan pitches or holiday chalet. It is notable that one dwelling and one under construction which is in the applicant's ownership / control are located closer to the development sites. It is my assessment that through responsible management and recourse via Environmental Health that the proposal can be facilitated without causing amenity issues to nearby residents.

Proposals will only be acceptable according to policy CTY 11 where they involve the re-use or adaption of existing farm buildings. In this case, two existing outbuildings have been adapted and reused to facilitate the holiday chalet.

As the shower block is essentially a new building the exception test is engaged. I am content there are no buildings on the holding that could accommodate the proposal. Whilst an existing shed is on the holding, this holds a car body repair business and made with corrugated iron which despite the existing use, would not be appropriate for a shower block and clearly unsuitable for adaption and re-use and would not meet the requirement for other statutory agencies such as Building Control. I am satisfied the new building is acceptable in this instance. The new building is proposed to be located attached the existing shed, which sits adjacent to the dwelling and outbuildings. I am therefore content the new building would be satisfactorily integrated with an existing group of buildings.

The proposal meets the policy requirements of CTY 1 and CTY 11.

Planning Policy Statement 16 – Tourism

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

Para 6.260 continues that in the countryside planning authorities must carefully manage tourism development. This is necessary in the interests of rural amenity, wider sustainability objectives and the long term health of the tourism industry. The guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside where this supports rural communities and promotes a healthy rural economy and tourism sector.

As noted above, the start of PPS 16 points to PPS 21 for farm diversification proposals. It is however appropriate to consider the proposal against TSM 7 which is criteria for all tourist development.

A proposal for tourism use, in addition to the above considerations must meet the design criteria as laid out from (a)-(f).

- a) There are no known public rights of way associated with the site and given the rural location which is the purpose of the tourism enterprise, access to public transportation is likely to be limited. The site is flat and would support users with mobility issues to a large extent. A movement pattern is not considered commensurate to the small scale nature of the development however walking and cycling would be supported by the scheme.
- b) A lighting report and plan has been submitted and agreed by NIEA. NIEA have no concerns subject to the attached conditions following the submission of a Biodiversity Checklist, Ecological Statement and Preliminary Bat Roost Potential. Infrastructure is minimal and the design as noted above is simplistic and typical of similar schemes across the district. Landscaping features have been retained and supplemented and consequently I consider the proposal to display general characteristics of sustainability.
- c) There are no large outside areas of storage associated with the proposal with waste disposal to the rear of the shower block adequately screened from public view. Appropriate boundary treatment and means of enclosure are also provided as an integral part of the scheme.
- d) The surface water is noted to be dealt with by soakaway which is a form of sustainable drainage system. It is also noted that the grave path and grasscrete are considered porous which will also help take surface water.
- e) The layout shows the pitches close by each other which helps deter crime and promote personal safety.
- f) N/A

In addition to the above, the following general criteria must be met (g)-(o)

- g) This has been dealt with above in this report. The proposal is considered to be compatible with the surrounding land uses without detracting from the landscape quality and character of the surrounding area.
- h) Environmental Health have been consulted and have no objections to the proposal. The onus is on the applicant to run the facility in a responsible manner. Furthermore, the site has been designed in such a way to locate pitches away from neighbouring properties and additional buffer plantings shown on drawings.
- i) As noted above, features of natural and built heritage will not be compromised by the proposal.
- j) A negative condition can be added to ensure foul effluent is safely disposed of by ensuring consent to discharge is obtained prior to the commencement of development. The watercourse has also been considered and protected against ingress of sediment and other polluting materials by Siltmat to be placed widthways in the channel.
- k) DFI Roads has been consulted regarding the access arrangements and following amendments, have no objection subject to compliance with the attached conditions.

- l) DFI Roads have no objections regarding road safety or traffic flow.
- m) There is no evidence submitted or concerns from DFI Roads regarding the impact on the existing road network by any vehicular traffic the proposal will generate.
- n) N/A
- o) N/A

The proposal is therefore considered to be in compliance with TSM 7 of PPS 16.

The design, layout and ancillary works of the proposal are considered to integrate into the landscape with the topography of the site, natural boundaries, existing built development and supplementary planting which also ensures the site has a sense of enclosure. The proposal will not contribute to ribbon development or build up due to the isolated nature of the shower block and the lack of built development at the caravan pitches or have a detrimental impact on the rural character of the area and consequently is in the general compliance with policies CTY 13, CTY 8 and CTY 14 of PPS 21.

As noted above a negative condition can be added to ensure the septic tank proposed obtains consent to discharge from NIEA prior to the commencement of development which ensures compliance with policy CTY 16.

Planning Policy Statement 3 / DCAN 15 / Parking Standards

As noted above, DFI Roads have considered the proposal with regard to PPS 3 / DCAN 15. DFI Roads has confirmed it has no objection to the proposal subject to compliance with the attached conditions. I therefore consider the proposal is in general compliance with PPS 3 / DCAN 15.

The Parking Standards require 1 space per 3 Staff (adjacent to site office) 1 space per 10 pitches (adjacent to site office) 1 space per pitch. There is no site office associated with the proposal which highlights the intensity of the proposal. With only one member of staff, ample space at each pitch for parking and 2 internal spaces at the holiday cottage I consider there is sufficient provision for the parking at this site.

Planning Policy Statement 2: Natural Heritage

In terms of priority / protected species and habitats, a Light Plan, a Lighting Report a Biodiversity Checklist and Ecological Statement has been forwarded to NIEA for comment and following clarification and amended plans to include a treatment package and safeguard measures, NIEA has no objections subject to compliance with the attached conditions. Having visited the site I am content there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

The site is located within the Ring of Gullion Area of Outstanding Natural Beauty and therefore is considered against policy NH6 Areas of Outstanding Beauty which states that planning 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 scale of the proposal is considered to be to be modest in nature and with the retention and supplementation of the natural boundaries, will integrate into the landscape. The actual

built development associated with the proposal is modest with the shower block set back from the road and partially screened from view. The siting as discussed above is unlikely to compromise the special character of the AONB in part due to the scale of the overall scheme and the natural features and back drop around the site which aids integration.

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

Whilst there are no obvious features of importance of the site, natural boundaries have been retained supplemented with new planting.

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

The overall proposed works, while meeting the needs of the facility, respects styles and patterns within the area. The works included will retain walls, trees and hedging. The materials are timber, render and natural stone and designed with traditional and modern elements consistent with Building on Tradition. Given the vast spectrum of local architectural styles across the AONB, I am content the proposal is in general compliance with existing patterns.

I am content the proposal is in compliance with PPS 2.

Consideration of Objections.

1. There is no reason why through responsible stewardship of the facility that the proposal should result in antisocial behaviour or noise nuisance. Where this occurs other Departments and Services can regulate. Environmental Health has no objections and there is no evidence the proposal would result in unacceptable levels of air pollution..
2. DFI Roads has been consulted and have no objections to the proposal with regard to the existing road network.
3. DFI Roads has no objections in terms of road safety.
4. With other tourist facilities located within the AONB, the proposal is not considered out of character.
5. DFI Roads has considered the proposal and have no objections.
6. DFI Roads has reviewed exit points and have no objection to the proposal.
7. The distance from services is not a policy requirement. It is also anticipated that many users will be self sufficient.
8. A register would be kept by the operator noting names and addresses of users. This will form part of any conditions attached to an approval notice.
9. DFI Roads have reviewed the scheme and do not require footpaths or street lighting.
10. This has been considered in the body of the report above.
11. The value of property which is subjective and can fluctuate is not a material consideration for the application.
12. Statutory neighbour consultation has been carried out by the Planning Authority. Whilst additional engagement can be helpful and good practice, there is no legislative requirement for the applicant to notify neighbours or conduct community consultation as the application is under the major threshold.
13. The onus is on the applicant to responsibly manage the facility, and whilst some people may behave poorly with regard to litter disposal, this is not in and of itself a reason to withhold permission. The issue with litter is a problem with the person and not necessarily the proposal.

14. A needs test is not required by policy. If the proposal evolves into a residential use, it is unauthorised, should be reported and would be investigated by the Council. What someone might do, without permission – is not a reason to withhold permission.
15. Waste and refuse will be the responsibility of the applicant to manage responsibly. There is no evidence before the Council that waste and refuse cannot be disposed of responsibly from the site.
16. The Planning Authority are content the description reflects the proposed plans.
17. The applicant must seek consent to discharge prior to the commencement of development to ensure effluent is disposed of safely. If approved, this would form part of the conditions imposed.
18. There is no overlooking to nearby resident's private amenity.
19. This is not a reason to withhold permission.

Recommendation:

Approval

Conditions:

1. The development hereby permitted shall 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 approved shall take place in strict accordance with the following approved plans: P01C, P02F, P03A, P04C and DAR230018/01.

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P04C published date 1 July 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. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. 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 P04C published date 1 July 2024. The Council 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. P04C published date 1 July 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 access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

7. 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.

8. Any road markings on the public road shall be installed in agreement and to the satisfaction of the Department (Traffic Management Marlborough House Craigavon and Private Streets Engineer).

Reason: To ensure satisfactory road markings for road safety.

9. The embankment along the north-eastern boundary shall be retained unaltered.

Reason: to protect the adjacent watercourse and downstream natural heritage interest.

10. A buffer of at least 10m shall be maintained between the location of all construction works and any drain or watercourse. No refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 10m of the adjacent watercourse.

Reason: To protect the adjacent watercourse and downstream natural heritage interests.

11. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development shall first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To protect the adjacent watercourse and downstream natural heritage interests.

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

Reason: In the interest of public health.

13. The development hereby approved shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

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

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

15. The existing natural screenings of this site, as indicated on the approved plan P02F 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.

16. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing P02F and the appropriate British Standard or other recognised Codes of Practice with all existing boundary dry stone walls retained. All works shall be carried out prior to any part of the site coming into operation/use. 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.

17. The holiday chalet and caravan pitches hereby permitted shall be used only for holiday accommodation. The holiday chalet and caravan pitches shall not be used for permanent residential accommodation and shall not be occupied by any one individual, family or group for a period exceeding 28 days in any calendar year. The owner/operator shall maintain an up-to-date register which includes the names of all occupiers of the holiday accommodation, their home addresses and the dates of arrival and departure. The register shall be made available to the Local Planning Authority upon request.

Reason: This consent is hereby granted solely because of its proposed holiday use and to ensure that the buildings are used for holiday accommodation only.

18. Details of the materials and finishes of the toilet and washing building shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure a high standard of design in the AONB.

Case Officer: Ashley Donaldson 09/10/2024

Authorised Officer: M Fitzpatrick 14/10/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2507/O

Date Received: 20.03.2023

Proposal: New dwelling and garage on a farm.

Location: 40m south west of no 58 Kiltybane Road, Newry, BT35 0LW

Site Characteristics & Area Characteristics:

The site as defined in red takes in a square portion of agricultural land opposite No. 58 Kiltybane Road. The proposed access is to be taken from Drumlougher Road. The field undulates gradually and rises gently away from the Kiltybane Road with a mature hedgerow and scattered trees notable along the boundaries. The site is located within the rural area where development pressure remains relatively low.

Site History:

Application Number: LA07/2020/1124/F

Decision: Permission Refused

Decision Date: 13 October 2021

Proposal: New dwelling house and garage on farm.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 2

Planning Policy Statement 15

Building on Tradition

Consultations:

SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

NI Water – No objection.

DFI Roads – No objection subject to compliance with the attached conditions.

DFI Rivers – No objections.

DAERA Countryside Management Inspectorate – Category 1 business, subsidies paid for the last 6 years including this year. Application site on land for which payments are currently being claimed by the farm business.

NI Water – approval with standard conditions.

Objections & Representations

2 neighbours notified on 23.08.2023. The application was advertised on 31.05.2023. No objections or representations received.

Consideration and Assessment:

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

The potential impact of this proposal on 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

Banbridge Newry and Mourne Area Plan 2015

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections to the proposal with regard to the Area Plan and decision making is designated to the retained policies below.

PPS21 – Sustainable Development in the Countryside / SPPS

Policy CTY1 restricts new development in the countryside but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10.

The farm business is currently active and has been established for over 6 years. This has been confirmed by consultation with DAERA.

The farm holding has been checked for potential development opportunities which has provided a negative result.

The proposed site is located across the Kiltybane Road from the existing established group of buildings associated with the farm business. The proposed dwelling would therefore not cluster with the existing buildings and the physical detachment by virtue of the intervening road, eliminates the ability to visually link the proposed dwelling with the existing farm buildings. Rather, the proposal would read as a standalone dwelling and garage on open land with no obvious physical or functional connection with the farm holding at No. 58 Kiltybane Road when viewed from the Drumlougher Road and in both directions from the Kiltybane Road. This position is supported by PAC decisions 2020/A0022, 2019/A0188 and 2017/A0177.

The policy provides for demonstrable health and safety reasons or verifiable plans to expand the business as justification for an alternative site from the farm holding *where there are no other sites available at another group of buildings on the farm or out-farm and* where there are demonstrable health and safety reasons or verifiable plans to expand the farm business.

The policy is clear that the exception clause only applies where other sites at the farm or out-farm are not available. Buildings on the farm are located at Alina Road. The agent has stated that the applicant lives at Kiltybane, looks after her grand mother and must remain there to winter sheep and calves which only happens at Kiltybane. During the winter and calving the applicant would be up all night and therefore need to be nearby.

The alternative sites not explored are 2 miles or 5 minutes drive and I do not consider that an unreasonable distance to look after livestock for the above purposes. There is no evidence submitted that the availability of a site at Alina Road has been explored in detail and therefore the proposal does not meet the exception test.

The agent has made reference to the flood plain designation immediately adjacent to No.58 Kiltybane Road to justify the siting across the road. However in the absence of a robust appraisal of Alina Road the exception clause is not engaged.

The proposal is therefore contrary to policy CTY 10 (c) and with no overriding reasons why the development is essential and could not be located in a settlement, is contrary to policy CTY 1.

Policy CTY 13

Given the low lying natural of the site I do not consider the proposal to be prominent in the landscape. Natural boundaries exist at the site which would help a dwelling to integrate into the surrounding area. Ancillary works would generally follow field boundaries and there is an adequate backdrop of surrounding land to aid integration. Design would be considered at RM stage. However, as the farm dwelling is not visually linked or sited to cluster with an established group of buildings on a farm, the proposal fails part (g) of CTY 13.

Policy CTY 14 / CTY 8

Whilst the proposal is not prominent and broadly respects the pattern of development in the area, the proposal would lead to suburban style build up when viewed with the existing buildings at No. 58, the dwelling immediately north of No. 58 and No.59

Kiltybane Road which is contrary to part (b) of CTY 14. The proposal would also create ribbon development along Kiltybane Road given the site shares a common frontage with Nos 59 and 61 Kiltybane Road, rendering the application contrary to part (d) of CTY 14 and policy CTY 8.

The proposal is therefore contrary to part (g) of CTY 13, parts (b) and (d) of CTY 14 and contrary to policy CTY 8.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

Following amendments to the access details, DFI Roads has confirmed they have no objections to the proposal regarding the above policy criteria, subject to compliance with the attached conditions.

Planning Policy Statement 2 Natural Heritage

The agent has sent in a Biodiversity checklist for the site. Having visited the site I am mindful that a small section of hedgerow will be required to be removed to facilitate the proposal. Hedgerows are a NI Priority habitat, and the planning department recommends that existing hedgerow are retained wherever possible as per NIEA NED guidelines and standing advice. Where NI Priority hedgerow is removed, this must be compensated for by new planting of an equal or greater length of mixed native species hedgerow.

Having considered the subject hedgerow, the planning department would have no objections to the proposal given the small amount required to be removed for visibility, subject to conditions regarding time of removal and details of compensatory planting at the time of reserved matters application. The proposal meets the requirements of this policy.

I am content there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

Planning Policy Statement 15 Planning and Flood Risk

Following consultation with DFI Rivers, the Department has advised policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. A drainage assessment is not required under FLD3 as none of the thresholds are met and therefore the responsibility for flood risk is deferred to the applicant / developer. The proposal is therefore in general compliance with PPS 15.

Recommendation: Refusal**Reasons:**

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 (c) of Planning Policy Statement 21, Sustainable Development in the Countryside 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Kiltybane Road.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 part (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed 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.

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

Case Officer: Ashley Donaldson 13.08.2024.

Authorised Officer: Maria Fitzpatrick 12.09.2024



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

Application Reference: LA07/2023/2457/O

Date Received: 10.05.2023

Proposal: Infill Dwelling and Detached Garage Under CTY8

Location: 40m north of 66 Silverbridge Road, Silverbridge, Newry, BT35 9NU

Site Characteristics & Area Characteristics:

The site as defined in red takes in a large triangular shaped portion of land which appears rough and over grown with an uneven and rising topography towards the NW. The site is located within the Ring of Gullion AONB and within the rural areas as defined in Banbridge Newry and Mourne Area Plan 2015. The surrounding area is primarily agricultural with a number of dwelling houses located in close proximity.

Site History:

Application Number: P/1991/0554

Decision: Permission Granted

Decision Date:

Proposal: Site for dwelling

Application Number: P/1994/0677

Decision: Permission Granted

Decision Date:

Proposal: Renewal of Outline Planning Permission for site for dwelling

Application Number: P/1986/0840

Decision: Permission Granted

Decision Date: 03 November 1986

Proposal: SITE FOR DWELLING

Application Number: P/1994/1526

Decision: Permission Granted

Decision Date: 28 April 1995

Proposal: Erection of bungalow

Application Number: P/2002/1643/F

Decision: Permission Granted

Decision Date: 11 March 2003

Proposal: Replacement dwelling and garage

Application Number: P/2003/1526/F

Decision: Permission Granted
 Decision Date: 16 October 2003
 Proposal: Erection of bungalow

Application Number: P/2003/1789/O
 Decision: Withdrawal
 Decision Date: 09 February 2004
 Proposal: Site for dwelling and garage

Application Number: P/2004/0485/O
 Decision: Permission Granted
 Decision Date: 30 December 2004
 Proposal: Site for dwelling and garage

Application Number: P/2005/0143/F
 Decision: Permission Granted
 Decision Date: 12 April 2005
 Proposal: Erection of dwelling and garage

Consultations:

DFI Roads – following amended plans DFI Roads has no objections subject to compliance with RS1 form and compliance with attached condition.

NI Water – approval with standard conditions

NIEA – No concerns subject to compliance with attached conditions.

Objections & Representations

2 Neighbours notified on 04.06.2024 and the application was advertised on 24th May 2023. No objections or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
 Strategic Planning Policy Statement for Northern Ireland
 Planning Policy Statement 21
 Planning Policy Statement 3 / DCAN 15.
 Planning Policy Statement 2
 Building on Tradition

Consideration and Assessment:

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

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

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

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

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

No. 66 Silverbridge Road and No. 72 Silverbridge Road share a common frontage with the site along the Silverbridge Road. Nos 70 and 70a only benefit from an access point to the Silverbridge Road and do not share a common frontage with the subject site. Whilst No. 64 has a common frontage to the Silverbridge Road, the gap between this property and No. 66 ensures it is not continuous and therefore cannot be relied upon. Consequently, the site does not share an otherwise substantial and continuously built-up frontage, which fails this policy criterion for an exception to ribbon development.

The 'small gap' should only be sufficient to accommodate a maximum of two dwellings that respects the size, scale, siting and plot size. In terms of size and scale this can be dealt with by condition and considered in detail at RM stage. I am content that the size, scale, and siting could be detailed in a way that respects the existing built development surrounding the site.

As a result of the above consideration and notwithstanding the lack of the requisite 3 buildings, the gap can only be between Nos.66 and 72 Silverbridge Road which amasses approximately 298m. This being the case, the gap could accommodate a large number of dwelling houses and would not be considered a small gap sufficient to accommodate a maximum of two dwellings.

On consideration of the above assessment, I conclude that the proposal before the Council does not meet the exception to ribbon development as prescribed in policy CTY 8 due to the lack of an otherwise substantial and continuously built-up frontage and because the gap is large enough to accommodate a large number of dwellings. Instead, the proposal would add to an existing ribbon of development along Silverbridge Road between Nos 64 and 72 Silverbridge Road when the existing dwellings and accesses are considered, which is contrary to policy CTY 8.

The site is critically viewed from the approach to the site in either direction from the main Silverbridge Road. With the rising and undulating topography of the site which includes a strong back drop to the rear of the site. There is mature boundaries and foliage associated with the site which ensures a dwelling could integrate successfully into the landscape – particularly with the retention of the natural landscaping features. With a sensible design consistent with Building on Tradition, a dwelling could be sited without featuring prominently within the landscape. I am satisfied that the proposal is in general compliance with policy CTY 13.

In terms of policy CTY 14, it has been established that the dwelling could be designed without featuring prominently in the landscape. I do not consider the likely ancillary works to be fatal to the application and through use of conditions the dwelling could be sited at this location, whilst remaining respectful to existing development pattern exhibited in the area. As assessed above, the proposal would result in the addition of ribbon development along Silverbridge Road and therefore is contrary to part (d) of this policy. When cleared, the site will read with Nos 70, 66 and shed opposite No. 64 Silverbridge Road. With these buildings being read together with the site, this will result in suburban style build up which is contrary to part (b) of policy CTY 14.

As result of the above consideration, the proposal is contrary to parts (b) and (d) of policy CTY 14.

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

Concluding the assessment against policy PPS 21, the proposal is contrary to policies CTY8 and CTY 14 (b) and (d). As the proposal does not meet the exceptions as noted within policy CTY 1 in totality and with no overriding reasons why the proposal is essential and cannot be located within a settlement, the proposal is contrary to policy CTY 1 of PPS 21.

Planning Policy Statement 3

Following the provision of amended plans, DFI Roads has responded to consultation confirming they have no objection to the proposal in relation to PPS 3 / DCAN 15 subject to compliance with the attached RS1 form. This would form part of a condition for further consideration at RM stage.

Planning Policy Statement 2

A Biodiversity Checklist and Ecologist's statement has been received and reviewed for this application site, which concludes with no further survey work required. Subsequently NIEA – NED were consulted and have responded with no objections subject to compliance with the attached condition that will required the submission of and landscaping and planting plan with any RM application. On this basis I am content the proposal is in general compliance with policies NH 1 – NH 5.

Policy NH 6 of PPS2 is applicable given the siting of the proposed dwelling within the Ring of Gullion AONB. The scale of the proposed dwelling can be conditioned and considered in detail at RM stage. Given the siting fails to meet the policy criteria for infill development and result in build up and add to ribbon development, I consider the siting is unsympathetic to the special character of the AONB.

The proposal is in general compliance with (b) and (c) insofar as can be considered at Outline stage. This would be assessed in greater details at RM stage.

Recommendation:

Refusal.

Refusal:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted add to a ribbon development along Silverbridge Road and does not meet the exception to ribbon development.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 (b) of Planning Policy Statement 21, Sustainable

Development in the Countryside in that the proposed dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 (d) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted result in the addition of Ribbon development along Silverbridge Road.

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

Case Officer: Ashley Donaldson 19/09/2024

Authorised Officer: Maria Fitzpatrick 20/09/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2516/F

Date Received: 24/03/2023

Proposal: Erection of two semi-detached dwellings and one garage.

Location: 22m north east of 54a Foxfield Road, Crossmaglen, Newry.

Site Characteristics & Area Characteristics:

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

The site is set on the edge of the public road and is an area of agricultural land, the site is positioned between No 52A a recently constructed one and a half storey dwelling to the north east of the site and to the south west are dwelling units recently developed following the conversion of barn.

The site is in a rural area although there are a number of dwellings and other buildings in the surrounding area.

Site History:

LA07/2019/0979/F - Adjacent and North East of 56 Foxfield Road, Crossmaglen - Erection of dwelling and attached garage. Substitution for plot 1 of extant Planning Approval LA07/2017/0893/F – Permission Granted 03.02.2020.

LA07/2017/0893/F - Adjacent and North East of No. 56 Foxfield Road, Crossmaglen - Erection of 2 infill dwellings with garages – Permission Granted 11.08.2017.

LA07/2016/1710/F - 20 metres East of 56 Foxfield Road, Crossmaglen - Change of use from barn to 2 No. private dwellings, to include alterations and extensions – Permission Granted 21.07.2017.

Planning Policies & Material Considerations:

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

- Banbridge Newry Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 2 - Natural Heritage

- Planning Policy Statement 3 – Access, Movement and Parking
- Building on Tradition

Consultations:

NI Water – No objections.

DFI Roads – No objections, conditions suggested.

Objections & Representations:

The application was advertised on 31/05/2023 and 5 (five) neighbouring properties were notified on 16/06/2023, no representations or objections have been received.

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 lies outside any settlement limits as designated in the Banbridge/Newry and Mourne Area Plan.

Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY8.

Policy CTY 8 – Ribbon Development

As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This full application submitted proposes the erection of 2 rural semi-detached dwellings, one detached domestic garage, ancillary site works and associated landscaping.

The site has the benefit of planning permission under reference LA07/2019/0979/F which was for the *Erection of dwelling and attached garage. Substitution for plot 1 of extant Planning Approval LA07/2017/0893/F*, this application was made on the back of the previous approval for two infill dwellings and garages.

The most recent approval granted was on the basis that it was in substitution for one of the dwellings previously approved and as such it would not result in the creation of any further dwelling units as the site was still considered to be acceptable for one dwelling. The recent approval did allow for the overall area of the site from that previously approved to increase slightly but this was on the basis that the site would follow the existing boundary of the agricultural land and so would not require the need for new boundaries to be created. The increase in the area was considered acceptable as it would round off the use of the existing agricultural area and the size of the site was considered acceptable for one dwelling. The Department would not accept that the application currently under consideration should be considered on its own merits but should be considered along with the adjoining development to the north which in their totality formed the original gap site.

As part of the initial approval LA07/2017/0893/F and subsequent part substitution application LA07/2019/0979/F it was accepted that the application site was a small gap within an otherwise substantial and continuously built-up frontage, which respected the existing development pattern along the frontage in terms of plot size. The Planning Department has therefore significant concerns with this most recent proposal, which proposes a pair of semi-detached dwelling within the gap previously identified as being suitable for the infilling of one dwelling. An email was sent to the agent stating,

Under LA07/2017/0893/F the site was considered large enough for two dwellings and planning permission was granted on that basis. Whilst one dwelling has now been constructed, the Planning Department remain of the opinion that the remaining gap site is suitable for one dwelling only, not a further two dwellings and garage. The proposal is considered to represent overdevelopment of the site and the erection of semi-detached dwellings and garage would not respect the existing development pattern in terms of size, scale and plot size. The site is considered suitable for one dwelling only and permission for two dwellings is likely to be recommended for refusal.

The agent for the application provided supplementary information in which they argue,

- Proposed dwellings respect the size and scale of adjacent dwellings,
- Proposal respects the size of adjacent plots,
- Semi-detached dwellings exist in close proximity to the site.
- Reference is made to applications LA07/2022/1554/F and LA07/2018/1550F which seen approval of semi-detached dwellings.

The Planning Department have considered the supporting information submitted in whole, along with initial submissions. In response to information from the agent, the Planning Department note that it is not appropriate for direct comparisons to be made with other planning decisions, as the site specific circumstances to each application are unique and therefore each application must be assessed on its own merits.

The agent argues that application LA07/2016/1710/F led to the creation of semi-detached dwellings south of the current application site No's 54 and 54a as referenced in the agent's supporting information. The Planning Department would argue that the creation of these dwelling units was seen as acceptable as it was for a change of use from an existing barn with consideration under PPS21 CTY4. The units in respect of their layout and appearance do not appear as semi-detached dwellings when travelling along Foxfield Road but instead retain the appearance of a traditional barn. The current application is considered totally different from the units approved under the change of use application. The units within the converted barn do not result in the character and appearance of the area being suburbanised as when travelling along the public road they would not view the converted barn as semi-detached dwellings. Given that the properties in close proximity are not considered to exhibit the appearance of semi-detached dwellings or be seen as such by the public when travelling along the public road the provision of semi-detached dwellings as per this application are considered out of keeping with the existing development pattern in terms of size, scale and plot size. The surrounding context along this portion of Foxfield Road is characterised by detached dwellings as previously outlined.

In the supporting information reference is made to LA07/2018/1550/F. The development pattern of the surrounding area of the application referenced is materially different to this application site. In regards LA07/2018/1550/F, to the north-east of this site where two semi-detached dwellings (no. 191 and no. 193 Armagh Road). As outlined previously each application must be assessed on its own merits and in it remains the opinion of the Planning Department that the application site has been contrived to try and obtain a third dwelling with the parameters of the restrictive planning policy CTY8.

The agent also refers to planning application LA07/2022/1554/F where approval was granted for semi-detached infill dwelling, this application had been recommended for refusal by the Planning Department for reasons similar to this current application. The application was overturned by the Planning Committee and subsequently approved. The Planning Department would remain of the opinion that the application was contrary to policy.

Para 5.34 of CTY 8, PPS 21 outlines that when considering what circumstances two dwellings may be approved it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and produce a design solution to integrate the new dwellings'. It is therefore the opinion of the Planning Department that the application site has been manufactured and artificially subdivided to try and accommodate a further 2 dwellings in a portion of a site which was deemed acceptable to contain one dwelling reflective of the existing pattern of development. This proposal along with the remaining portion of the original gap would therefore be accommodating 3 dwellings which is completely

at odds with the provisions of this policy which clearly stipulates that the small gap is only sufficient to accommodate a maximum of two houses.

Having considered the supplementary information, the Planning Department remain of the opinion that the proposal is contrary to policy CTY 8 in that the development of the gap site identified does not respect the existing development pattern – which is characterised by single detached dwellings.

It had been identified through the granting of planning permission previously on the site that this gap was suitable for the infilling of one dwelling. One dwelling here would be consistent with adjacent plots noted. The proposal represents an overdevelopment of this gap site, which is in contrast to the existing frontage along Foxfield Road. It does not respect the existing development pattern in terms of scale and plot size.

Had the initial application LA07/2017/0893/F which established two infill dwellings with the one recently built adjacent and north and the second on the application site instead been for 3 infill dwellings, it would have been recommended for refusal. The current application sees an attempt to manufacture an additional dwelling on a site that was previously acceptable for 2 dwellings, but which would not have been considered acceptable for 3 dwellings.

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Para 4.4.0 of this document advises that new development under CTY 8 "will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character."

Appropriate gap sites follow the established grain of the neighbouring buildings. It is not considered the proposal for two semi-detached dwellings in a gap previously identified as suitable for one, follows this established grain along Foxfield Road.

For the reasons outlined above, the proposal is considered contrary to CTY 8. The proposal is therefore also considered contrary to CTY 1.

CTY 13 – Integration and Design of Buildings in the Countryside

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

A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

Although the proposed development will be visible when travelling along the public road consideration must be given to the extant approval on the site, the proposal is not considered to be anymore prominent than the extant approval which exists on the site.

(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

Again the site has an extant approval, the boundaries on the site are as was considered acceptable for the previous approval granted and as such the proposal is considered to respect this criteria.

(c) it relies primarily on the use of new landscaping for integration; or

The proposal makes use of surrounding development to screen and help integration, the site is as was considered acceptable under the extant approval and as such is considered to be in line with this criteria.

(d) ancillary works do not integrate with their surroundings; or

The ancillary works proposed include two driveways with a shared access, parking for two dwellings and a large garage. The cumulative impact of this amount of hardstanding and ancillary works (on a plot previously identified by the Council as suitable for the infilling of one dwelling and associated works) means the proposed ancillary works do not integrate sufficiently with their surroundings. CTY 13 outlines less formal solutions should be sought for accesses and other ancillary works in the countryside. The proposal is considered contrary to this criterion of CTY 13.

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

The proposed semi-detached dwellings are one and a half storey in design which is similar to others in the surrounding area. The proposed design includes large one and a half storey front projections which is not a normal traditional rural design feature. As outlined in Building on Tradition the footprint of the proposal is also deemed excessive for the size of the site and is also not respectful of the existing houses in the ribbon. The proposed semi-detached design is not considered appropriate for this site and its locality given the surrounding pattern of development being detached properties with the exception of a building previously used as a barn which has been converted to two dwelling units. Given that this was a conversion and not a new built this is considered to differ from this application and as such the proposal is considered contrary to this policy criteria.

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

Given the previous history on the site it is hard to argue that the proposal does not respect this criteria given that a dwelling was previously approved on this site and could be constructed as the application remains extant.

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

This application is not for a dwelling on a farm.

The proposal is contrary to criteria d and e of CTY 13.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

As previously stated the proposal is not considered to be anymore prominent than the previous approval on the site which is a material consideration, the proposal is considered in line with this criterion.

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

Although an extant approval remains on the site this proposal will see two dwellings proposed whereas the previous approval was for one dwelling, as such an additional dwelling will further add to build up in there area. Also, the proposed semi-detached design is suburban in appearance and as such it is considered that the proposal will result in a suburban style build-up of development and is contrary to this criterion.

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

As has been outlined previously the semi-detached nature of the development does not respect the traditional pattern of settlement in the area and so the proposal is contrary to this criterion.

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

Given that development was previously approved within the application site it is considered that a ribbon of development already exists and as such the proposal cannot offend this criterion.

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

As previously outlined, the ancillary works proposed include two driveways with a shared access, parking for two dwellings and a large garage. The majority of these works are located to the front of the dwellings alongside the roadside boundary. Given the prominent location of the proposed access arrangements there remains a greater awareness of these ancillary works which draws greater attention to the development of the 2 dwellings and therefore when read in conjunction with the existing development leads to a damaging impact on the rural character of the area. The cumulative impact of this amount of hardstanding and ancillary works (on a plot previously identified by the Council as suitable for the infilling of one dwelling and associated works) means the proposed ancillary works will damage the rural character of the area given their suburban appearance and character.

The proposal is contrary to criteria b, c and e of CTY 14.

CTY 16 – Development relying on non-mains sewerage

The application form indicates foul sewage will be removed of via septic tank. The proposal complies with this policy.

A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety.

Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DfI Roads have raised no objections to the proposal, subject to conditions. The proposal is therefore considered compliant with PPS 3.

Planning Policy Statement 2 – Natural Heritage

The proposal does not involve the removal of any protected habitats from the site.

The proposal will see the introduction of vegetation along the boundaries of the site, this will benefit biodiversity in the area, the proposal is seen to be in accordance with PPS2.

Recommendation: Refusal**Reasons for refusal:**

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the gap site is only suitable for a maximum of one dwelling and the creation of 2 dwellings on this site would not respect the existing development pattern in terms of design, scale and plot size and, does not represent an exception to policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the ancillary works proposed do not integrate with their surroundings;
- the design of the dwellings is inappropriate for the site and its locality.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- The dwellings would, if permitted, result in a suburban style build-up of development at this location;
- The dwellings, if permitted, would not respect the existing pattern of settlement exhibited in the area;

- the impact of ancillary works would damage rural character;
which would result in a detrimental change to the rural character of the area.

Case Officer: **Wayne Donaldson** **Date: 27th Sept 2024**

Authorised Officer: **Maria Fitzpatrick** **Date: 30th Sept 2024**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2023/3370/O
Date Received:	20.09.2023
Proposal:	Infill dwelling and garage
Location:	To the Rear of 44 Bavan Road Mayobridge BT34 2HS

1.0 Site Characteristics & Area Characteristics:

1.1 The application site is located out-with the defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The area is rural although it has become quite built up along the Bavan & Ballykeel Roads.

1.2 The application site is an agricultural field accessible via a field-gate along Bavan Road. The application site is relatively flat and is bounded by a post and wire fence, a wooden fence and hedgerow. The site shares a common boundary with No. 44 to the west and abuts Ballykeel Road to the east. To the north there is a laneway and mature trees. Directly opposite the site on the Ballykeel there is a farm complex.

Image 1 Photo of applicant's site



2.0 Planning Policies & Material Considerations:

2.1 The planning application has been assessed against the following:

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

3.0 Site History:

3.1 The site history includes:

- Application P/2000/1196/O – This was an outline application for a site for a dwelling. This was approved.
- P/2003/1945/O – This was an outline application for a site for dwelling with garage with an amended access to the previous application. This was also approved.
- P/2008/0824/RM – This was the reserved matters application for the erection of a dwelling and garage. This was approved.
- P/2010/1082/F – This application was a change of house type for P/2008/0824/RM proposed dwelling and garage. This was also approved.

Note: All the previous applications were approved prior to the introduction of current policy PPS 21: Sustainable Development in the Countryside which was introduced in 2010 and the SPPS introduced in 2015.

The Case Officer's report for P/2008/0824/RM acknowledged that the application did not meet PPS 14 at the time but due to an extant outline application, greater weight was given to the history on the site.

These permissions were never enacted and have now expired, and with the publication of new policy, do not carry determining weight.

4.0 Consultations:

4.1 Consultations were issued to the following consultees:

- NI Water – No objections to the proposal
- DFI Roads – No objections to the proposal
- Environmental Health - No objections to the proposal

5.0 Objections & Representations:

5.1 3 Neighbours were notified on 20th February 2024.

5.2 The application was advertised in the local press on 11th of October 2023. No objections received to date (30-09-24).

Correspondence with agent

5.3 On 12th June 2024, the Department advised the Agent of concerns regarding the principle of development whereby it is considered that there is no substantial and continuously built up frontage given the intervening road, Ballykeel Road.

5.4 The Agent provided a response referring to appeal decisions.

- 2019/A0038 – 30m NE of 75 Benagh Road, Newry.

The break in frontage for the above appeal was a small laneway/driveway to a dwelling. This can be seen in the image below. The Council considered that the proposed development failed Policy CTY 8 as the access lane/driveway breaks the frontage. The Commissioner disagreed with the Council's position: "on the ground the buildings presently read as a continuously built-up frontage I do not agree with the Council that the access lane to No.75A breaks up this frontage and the appeal site represents a small gap in this frontage. The Council's concerns in this respect are not upheld."

Image 2 showing the appeal site 2019/A0038



- 2022/A0003 - Approx. 30m south of 89 Magheralane Road, Randalstown, BT41 2PA. The concern raised by the Council in relation to this appeal was the presence of 3 or more buildings within the frontage. No question was raised regarding the road breaking the frontage.

Image 3 showing the appeal site 2022/A0003



- 2019/A0138 – 70m south east of 119 Rathkeel Road, Broughshane. The concern raised by the Council in relation to this appeal was the presence of a building within the application site (therefore no gap existing). Concerns were also raised regarding the intervisibility between the buildings (particularly the building to the SE of the application site) along the 'frontage'. No questions were raised in relation to the presence of the intervening road.

Image 4 showing the appeal site 2019/A0138



- LA07/2022/1809/F – Infill site between 10 & 10A Islandmoyle Road, Cabra. This application was initially recommended for refused by the Planning Department for failing to meet the provisions of the SPPS, and CTY 1, 8 and 14 of PPS 21 as it was considered that Close Road broke the frontage and therefore there was not a line of 3 or more buildings along a continuous and built up frontage. The application was later approved by Cllrs at Planning Committee.

Image 5 showing application site LA07/2022/1809/F



I do not consider the above examples to stand on all fours with the application site given the differing site characteristics. Whilst the Department does acknowledge that permission has been granted for the infilling of a site with a dwelling along a frontage that is dissected by a road/laneway; the circumstances on ground must be considered whereby the examples referred to above are located along relatively flat and straight sections of road. The topography and alignment of the road is important as it contributes to the intervisibility between the buildings along the frontage.

The application site is located at a crossroads (similar to 2019/A0138). However, what differs is the topography and alignment of Bavan Road which magnifies the presence of the intervening road (Ballykeel Road) thus breaking the frontage and separating the adjacent farmyard from the application site and dwelling at No. 44 Bavan Road.

6.0 Assessment:

6.1 As set out above this is an outline application and therefore no details, elevations or finishes have been submitted as part of this application these would be assessed at reserved matters stage. An indicative Site Layout has been provided. The main objective of this application is to establish the principle of the development on the application site.

All the submitted supporting information in relation to this application have all been considered by the Planning Department when accessing this application.

Banbridge/Newry and Mourne Area Plan 2015

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

Strategic Planning Policy Statement

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

6.4 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be development to integrate the new building(s) within the local context.

PPS21- Sustainable Development in the Countryside

6.5 Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

CTY 8 – Ribbon Development

6.6 CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

6.7 It is noted Policy CTY8 is a restrictive policy. The application site is located within an agricultural field abutting No. 44 Bavan Road which is a 1 ½ storey dwelling. A garage is also sited within the curtilage of No. 44. The application site abuts Ballykeel Road to the east and beyond that is a large farm complex. Agricultural fields abut No. 44 to the west. The curtilage of No. 44 extends to Bavan Road. Both the dwelling and garage has frontage to Bavan Road. The curtilage of the farm complex also extends to Bavan Road. The farms sheds have frontage to Bavan Road. However, Ballykeel Road separates the farm sheds from the application site and due to the topography and alignment of Bavan Road magnifies the presence of the intervening road (Ballykeel Road), the road serves as a break in the frontage. The farm complex does not form part of the required 3 buildings along a continuous built-up frontage as Ballykeel Road serves to break this frontage. It is considered that there is not a substantial and continuously built-up frontage on this occasion, thus the proposal therefore fails the initial policy test.

Size, Scale and Siting

6.8 In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having studied the plot sizes of the adjacent dwellings I have the following frontages to note (approximate):

- Number 44 – 48.2m
- Farmyards & sheds – 106m

6.9 The application site has a frontage of approximately 33m. The building to building gap is approx. 59m.

Whilst smaller than the adjacent frontages, it is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area. An indicative site plan has been submitted alongside the application whereby the dwelling is proposed to be site along the building line of No. 44. Whilst the siting of the dwelling could be considered appropriate subject to landscaping and detailed design this does not detract from the fact the application site does not comply with the other criteria as set out above.

Policy CTY13 – Integration and Design of Buildings in the Countryside

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

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

6.11 The application has been presented as an outline application and therefore no detailed design has been provided. It is considered however, that given the location of the application site and its current characteristics that the application would fail the criteria set out in CTY 13 in that the proposal if approved would be a prominent feature in the landscape.

Policy CTY14 Rural Character

6.12 *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.*

6.13 As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that the application site is not considered an infill opportunity and therefore would result in the suburban style build-up of development when viewed with existing and approved buildings. Furthermore, it is considered that the proposal if approved would be unduly prominent in the landscape. The proposal is considered therefore to exacerbate and result in ribbon development on the Bavan Road and is therefore considered contrary to CTY 14.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

6.14 Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. As set out in section 4 DFI Roads were consulted in relation to the proposed development. DFI Roads had no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

Amenity

6.15 Through studying the indicative site layout which has given an indication of the potential siting of the proposed dwelling, it is considered a dwelling on this site could be achieved without resulting in any demonstrable harm to neighbouring dwellings in terms of overlooking, loss of light or overshadowing. No objections from neighbouring properties have been received as part of this application.

PPS 2: Natural Heritage

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

The site is not in close proximity to or adjacent designated sites including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs. There are no rivers/stream/hydrological link within the application site. No buildings are to be demolished. The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development are not considered to be an issue. A small section of hedgerow may need to be removed to facilitate a new access. However, a full landscaping scheme could be submitted at RM stage, if approval was to be granted, showing sufficient compensatory planting. Given the above, the Department is satisfied the proposal complies with PPS 2.

Recommendation: Refusal

7.0 Conditions:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding**

reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, create a ribbon development along Bavan Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling, if permitted would be a prominent feature in the landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted be unduly prominent in the landscape and create a ribbon of development along Bavan Road and would result in a suburban style build-up of development when viewed with existing and approved buildings; therefore resulting in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: R.Daly
Date: 30/09/2024
Appointed Officer Signature: M Keane
Date: 30-09-24

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3151/F	Target Date:
Proposal: Proposed replacement vehicular access to dwelling	Location: 160 Downpatrick Road, Ballynahinch, BT24 8SN
Applicant Name and Address: Gavin Stewart 160 Downpatrick Road Ballynahinch BT24 8SN	Agent Name and Address: Michael Smith 139 Ballydugan Road Downpatrick BT30 8HG
Date of last Neighbour Notification:	
Date of Press Advertisement:	13 September 2023
ES Requested: No	
Consultations: DFI Consult 11/04/2024 DFI Consult 03/06/2024	
Representations: Colin McGrath MLA Downs Road Newcastle Comment: Supportive	
Letters of Support	1
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: May 2024

Characteristics of the Site and Area

This application site forms a road side plot along the Downpatrick Road. Within the site is the detached dwelling identified as No. 160. The dwelling is set within a substantial sized curtilage. Garden areas are formed to the front, rear and side of the dwelling with vehicle parking accommodation on hardstand to the front of the dwelling.

To the north west, the site adjoins a residential property identified as 160a Downpatrick Road. The remaining boundaries of the site, apart from the southern roadside boundary, adjoin open countryside.

The application site is set outside any settlement limits as defined by the Ards and Down Area Plan 2015.

Description of Proposal

Proposed replacement vehicular access to dwelling

Planning Assessment of Policy and Other Material Considerations

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21)
- Planning Policy Statement 3 – Access, Movement and Parking (PPS3)
- Building on Tradition – A sustainable Design Guide for the Northern Ireland Countryside

PLANNING HISTORY

Planning Application Number: R/2011/0651/F

Decision: Permission Granted

Decision Date: 17 April 2012

Proposal: Replacement dwelling and detached domestic garage

Application Number: LA07/2016/1375/F

Decision: Permission Granted

Decision Date: 07 April 2017

Proposal: Dwelling on a farm and detached domestic garage

LA07/2024/0251/F

160 DOWNPATRICK ROAD

Proposed Family Area Extension, Front Porch Extension and Bedroom Extension with Car Port / Garage Extension to Dwelling (currently under consideration)

LA07/2017/0351/CA

Alleged unauthorised new access and breach of condition re visibility splays (LA07/2016/1375)

Case Closed

REPRESENTATIONS

One letter of support was received from Colin McGrath (MLA).

SUPPORTING DOCUMENTS

- Application form
- Drawings
- Emails from agent inc, photos and ambulance report

CONSULTATIONS

DFI Roads-No objections

EVALUATION

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then stated that, where, in making any determination under the Act, regards is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Ards and Down Area Plan 2015 currently operates as the statutory development plans for the area where the application is located and there is also a range of retained planning policy which is material to the determination of the proposal.

SPPS

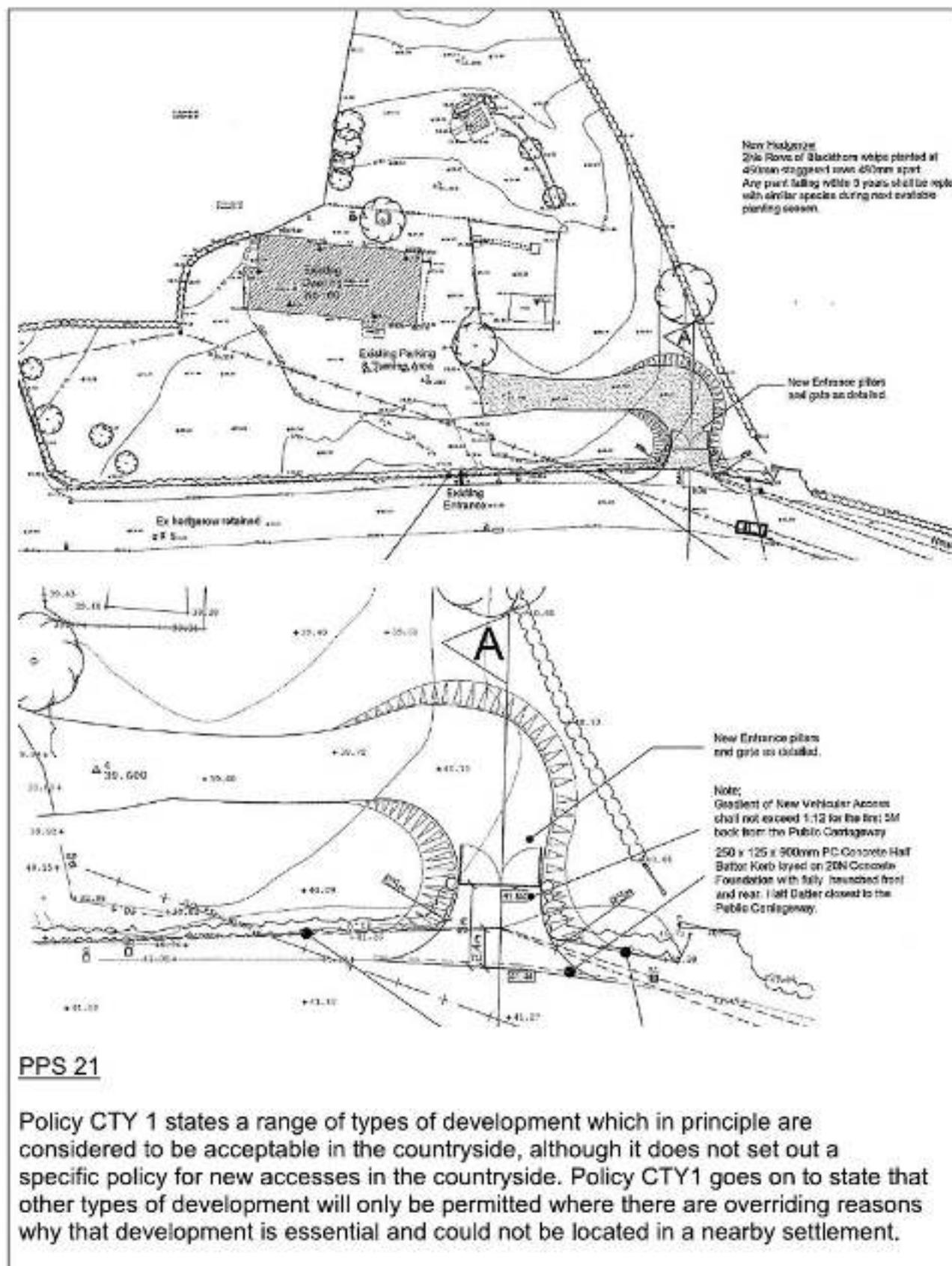
The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

All development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

There is no change to the policy requirements for new accesses in the countryside following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS3 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

This application seeks to provide a replacement access to serve an existing dwelling, identified as 160 Downpatrick Road, Ballynahinch. This dwelling is currently served by an access onto the Downpatrick Road positioned approx. 27m west of the new access subject of this application. The proposed access will form a new crossover from the Downpatrick Road, the opening at the road frontage will measure 6.65m in width. A section of roadside hedgerow will be removed to accommodate the new access. A new boundary fence with a new hedgerow planted behind is to be constructed to the rear of the visibility splays. Modest timber gates, round pillars and open board fencing is proposed for the entrance treatment. Land levels fall within the application site as you move away from the road frontage. The new laneway will sweep in a westerly direction, cutting across a field and run parallel with the Downpatrick Road. See below plans submitted for consideration.



The agent has advised that the existing access serving the dwelling is unsafe and that there have been two accidents within the last year at this existing access. Photographs have been provided demonstrating the damage caused to the applicant's car caused by a rear-ending traffic accident that occurred in 2018. Further documentation in the form of ambulance reports following the accident were also submitted.

DFI Roads has confirmed that while the access is not essential as there is an existing access to serve the dwelling, however advised that the improvement would be a benefit along this main road.

Concerns were raised with the agent regarding the use of land outside the dwelling's curtilage to accommodate the replacement access. The agent referred to planning application R/1992/0810 that sought alterations and extensions to the dwelling at No. 160. The red line of this application extends to include lands to the east and north of the dwelling prior to the adjacent dwelling at No. 160a being built. See below Site Location plan.



Subsequent planning applications R/2004/0044O and R/2004/1535/RM granted permission for a new dwelling adjacent to the application site, now known as 160a Downpatrick Road. The red and blue lines for these applications encompassed lands to the north of No. 160 and to the west. See below Site Location Maps stamped approved as part of the outline and reserved matters applications



The agent has advised that the lands in red and blue to the north and east of No. 160 as demonstrated above were never part of any subsequent development associated with the outline and reserved matters applications and submitted a revised Site Location Plan with the red line extended to include lands to the north that had been excluded from the submitted Site Location Plan. It is not standard practice to accept amendments to increase the red line during the processing of an application, other than for sight line and splays, and so the agent was informed by the Planning Department that the amended Site Location Plan would not be accepted.

On review of aerials available on Google Earth and imagery available from Google Street View, the lands to the west of the No. 160 on which the new access is proposed, do not appear to have been used in connection with the dwelling built at 160a nor do not appear to form part of the curtilage of No. 160. For the purposes of the replacement dwelling policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house. Further, 'curtilage' is defined by the Shorter Oxford Dictionary as, "a small court, yard, or piece of ground, attached to a dwelling-house and forming one enclosure with it.

In 2008, the lands in question to the west of the dwelling were physically separated with a fence in place and did not form part of this dwelling's curtilage and are viewed as a separate field. See below in Google Street View.



In 2022, imagery demonstrates the removal of the fencing separating the lands to the west from the rest of the property curtilage. On inspection of the application site in April 2024 these lands do not appear to be used in connection with the dwelling forming part of the residential curtilage.



The considered extension of curtilage required to accommodate the replacement access and laneway would extend the residential curtilage along the road frontage, resulting in a 91m wide curtilage and would create a significantly larger residential plot and an extensive front garden area. Due to the sites roadside positioning, views of the new works would be apparent on short distance approach to the site and on passing it when travelling on the Downpatrick Road.

The Planning Department considers the lands required to accommodate the replacement access do not form part of the residential curtilage and there is no provision for residential use to be extended further into the neighbouring countryside within Policy CTY 1. Policy CTY1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. In regard to the second part

of this sentence, it is obvious that the proposed replacement access could not be located in a settlement.

PPS 3

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.

DFI Roads have been consulted and offer no objections. Therefore, it is seen that the proposed new access will not cause any significant concern regarding road safety or significantly inconvenience the flow of traffic within the local area/road network. The Downpatrick Road is not a Protected Route. The development is therefore considered to be in keeping with the requirements of policy AMP2.

Summary

As detailed above, the agent has submitted information to support the applicants perceived need for a replacement access at this location. On seeking further confirmation from DFI Roads, they have advised the new access would offer improved standards over the existing, however cannot say that the new access is essential as there is an existing access to the dwelling. DFI Roads have confirmed two reported accidents at lane at the Ballynahinch end frontage and were not able to advise on previous consultation with the applicant and any agreements made on the position of the replacement access.

While the supporting information submitted with this application is acknowledged, the Planning Department are not sufficiently persuaded that the proposed development is essential in the countryside and that there are extenuating circumstances of sufficient weight to justify that the requirements of CTY1 should be set aside.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the

Countryside, in that there are no overriding reasons why this development is essential in this rural location.

Case Officer Signature: Laura O'Hare

Date: 13th September 2024

Appointed Officer: A.McAlarney

Date: 16 September 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

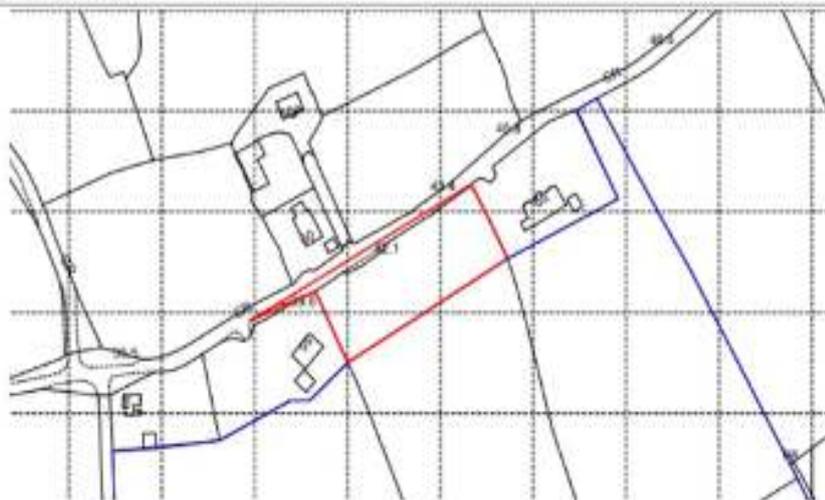
Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/3313/O	Target Date:
Proposal: Proposed 2 detached dwelling units and garages (under PPS 21 - CTY 8)	Location: Between 55 and 59 Ballyculter Road, Downpatrick, BT30 7BD
Applicant Name and Address: Deirdre Magill 55 Ballyculter Road DOWNPATRICK BT30 7BD	Agent Name and Address: Michael Bailie 42 Crew Road, Ardglass Ardglass Downpatrick BT30 7TF
Date of last Neighbour Notification:	01.08.2024
Date of Neighbour Note Expiry:	15.08.2024
Date of Press Advertisement:	11.10.2023
Date of Press Expiry:	25.10.2023
ES Requested: No	
Consultations:	
<p>NI Water was consulted in relation to the application and responded with a recommendation of approval subject to conditions.</p> <p>DFI Roads was also consulted and responded with no objections subject to conditions re the access and the provision of splays 2m x 60m. An amended scheme was submitted providing separate vehicular accesses to each of the proposed dwellings, DFI Roads were re consulted in relation to this and responded with no objections.</p>	
Representations:	
The application has been advertised and neighbours notified as detailed above and to date there have been no representations received in relation to the proposal.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: There are no outstanding issues as a result of the consultation or publicity process.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is currently an agricultural field located adjacent to the Ballyculter Road. The site is bounded to either side with a mix of post and wire fencing and hedging. The front of the site is defined by a low stone ditch with some scrappy planting sporadically throughout the length of it. The land within the site rises very gradually away from the road and is slightly elevated from the road. The site is abutted on either side with boundaries to residential properties.

The site is not within settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty. The area is a rural area defined by single dwellings and farm steads and there are a mix of styles of dwellings within the area but predominantly single storey dwellings.

Description of Proposal

Proposed 2 detached dwelling units and garages (under PPS 21 - CTY 8)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2004/1220/F – 59 Ballyculter Road, Downpatrick – proposed new sun room to side of dwelling and new garage – approval – 10.07.2004.

R/2000/0744/F - Adjacent to 50 Ballyculter Road, Ballyrenan, Downpatrick, Northern Ireland - Change of use from agricultural outbuildings to commercial repair garage – approval – 23.08.2000

R/2000/0158/F - 150M East Of 55 Ballyculter Road Downpatrick – bungalow – approval – 02.09.2000

R/1998/0480/O - 150M East Of 55 Ballyculter Road Downpatrick – site for new dwelling – approval – 21.08.1998

R/1987/0284/RM - Adj To 49 Ballyculter Road Downpatrick – bungalow – approval

R/1986/0141/O - Adj To 49 Ballyculter Road Downpatrick – bungalow – approval

CONSIDERATION AND ASSESSMENT

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

The Ards and Down Area Plan 2015

Regional Development Strategy (RDS)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage.

Planning Policy Statement 3: Access Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition

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

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage (SCBUF) and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site presents to the Ballyculter Road, to the east of the site is the dwelling at no 59 Ballyculter Road and a detached garage, to west of the site is the dwelling at no 55 Ballyculter Road and it too has a detached garage.

For the purposes of this policy it is accepted that there are 3 or more buildings making up the SCBUF.

Consideration is given to the plot sizes and frontages.

The frontages and plot sizes are as follows:

The average of the plot sizes taken between no 55 and 59 Ballyculter Road is 60.5m wide of road frontage.

The building to building measurement is approx. 122m

In terms of plot size the average plot size is 0.24ha

Dwelling no	Frontage length	Plot size
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59 Ballyculter Road	67m approx.	0.31ha
Site	102m approx.	0.39ha
No 55 Ballyculter Road	54m approx. (without the extended curtilage)	0.18ha

The test of this policy is not a mathematical calculation however the measurements are an aid in guiding and demonstrating or not compliance with policy.

It is noted that the curtilage of no 55 has currently been recently enlarged to include a portion of field, aerial photos show this as an agricultural field. The agent has alluded to the fact that no 55 was approved with a garden to the side however it has been used as an agricultural paddock for a period of time but more recently been included within the domestic curtilage. This would require permission in its own right. There is no lawful status on this newly extended domestic curtilage.

As not lawfully part of the domestic curtilage of No.55 it therefore represents a break in the frontage therefore the buildings west of No.55 ie No.49 and its associated outbuildings do not contribute to the SCBUF.

Taking account of the existing frontages and the average of those frontages being approx. 60m and the average frontage of the proposed sites being approx. 51m the plot sizes are not consistent with the character exhibited within the lands adjacent as the plot frontages are falling short of the average plot size and the average plot size is less than the smallest plot size of the comparable being no 55 Ballyculter Road. On this basis the proposal does not meet all of the key requirements set out in CTY 8.



CTY 13 INTEGRATION AND DESIGN OF BUILDINGS IN THE COUNTRYSIDE.

The application is considered against CTY 13 which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape.**

The site can make use of existing lands to the rear of the site to provide a back drop to the proposed development. The site is not so elevated so as to cause any detrimental impacts and the overall layout of the development is in keeping with and respects the existing pattern of development along this section of Ballyculter Road. The proposed dwellings and garages will not become a prominent feature within the landscape.

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

The site can make use of the existing boundary planting to either side of the site that is associated with nos 55 and 59 Ballyculter Road, this can be supplemented to improve the screening and integration provided. The site is bounded to the front by a stone wall and some planting, this planting offers little by way of screening but the stone wall is a natural stone wall, a feature in itself although in need of repair and attention. It is considered that the proposed buildings will integrate into the landscape.

- (c) it relies primarily on the use of new landscaping for integration.**

While the site can benefit from amended planting and screening the site will not rely on it for integration into the existing landscaping. A condition of this approval would be that a full planting scheme would be submitted at reserved matters stages to supplement the existing planting.

- (d) ancillary works do not integrate with their surroundings.**

Ancillary works will integrate into the surrounding landscape, the accesses are to be taken directly off the Ballyculter Road and will not require a separate access lane. All necessary services are in close proximity to the site and will not have a negative impact on the character and appearance of the surrounding area. The initial plan showed a paired access and a considerable amount of hard standing, this raised concerns in relation to rural character and the ability for this layout to integrate into the rural landscape however the agent submitted amendments providing separate accesses and reducing the amount of hard standing which is more in keeping with rural character.

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

As this is an outline application full particulars have not been submitted as to the design however it is noted that the general character of the dwellings in the area are single storey dwellings, bungalows with low ridges and for the most part gable ended roof types and detached garages. It is considered that single storey dwellings in appearance with a maximum ridge of 5m would be considered acceptable. It is noted that no 59 has a hipped roof but it is not considered that this design sets the overall character within this section of development, the dwellings will be more in keeping if gable ended roof types are utilised. A mix of finishes are exhibited within the area and the dwellings are predominantly finished in a roof tile. The full particulars of the design can be considered during RM stages with the relevant conditions in relation to design attached to this approval if granted.

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

Given the character and topography of the site and taking account of its characteristics it is considered that a dwelling would blend into the existing landform with sufficient additional lands to the rear capable of providing a back drop.

(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 does not relate to a dwelling on a farm therefore this aspect of policy is not considered.

CTY 14 RURAL CHARACTER

CTY 14 states that Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape.

As considered under CTY 13 the development of this site will not result in works prominent in the landscape, the site can accommodate two appropriately designed dwellings and garages on the site that will not result in prominence.

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

This site represents a natural visual break in the rural landscape and to develop the gap would result in a more suburban style of build up of development along the Ballyculter Road and is not in keeping with rural character.

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

As the development is considered to result in a suburban style pattern of development utilising a natural visual break in the rural area it cannot be considered that this development would respect the traditional pattern of development exhibited within the area.

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

This aspect of policy has been dealt with under the assessment of CTY 8 and it is concluded that this development would create a ribbon of development along Ballyculter Road.

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

It is not considered that the ancillary works will have any detrimental impact in terms of damage to rural character. The majority of necessary services are already in close proximity to the site and will not damage rural character. The notional site layout above does show individual drive ways serving both dwellings. In terms of removal of the front boundary to provide the access and splays, the front boundary does not contain any planting that would be worthy of retention nor are there any bio diversity considerations required before the front boundary is removed given the poor quality of the boundary.

PPS 2 NH 6 AREAS OF OUTSTANDING NATURAL BEAUTY

As the site is within the Strangford and Lecale Area of Outstanding Natural Beauty consideration is given to Policy NH 6 of PPS 2 which states that permission will only be granted for new development within an AoNB 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 chosen does not meet the requirements set out in CTY8 PPS 21, the development of this site would therefore be considered to not be sympathetic to the character of the rural area and will negatively impact on the AONB where there is a presumption against development.

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

There are no particular buildings or man made features within the site or directly adjacent to the site to suffer as a result of the site being developed. This aspect of policy has not been offended.

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.**

As this is an outline application full particulars have not been submitted in relation to the proposal however in keeping with the broad and general character of development along this road it is considered necessary to condition the ridge height of the dwelling to be no more than 5m high and gable ended roof types. The design particulars can be further considered at reserved matters stages should the outline be granted.

Taking account of PPS 2 and natural heritage it is noted that there will not be the loss of any substantial planting or trees. Sight splays are required to the front of the site for the accesses however the front boundary is made up of remnants of a stone ditch and post and wire fencing and the odd scrappy planting, there is nothing of any value to natural heritage being lost.

Neighbour Notification Checked

Yes

Summary of Recommendation

Based on the above assessment a recommendation of refusal is made.

Reasons for Refusal:

1. **The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap within a SCBUF which would respect the existing pattern of development along the Ballyculter Road.**
2. **The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted add to a ribbon of development along Ballyculter Road and would not respect the traditional pattern of settlement exhibited in the area.**

Case Officer Signature: Fionnuala Murray

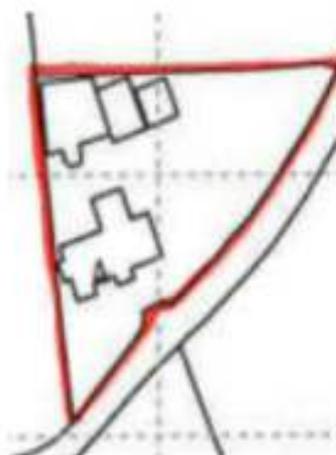
Date: 20.09.2024	
Appointed Officer: A.McAlarney	Date: 20 September 2024

Delegated Application

Development Management Officer Report	
Case Officer: Adam Mitchell	
Application ID: LA07/2024/0470/F	Target Date:
Proposal: Retention of existing granny flat with single storey flat-roof extension to side.	Location: 4 CARGAGH ROAD ANNACLOY DOWNPATRICK BT30 9AG
Applicant Name and Address: Mr & Mrs Francis McMullan 4 CARGAGH ROAD ANNACLOY DOWNPATRICK BT30 9AG	Agent Name and Address: Tumelty Planning Services 11 Ballyalton Park, Downpatrick, BT30 7BT
Date of last Neighbour Notification:	20 July 2024
Date of Press Advertisement:	22 May 2024
ES Requested: No	
Consultations: 0	
Representations: 0	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 31.07.2024

Characteristics of the Site and Area

The application site forms a roadside plot situated along the northern side of Cargagh Road. Within the site is the detached dwelling identified as No. 4, alongside a large agricultural shed, a detached single storey garage and detached single storey outbuilding. The dwelling is set within a substantial sized curtilage. Gardens areas are formed to the side of the side with vehicle parking accommodation on hardstand to the front and side of the dwelling.

The encompassing boundaries of the side adjoin open countryside.

The area surrounding the site is generally agricultural and rolling drumlin topography. The site is not within any settlement development limits as defined in the Ards and Down Area Plan 2015.

Description of Proposal

Retention of existing granny flat with single storey flat-roof extension to side.

Planning Assessment of Policy and Other Material Considerations

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

-Ards and Down Area Plan 2015

-Strategic Planning Policy Statement for Northern Ireland
-Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations)

PLANNING HISTORY

Application Number: LA07/2020/0615/O Decision: Permission Granted Decision Date: 17 September 2020

Proposal: Farm dwelling and garage

Application Number: LA07/2021/0148/F Decision: Permission Granted Decision Date: 07 May 2021

Proposal: Vary condition 5 of planning approval LA07/2020/0615/O from The ridge height of the dwelling shall not exceed 6.0 metres above finished floor level at the lowest point within its footprint and underbuilding shall not exceed 0.5 metres at any point above existing ground floor level. Any application for approval reserved matters shall incorporate plans and section indicating existing and proposed ground levels and proposed finish floor levels all in relation to a known datum point. To The ridge height of the dwelling shall not exceed 6.0 metres above finished floor level at the lowest point within its footprint and underbuilding shall not exceed 1.65 metres at any point above existing ground floor level. Any application for approval reserved matters shall incorporate plans and section indicating existing and proposed ground levels and proposed finish floor levels all in relation to a known datum point

CONSULTATIONS

No statutory consultees were notified as part of this application.

REPRESENTATIONS

Advertisement Printed: 22.05.2024

Neighbour Notification Printed: 04.07.2024

No responses were received.

EVALUATION

Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations)

The proposed development must accord with the main considerations in terms of design and amenity, which is set out in EXT1 of PPS7 Addendum. The proposal is for the retention of the existing granny flat with single storey flat roof extension to the side. Therefore, the proposed granny flat would accommodate two bedrooms and en-suites, a living room and kitchen area along with fenestration elements to the front, side and rear.



Figure 1: Proposed Floor Plan



Figure 2: Proposed Front Elevation

In terms of elevation design, the current building has a ridge height of approx. 4.5m above ground floor level. The principal frontage elevation facing out onto Cargagh Road consists of door entrance with two bedroom windows. The western facing elevation consists of door entrance alongside a bathroom window, with the rear elevation consisting of three smaller windows for the kitchen and en-suites. The eastern elevation will have two bedroom windows inserted. The schedule of materials and finishes include, pebbledash render to walls, brown uPVC windows and a flat roof incorporated to the side extension.

Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations)

Policy EXT 1

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

Para 2.9 states: To be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable.

Annex A of Policy EXT 1 is relevant to the consideration of this proposal and states at **Paragraph A49**

An extension or alteration to a residential property to provide an ancillary use, such as additional living accommodation for elderly or dependent relatives, should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an integral part of the main residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property.

Ancillary uses that could practically and viably operate on their own will not be acceptable.

Upon considering the accommodation existing and proposed in the current proposal, to include 2 bedrooms and en-suites, living room, and kitchen area, it is considered to be an essentially a two-bedroom self-contained property. There will be no physical connection to the main dwelling, furthermore it fails to demonstrate any dependency upon the main dwelling for day-to-day living, with no sharing facilities within the host property.

The additional accommodation could practically and viably operate on its own as an independent residential unit. The proposal therefore conflicts with Policy EXT 1.

Given the siting, massing and design of the proposal no additional overlooking, loss of light or other residential amenity impacts would be expected from the extension to the existing outbuilding. Access & parking arrangements will not be alternated, as well as existing boundary treatments. The proposal is not considered to over-develop the site. The materials and finishes are expected to closely match the existing, in keeping with the appearance and character of the dwelling.

Additionally, attempts were made via email to contact the planning agent to advise the Local Authority's concerns with the proposal however no correspondence was received, therefore the proposal will be recommended as a refusal based on the information above.

The case has been passed onto Enforcement.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Refusal

Reason for Refusal:

The development is contrary to Policy EXT 1 of PPS 7 Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the proposed development is not subordinate to the main dwelling and its function is not supplementary to the use of the existing residence.

Case Officer Signature:

Date: 18 September 2024
Appointed Officer: A.McAlarney
Date: 20 September 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/2376/O	Target Date:
Proposal: Proposed Dwelling on a farm under Policy CTY10 of PPS21	Location: 60m South West of 131 Derryboy Road Ballyalgan Crossgar Down BT30 9DH
Applicant Name and Address: Mr Andrew Woods 130 Derryboy Road Ballyalgan Crossgar Down BT30 9DH	Agent Name and Address: 11 Ballyalton Park Ballynagross Upper Downpatrick Down BT30 7BT
Date of last Neighbour Notification:	31.05.2023
Date of Expiry:	14.06.2023
Date of Press Advertisement:	10.05.2023
Date of Expiry:	24.05.2023
ES Requested: No	
Consultations:	
<p>NI Water was consulted in relation to the application and responded with no objections (response date 04.06.2023)</p> <p>DAERA was consulted and responded advising that the farm business had been in existence for more than 6 years and claims had been made in each of the last 6 years and the site this application relates to is under the control of the farm business.</p> <p>DFI Roads was consulted and responded with no objections subject to conditions.</p> <p>DFI Rivers responded with no objections to the proposal</p>	
Representations:	
The application was advertised and neighbours notified as set out above and to date there have been no representations received in relation to the proposal.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	0
Summary of Issues: There are no issues as a result of the consultation and publicity processes.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is located along the Derryboy Road and is part of a larger agricultural field. The site rises up gradually away from the roadside. The northern boundary of the site is made up of some trees and gables and rears of buildings. The south, south western boundary is made up of a planted field hedge with two trees along it and the north western boundary is undefined. The boundary along the road is mainly made up of verge and a post and wire fence.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located in the open countryside which is characterised generally by single dwellings and farm steads. The site is constrained by surface water flooding.

Description of Proposal

Proposed Dwelling on a farm under Policy CTY10 of PPS21

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2008/0731/F - 128 Derryboy Road, Crossgar, Co Down, BT30 9DH - Proposed replacement dwelling with detached garage & retention of existing garage for conversion to a stable at 128 Derryboy Road, Crossgar – approval 26.03.2009 (applicant Mr Kevin Dickson)

No other relevant site history found in relation to the farm at 131 Derryboy Road

CONSIDERATION AND ASSESSMENT

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

- The Banbridge, Newry and Mourne 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 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 8 Ribbon Development
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

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 Banbridge/Newry and Mourne Area Plan 2015)

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.

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

There is no conflict between the SPPS and the provisions set out in PPS 21 CTY 10 Dwellings on Farms therefore this assessment is made under CTY 10 which states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years.**

Taking account of the consultation response from DAERA it appears that the farm business is active and established and has been for a period of 6 years or more and farm payments have been claimed in each of the last 6 years for the farm business.

(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

Taking account of planning history on the lands associated with the farm business it does not appear there have been any development opportunities sold off from the holding. The agent has indicated that there have been no sell offs on the P1C form.

There is a dwelling under construction adjacent to the associated farm holding however the applicant has confirmed this is not associated with the holding and never has been and land registry and planning history checks appear to confirm the same.

(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 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). In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

The agent has confirmed that the farm holding associated with this proposal is that of 130 Derryboy Road which is on the opposite side of the road to the site in question. In order to cluster or visually link it is accepted that the site would sit on the same side of the road as the farm buildings it clusters with rather than having the break of a road between. On this occasion the proposed site appears to cluster with the dwelling and associated out buildings of 131 Derryboy Road with some of those outbuildings forming the boundary to the site, therefore the site is not visually linked or clustering with an established group of buildings on the farm and fails this aspect of policy. There has been no justification put forward to justify siting away from existing buildings on the farm.

The application is considered against CTY 13 Integration and Design of Buildings in the Countryside Planning which states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

It is considered that a dwelling could be accommodated at the site that could meet with the requirements A-F as set out in CTY 13 with further consideration to be given to the design of the dwelling during reserved matters stages when the full particulars would be presented for assessment.

As detailed above the site is not visually linked or sited to cluster with an established group of buildings on the farm and therefore fails to meet the requirements of part G of CTY 13.

The proposal is also considered against CTY 14 Rural Character CTY 14 states that Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed site appears to meet with the requirements set out in CTY 14 with the exception of par D it creates or adds to a ribbon of development as per policy CTY 8



Taking account of ribbon development as set out in CTY 8 there is currently a small ribbon of development adjacent to the site in question being a dwelling house and two outbuildings that all present to the road therefore the development of this site would result in the addition to an existing ribbon of development. In this assessment consideration is given to the potential for the site to meet the requirements of CTY 8 in representing a gap between no 131 and no 135 Derryboy Road however this is a visual break and does not represent a gap in an otherwise substantial and built up frontage when taking account of plot sizes and the considerable size of the gap.

Neighbour Notification Checked

Yes

Summary of Recommendation

For the reasoning detailed in the above report a recommendation of refusal is made for the reasons outlined below.

Reasons for Refusal:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10 of Planning Policy Statement 21, Dwellings on Farms as it has not been demonstrated that the new building is visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that:**

- demonstrable health and safety reasons.
 - verifiable plans to expand the farm business at the existing building group(s).
to justify siting away from an established group of buildings.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Integration and Design of Buildings in the Countryside part (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.
 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Rural Character as the development would add to a ribbon of development along the Derryboy Road.

Case Officer Signature: Fionnuala Murray

Date: 19 September 2024

Appointed Officer: A.McAlarney

Date: 20 September 2024

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/0054/F	Target Date:
Proposal: Infill dwelling and garage	Location: Lands to the north of 28 Crabtree Road Ballynahinch BT24 8RH
Applicant Name and Address: Owen Miskelly 36 Crabtree Road Ballynahinch BT24 8RH	Agent Name and Address: Tiernan FitzLarkin Bamford House 91 - 93 Saintfield Road Belfast BT8 7HL
Date of last Neighbour Notification:	17 March 2024
Date of Press Advertisement:	31 January 2024
ES Requested: No	
Consultations: DfI Roads – No objections NI Water – No objections NIEA – No objections	
Representations: None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at lands to the north of 28 Crabtree Road Ballynahinch.



Date of Site Visit: 7th August 2024

Characteristics of the Site and Area

The application site comprises a field to the north eastern side of Crabtree road. The site slopes gradually east to west from the rear of the site to the roadside and is slightly elevated to the road. The roadside boundary is defined by well defined hedging along the frontage with a field gate to the north western corner (outside of the red line site). The site is bounded to the south with mature trees separating the boundary with No 28. The eastern boundary includes mature vegetation which encloses the site, the northern boundary is undefined. Beyond the site to the rear (east) are some large sheds. The site is slightly elevated above road level. The area is rural in character.

Description of Proposal

Infill dwelling and garage

Planning Assessment of Policy and Other Material Considerations

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

1. Policy CTY 1 Development in the Countryside
2. Policy CTY 8 Ribbon Development
3. Policy CTY 13 Integration and Design of Buildings in the Countryside
4. Policy CTY 14 Rural Character
5. Policy CTY 16 Development Relying on Non-Mains Sewerage

Ards and Down Area Plan (2015)

Guidance – Building on Tradition

PLANNING HISTORY

Planning – onsite

Application Number: LA07/2022/0070/O

Decision: Permission Granted

Decision Date: 25 April 2022

Proposal: 2 Dwellings

Adjacent to the site

Application Number: LA07/2022/1480/F

Decision: Permission Granted

Decision Date: 13 October 2023

Proposal: Detached residential dwelling

To the north of the site

Application Number: LA07/2019/1644/O

Decision: Permission Refused

Decision Date: 16 September 2020

Proposal: Replacement Dwelling

Application Number: LA07/2021/0877/F

Decision: Permission Granted

Decision Date: 01 November 2021

Proposal: Replacement Dwelling, garage and outbuilding

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 Banbridge Newry and Mourne Area Plan 2015.

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside.

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

Policy CTY8- Ribbon Development

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

Permission was granted under LA07/2022/0070/O for two infill dwellings on 25 April 2022 with 5 conditions including time, access, landscaping. As this application is for full planning permission it would be necessary to revisit the principle. A further application for the other infill site to the north was approved under LA07/2022/1480/F. Given that the circumstances of the proposal are the same, the history of the site is a material consideration. None of the recent approvals have been implemented on the ground and the context is similar when the site was approved for 2 dwellings under LA07/2020/0070/O. In this context it is deemed that the proposal still meets with the infill policy, therefore the site can accommodate a dwelling whilst respecting the existing development pattern along the frontage. The proposal complies with this test of Policy CTY8.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and CTY 14 Rural Character.

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

Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.



Proposal as initially submitted

The agent was advised that the proposed house type is inappropriate to the site context. The agent was advised that while the main front elevation element was acceptable, the returns are very bulky all pushed to the rear of the site requiring significant cut into the site up to a max 5.6m which does not respect the site contours. The agent was advised to scale the scheme down and be appropriate to the site, in particular reducing the 2 storey side return and the triple garage. A biodiversity checklist was also requested given the removal of the hedge along the frontage of the site.

Amended plans were received 6th September 2024.

The agent indicates that they have reduced the ridge height by 170mm, ensuring that the design continues to step down along the road as depicted in the streetscape. They indicate the maximum cut is 5.45m, which is lower than that approved on the northern section (Ref. LA07/2022/1480/F). In addition, they state that they have incorporated more tree planting to enhance screening and have reduced the garage size to a double garage, which they believe will contribute positively to the overall design.

The agent was asked which scheme they wanted the Planning office to consider and the agent advised the amended scheme with their view to proceed with the existing

amended plans and address these matters later through the Delegated List / Planning Committee.

This assessment is based on the amended plans.



Proposed site layout (as amended)

Design: The proposal is for a sizeable dwelling with a gf of 278m² and an upper floor of approx. 243m² (approx. 520m² and garage 42m²) which is designed to appear as single storey to the front elevation with full two storey return to the rear/side. The design of the front elevation of the dwelling is simple in form and as mentioned presents as single storey form (with upper-level accommodation) with increased wall plate and a ridge height of 7.5m. This element of the dwelling has a frontage of 14.8m and a gable depth of 7m. The windows have a vertical emphasis and generally create a good solid to void ratio. The chimneys are positioned on the ridge and to the gable ends. This element of the dwelling is deemed to be acceptable.

The side return is set back from the roadside and located along the northern boundary of the site with the recent approval to the northwest side. This wing houses the upper floor bedrooms, bathroom and office. On the ground floor there is a boot room, hall, laundry room and home gym. A further return positioned centrally to the front element

is located to the rear accommodating an upper floor master bedroom with a flat roof portion on the ground floor accommodating kitchen/living/dining. There is a large full length arched window on the side elevation of the ground floor living room. The main front element which addresses the roadside is 7.5m in height. Windows have a vertical emphasis to the front with chimneys on the ridge.

The dwelling proposed has a pitched roof.

The materials and finishes of the dwelling include:

Walls: Natural Stone, Natural Timber White/off White Render

Windows: Grey Frames

Roof: Natural Slate and Grey Membrane Flat Roof

Garage: Walls: Natural Stone with White/Off White Render



Proposed Front Elevation



Proposed Side Elevation (Back to Front)



Proposed Rear Elevation



Proposed Side Elevation (Garage to Side)



Proposed Garage Front Elevation



Proposed Garage Side Elevation

Proposed Finishes for Main Dwelling:

- Walls: Natural Stone
- Walls: Natural Timber
- Walls: Off White Render
- Windows: Grey Frames
- Roof: Natural Slate

Proposed Finishes for Garage:

- Walls: Natural Stone
- Walls: Off White Render
- Windows: Grey Frames
- Roof: Natural Slate

Proposal as initially submitted



Proposal as amended

The amended plans do not show any significant changes to address the overall concerns of the planning office.

The main issue then lies with the large extended return to the LHS which measures 18.5m in total. The first part of the return is set back 3.5m from the front elevation and has pitched roof with a slightly reduced ridge line of 6.7m and has a length of 5.2m. The return then increases in height more in line with the main dwelling (slightly lower at 7.4m this continues for 13.3m in length (with a variable height- it is lowered into the ground, so a max height of 7.8m at certain points). The triple garage has now been reduced to a double garage. Generally rear returns should have proportion and balance in relation to the main element of the dwelling and should generally be smaller (in terms of height and width) than the main element of the dwelling house and subordinate in form.

Given that no development has commenced on any of the adjacent sites, there will be clear views of the site when travelling in a south easterly direction on approach and across the frontage of the site. When coming in the opposite direction and travelling in a NE direction, given that the return is to the northern side of the dwelling, this will be partially screened by the dwelling itself, however, given that the dwelling is higher than the roadside, there will be an awareness when travelling along the frontage.

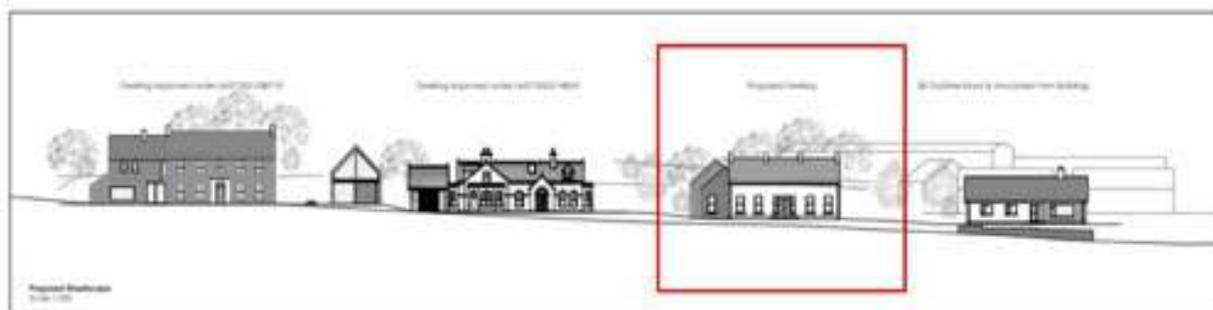
Levels: In a similar way to the adjacent site approved under LA07/2022/1480/F, substantial groundworks would be required to facilitate the development with a cut in of max 5.6m in order to facilitate the erection of the dwelling and garage (4.36m cut which extends a further 1.24m below ground level). This maximum cut does not extend across the entirety of the site, mainly the land is lowered at the entrance to the home gym and where the cars will park adjacent to the garage.

Section



Given the proposed two storey nature of the side return combined with its overall length, despite its setback and change in materials it would still appear bulky and dominant, this combined with the level of cut to achieve the dwelling, would render the design completely inappropriate for the site and its location and overall the dwelling would appear as a prominent feature in the landscape.

A double garage finished in similar materials to the dwelling would be located against the eastern boundary of the site and again relies on significant cut within the site. The dwelling will have hardstanding to provide access to the site with parking and manoeuvring space at the rear for at least 2 cars.



Landscaping: The site plan identifies planting along the new boundaries with a hawthorne hedge. There is existing planting along the southern and eastern boundaries which is to be retained. A condition would ensure that this is adhered to in the next available planting season after development has commenced if the Planning office was minded to approve it. Officers are satisfied that the planting of native species hedging behind the visibility splays and northern boundary along with interspersed trees between the dwelling and the road would be acceptable, however, even with this planting and the promise of additional tree planting, this would still not be sufficient to integrate the dwelling into the landscape.

Consequently the design, scale and massing of the proposed dwelling would produce a form of development that is visually intrusive in this rural environment site, this would result in a prominent feature in the landscape. It would be contrary to criterion (a) and (e) of Policy CTY 13 of PPS 21.

The proposed development would fail to comply with PPS 21 CTY 13 (a) and (e) in that the dwelling would be a prominent feature in the landscape and the design of the building is inappropriate for the site and its locality.

Policy CTY 14- Rural Character

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 an area. It sets out five circumstances where a new building would be unacceptable. Given that the site represents a gap site within an otherwise substantial and continuously built-up frontage and in complying with this element of Policy CTY8, it follows that a development site that is accepted as 'infill' opportunity could not be considered unacceptable in terms of build-up or ribboning however, as highlighted previously the site would be contrary to part a) it is unduly prominent in the landscape, given the design scale and massing and this would be detrimental to the rural character of the area, contrary to CTY 14 (a).

CTY 16 Development relying on non main 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. The applicant has shown the existing septic tank in lands within the red line. The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. A condition placed on the decision notice should ensure that before the dwelling is occupied a consent to discharge is obtained by the relevant authorities.

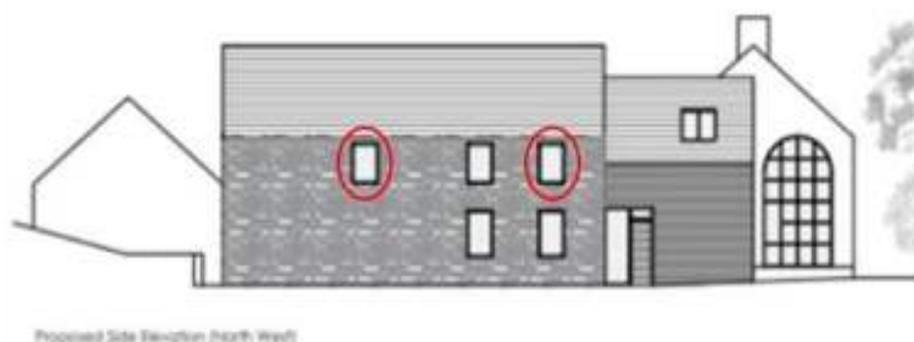
Impact on Residential Amenity

There are upper floor windows which run along the southern elevation of the large two storey return, which include 3 hall/corridor windows which gives access to the bedrooms. There are two windows in the most easterly bedroom with one window facing the rear and one facing south towards No 28's garden. However, given that the separation distance with the shared boundary is 24m it is considered to be sited a sufficient distance from No 28 to the south to prevent any unacceptable impacts.



Approved plans under adjacent site - LA07/2022/1480/F

On the opposite elevation the approval under LA07/2022/1480/F has two upper floor bedroom windows along their southern side elevation, along with an ensuite and a bathroom window.



Proposed plans

Given that the other permission has not been implemented on the ground there will be a symbiotic relationship for both parties in terms of upper floor windows, in addition to

this there is a 16m separation distance for a side to side relationship which is deemed sufficient and neither party of each site will be prejudiced in this regard.

On balance given the separation distance, scale and positioning of the dwelling to the neighbouring and approved dwelling, it is also considered that there will be no loss of light or overshadowing of neighbouring properties. Consequently, it is considered that the proposed development will have no adverse impact on neighbouring properties.

PPS 2 – Natural Heritage

Policy NH5 - Habitats, species or features of Natural Heritage Importance

Policy NH5 states that permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. Hedgerows are considered to be a priority habitat. The creation of a vehicular access and associated splays will require the removal of a stretch of the existing hedgerow along the front of the site. Part of this same stretch of hedge would also have had to be removed for the adjacent site approved under LA07/2022/1480/F. On site inspection, it was noted that the existing hedge is a fairly dense hedgerow. On this basis a biodiversity checklist was completed by an ecologist. The standing advice from DAERA NED is that compensatory planting on site can negate the removal of hedgerows. The proposed compensatory planting of native species hedgerow along with interspersed new trees as shown on the block plan PD001 is considered to be acceptable.

An informative advising the applicant in relation to bird breeding season can be placed on the decision notice. The proposal is not therefore considered to offend protected species or priority habitats.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted as part of the proposal and have no objections subject to conditions. Visibility splays have been indicated as requiring 2.4m x 70m. It is also considered that sufficient provision has been made parking and turning within the site.

Conclusion

The proposal is considered contrary to the relevant planning policies highlighted above and it is recommended that the application be refused as per refusal reason below.

Recommendation:

Refusal

Refusal Reason:

<p>1. The proposal would be contrary to the Strategic Planning Policy Statement for NI (SPPS) and CTY 13 (a) and (e) and CTY 14 (a) of Planning Policy Statement 21, in that the dwelling would be a prominent feature in the landscape and the design of the building is inappropriate for the site and its locality resulting in a detrimental change to the rural character of the countryside.</p>	
<p>Informative</p> <p>The plans to which this refusal relate include:</p> <p>site location plan, site layout, access and Landscaping – PD001 REV 01</p> <p>Proposed floorplans - PD002 REV 01</p> <p>Proposed elevations - PD003 REV 01</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation – refusal as per reason</p>	
<p>Case Officer Signature: C. Moane</p>	<p>Date: 20 September 2024</p>
<p>Appointed Officer: A.McAlarney</p>	<p>Date: 20 September 2024</p>

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

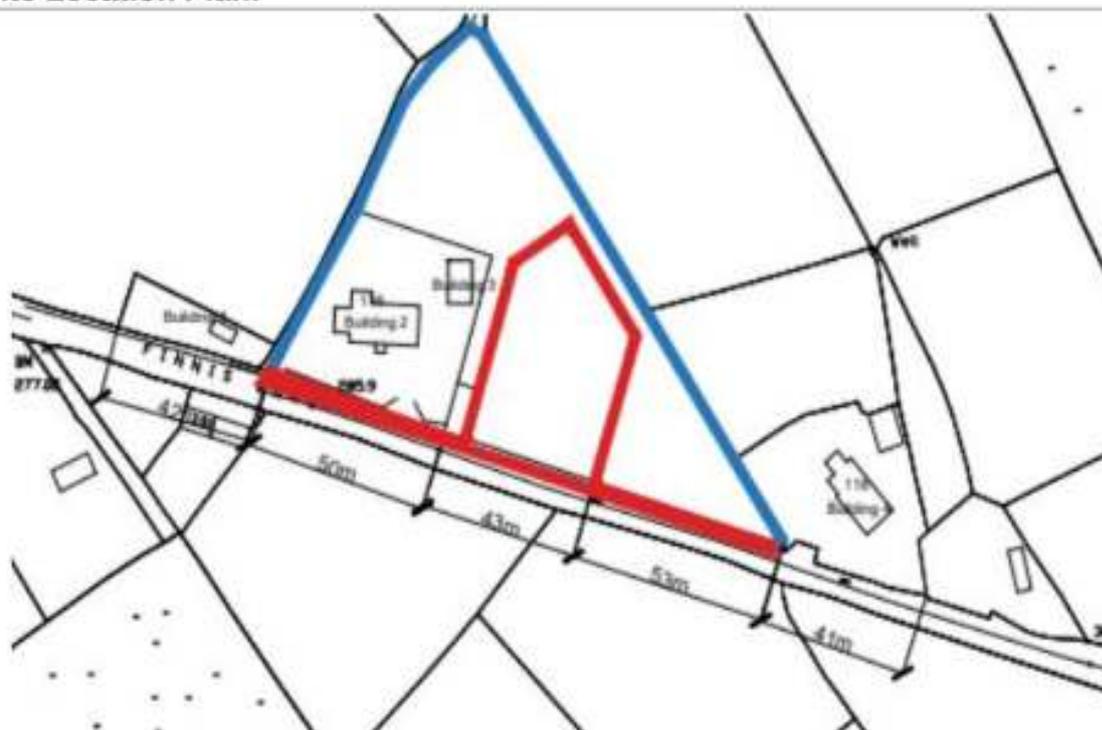
Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3259/F	Target Date:
Proposal: Dwelling and Garage	Location: Between 116-118 Finnis Road, Dromara, Dromore, BT25 2HT
Applicant Name and Address: Caoimhe Cunningham 43 Kilnhill Road Leitrim BT31 9TN	Agent Name and Address: Glyn Mitchell 19 The Square Kilkeel
Date of last Neighbour Notification:	16 March 2024
Date of Press Advertisement:	27 September 2023
ES Requested: No	
Consultations: Consultation were carried out with Dfi Roads and Northern Ireland Water (NIW) no objections have been received.	
Representations: No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 12th September 2024

Characteristics of the Site and Area

The site is located along the minor Finniss Road, Dromara and is comprised of a roadside portion of land cut out of a larger triangular shaped field. The site is defined along the road by a grass verge and post and wire fence. The remaining boundaries are undefined.



Finniss Road falls in an east to west direction, the site therefore is on sloping ground elevated above No 116 Finniss Road, but set below No 118.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

Application Number: Q/1984/0293 Decision: Permission Granted Decision

Date:

Proposal: 11KW O/H LINE - CRA 7907

Application Number: Q/2009/0331/F Decision: Permission Granted Decision

Date: 17 December 2009

Proposal: Erection of dwelling and detached garage.

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan
- Elevations
- Floor Plans
- Garage Plans

CONSULTATIONS

DfI Roads – No objections submit to conditions

NIW – No objections

REPRESENTATIONS

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

EVALUATION

Section 45(1) of the Act requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan (LDP) for the area where the appeal site is located. In ADAP, the site is located in the

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

The Strategic Planning Policy Statement 'Planning for Sustainable Development for Northern Ireland' (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and Planning Policy Statement 2 'Natural Heritage' (PPS 2) apply. In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for determining this application.

To establish whether the site represents an infill opportunity, it is first necessary to determine whether it is within an otherwise substantial and continuously built-up frontage. Policy CTY8 is a restrictive policy. It advises a substantial and built-up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane. In this case the site shares a frontage with the dwelling and detached garage at No 116 and the dwelling at No 118 Finnis Road. The site is therefore deemed to be located within an a substantial and continuously built-up frontage and satisfies the first test of the policy.

Policy also requires the gap to be small, sufficient only to accommodate up to a maximum of two houses. The building-to-building gap between Nos 116 and 118 Finnis Road is 103m. In assessment of the frontages of the adjacent properties they are as follows.

- No 116 – 48m
- No 118 – 39.8m

While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal. A building-to-building gap of 103m cannot be considered a small gap site within the surrounding rural context and will be recommended for refusal on this basis.

Further to this, officers consider that while the proposed is located within a substantial and continuous built-up frontage (as identified above) the gap between Nos 116 and 118 provides an important visual break and contributes to the rural character of the area.



In light of the restrictive nature of Policy CTY 8, permission must also be refused on the grounds of character.

CTY 13 – Integration and Design in the Countryside

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

It is a prominent feature in the landscape;

In assessment of this it is noted that the site on approach from the west is elevated with land rising further when travelling eastwards. As noted above the proposed site sits above No 116 and below 118. Both existing dwellings are positioned within plots which are matured and therefore have a degree of integration despite the surrounding topography. While the site lacks integration as will be discussed below, it is not considered to be prominent given the slope of the landform and elevated backdrop when travelling up Finnis Road from the west.

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

The site is defined at the roadside by a grass verge and post and wire fence. The lack of vegetation is readily apparent on approach to the site from either direction on Finnis Road and when travelling along its immediate frontage. Whilst the applicant has indicated a landscaping scheme, see Drawing No 3, this would take time to establish and mature.

It relies primarily on the use of new landscaping for integration;

The development site would be reliant on new landscaping and a satisfactory level of integration would not be achieved, which in turn would increase the overall visual impact of the new dwelling.

The design of the building is inappropriate for the site and its locality;

The design of the proposed dwelling is as shown above. In assessment of this it is noted that the neighbouring dwellings at Nos 116 and 118 are clearly single storey dwellings with low elevations. The proposed dwelling will have a maximum ridge height of 6.6m which while not excessive, is not considered to be appropriate for the elevated and open nature of the site. A lower elevation would be more in keeping with that surrounding.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

- (A) It is unduly prominent in the landscape; or
- (B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (C) It does not respect the traditional pattern of settlement exhibited in that area; or
- (D) It creates or adds to a ribbon of development

As it has been deemed above that the proposal would not meet the infill policy of CTY 8, it follows that the proposal would not be compliant with CTY 14.

PPS 3 – Access, Movement and Parking

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

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

Category A is applicable.

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

With regard to parking, turning and manoeuvring of vehicles, it is considered that there is sufficient space within the curtilage of the proposed dwellings, to ensure that 2 vehicles can adequately park and move in and out of the site – see Drawing Nos 3.

PPS 2 – Natural Heritage

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that ;

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

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

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that the proposal does not comply satisfactorily with the requirements of Policy NH 6. The proposal will contribute to ribbon development and the consequential erosion of the rural character of the area. In addition, the design of the dwelling is not considered appropriate for the site and is therefore not appropriate for the AONB.

Comments from Agent

In response to the above opinions the applicant/agent has provided comment and made some minor alterations to the site plan drawing in order to demonstrate that it better accords with the pattern of development present along the confirmed substantial and continuously built up frontage (SCBUF) – Drawing No 04a. Attached also is an indicative site plan (Drawing No 06) which seeks to demonstrate that two dwellings could be satisfactorily accommodated within the gap.

In consideration of this, officers do not consider that the altered site plan alleviates concerns regarding the pattern of development along the substantial and continuously build up frontage. The building to building gap remains unchanged, the planting of new boundaries more in keeping with that adjacent, does not justify approval in this case. Paragraph 5.34 of the J&A of CTY 8 clearly states that it is not sufficient to simply show that two houses could be accommodated. Applicants are required to take full account of existing pattern of development.

Drawing No 6 shows that an additional dwelling in the land outside the red line of the site could be accommodated, however, its layout is contrived. The existing dwellings

along the substantial and continuously built up frontage are dwellings which are located within mature plots with substantial private amenity area. The indicative second dwelling on Drawing No 6, while following the building line of the dwelling at No 116 and that proposed within the application, does not otherwise follow the existing pattern of development in terms of size, plot size and other planning requirements i.e. integration.

In consideration of the visual gap, the applicant / agent considers that the northern side of Finnis Rd for a distance exceeding 3km in this location is almost totally devoid of development, save for a few dispersed dwellings and farm holdings. The immediate vicinity cannot be considered to be 'developed' and so are of the view that the site is not an important visual gap and that a refusal on this basis could not be sustained.

Officers refer again to Paragraph 5.34 which states that many frontages in the countryside have gaps between houses or other buildings which provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The site is located within the rural area, whereby approval for a new dwelling will only be granted in an exceptional case. Policy CTY 8 is distinctly a restrictive policy which clearly states from the outset that planning permission will be refused for a building which creates or adds to a ribbon of development. Officers consider that the proposed development site represents a visual break in the development along Finnis Road which should be retained in order to maintain rural character.

Regarding integration and new planting, the applicant / agent advises that existing vegetation in the vicinity is quite sparse and there is a lack of native hedgerows, which officers do not dispute. The applicant / agent advises that the proposal will introduce additional native species planting, which will enhance the visual character of the area and improve biodiversity. Officers do not dispute this either, however, the proposed planting will take time to mature and a dwelling, if approved, would not integrate into the landscape and would be reliant entirely on new vegetation for integration which is contrary to CTY 12 of PPS 21.

Further to this Policy CTY 8 requires proposals to meet other planning and environmental requirements, being located within a substantial and continuous built up frontage does not preclude proposals from complying with this aspect of policy.

The applicant / agent were aware of Officers concerns regarding the design of the proposed dwelling, but did not put forward any amendments in this regard.

Drawings

The Drawings considered as part of this assessment are as follows

- Floor Plans 01,
- Proposed Elevations 02,
- Proposed Site Layout 03,

- Site Location Plan 04,
- Proposed Garage Plans 05
- Amended site layout 04a
- Plan showing indicative layout for two infill dwellings 06

Neighbour Notification Checked

Yes

Summary of Recommendation

Officers having considered the proposal, along with the amended plans and comments from the agent, in addition to the responses from consultees, consider the proposal to be unacceptable.

REFUSAL is recommended for the reasons set out below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap. Its development would result in the loss of an important visual break.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it relies primarily on the use of new landscaping for integration and the design of the dwelling proposed is inappropriate for the site and its locality.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and design of the dwelling are unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer Signature: C Cooney	
Date: 27 September 2024	
Appointed Officer: A.McAlarney	Date: 27 September 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3521/O	Target Date:
Proposal: Dwelling, garage and associated siteworks as per CTY 8 PPS21 - Ribbon Development	Location: Land between 16a and 22 Raleagh Road, Crossgar
Applicant Name and Address: David Graham 48 Raleagh Road Crossgar Downpatrick BT30 9JG	Agent Name and Address: William Wallace 9 Crossgar Road Dromara BT25 2JT
Date of last Neighbour Notification:	5 April 2024
Date of Press Advertisement:	15 November 2023
ES Requested: No	
Consultations: DFI NI Water HED	
Representations: None	
Letters of Support	0.00
Letters of Objection	0.000
Petitions	0.00
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: May 2024

Characteristics of the Site and Area

The site is an irregular shaped plot and has been cut out from a larger agricultural field. Access to the site is via an existing private laneway that also provides access to other dwelling in the vicinity of the site.

The application site and larger field have a gradual incline rising from the northern boundary, shared with the laneway, resulting in elevated land within the site positioned above the laneway frontage and land to the west and east. The field also has an undulation as you move from the western boundary falling slightly before rising before the eastern boundary.

The dwelling at No. 16a is positioned to the west of the site. To the east is the dwelling at No. 22 Raleigh Road and beyond this is the dwelling at No. 24. The sites side boundaries are defined by timber fencing and natured vegetation. To the north is the remainder of the field from which the site is cut, there is no defined northern boundary.

The surrounding area is rural in character. Development is dispersed and within this area comprises mainly of dwellings and their associated outbuildings.

The site sites outside development limits as defined by the Ards and Down Area Plan 2015.

Description of Proposal

Dwelling, garage and associated siteworks as per CTY 8 PPS21 – Ribbon Development

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Ards and Down Area Plan 2015

- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access Movement and Parking
- PPS2: Natural Environment
- Building on Tradition Design Guide
- The Judicial Review in the matter of an application by Gordon Duff (re Glassdrumman Road, Ballynahinch)

PLANNING HISTORY

Enforcement

Application Number: LA07/2023/0378/CA Decision: Decision Date:
 Proposal: There is unauthorized building work happening at 20 Raleagh road. This is following the unauthorized building of a "garage" which subsequently has been used for the storage of commercial vehicles and equipment. The area is rural residential and the building of commercial premises has not been consulted with the residents.

Planning

Application Number: R/1985/0298 Decision: Permission Granted Decision
 Proposal: EXTENSION TO DWELLING

Application Number: R/1975/0298 Decision: Permission Granted Decision
 Proposal: FARM DWELLING

Application Number: R/1974/0572 Decision: Permission Granted Decision
 Proposal: 11KV AND MV OVERHEAD LINE.

Application Number: R/1975/0092 Decision: Permission Granted Decision
 Proposal: 11KV O/H LINE

Application Number: LA07/2023/3476/O Decision: Decision Date:
 Proposal: Proposed infill for two dwellings, garages and associated site works

Application Number: R/1999/0721/F Decision: Permission Granted Decision
 Date: 18 November 1999
 Proposal: 2 storey extension to dwelling

Application Number: R/2000/0093/O Decision: Withdrawal Decision Date: 13
 June 2000
 Proposal: Site for dwelling

Application Number: R/2000/0703/O Decision: Permission Granted Decision
 Date: 27 September 2000
 Proposal: Site for dwelling

Application Number: R/2001/1378/RM Decision: Permission Granted Decision
 Date: 01 March 2002

Proposal: Dwelling

Application Number: R/2002/0639/O Decision: Permission Granted Decision
 Date: 19 November 2002
 Proposal: Dwelling and Garage

Application Number: R/2003/0027/RM Decision: Permission Granted Decision
 Date: 25 July 2003
 Proposal: Proposed private dwelling house and garage.

Application Number: R/2002/1740/O Decision: Permission Refused Decision
 Date: 03 September 2003
 Proposal: Erection of dwelling and garage.

Application Number: R/2002/1737/O Decision: Permission Refused Decision
 Date: 11 November 2003
 Proposal: Private dwelling & garage.

Application Number: R/2002/1736/O Decision: Permission Granted Decision
 Date: 05 December 2003
 Proposal: Private dwelling & garage.

Application Number: R/2002/1734/O Decision: Permission Granted Decision
 Date: 11 February 2004
 Proposal: Private dwelling & garage.

Application Number: R/2004/1940/F Decision: Permission Granted Decision
 Date: 21 June 2005
 Proposal: Proposed new dwellings (2 no.). Amended Plans.

Application Number: LA07/2016/0007/O Decision: Permission Granted Decision
 Date: 02 December 2016
 Proposal: Infill dwelling and garage

Application Number: LA07/2019/0482/O Decision: Permission Refused Decision
 Date: 13 June 2019
 Proposal: Proposed infill for two dwellings and garages

Application Number: LA07/2019/1184/O Decision: Appeal Dismissed Decision
 Date: 21 May 2020
 Proposal: 2 infill dwellings and garages

Application Number: LA07/2019/1713/RM Decision: Permission Granted
 Decision Date: 07 January 2021
 Proposal: Dwelling and Garage

Application Number: LA07/2021/1295/F Decision: Permission Granted Decision Date: 16 November 2021

Proposal: Proposed Change of House Design (previous approval LA07/2019/1713/RM)

Application Number: LA07/2021/0493/F Decision: Permission Granted Decision Date: 24 January 2023

Proposal: Separate garage with on floor to allow for extra storage space for caravan, trailer and tools etc

SUPPORTING DOCUMENTS

Site Location and Site Layout Plan

CONSULTATIONS

- DFI - no objection subject to compliance with RS1.
- HED – the application site is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact.
- NI Water – approve with standard conditions

REPRESENTATIONS

Neighbour notification and advertising was carried out. There were no representations received.

EVALUATION

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

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built-up frontage. This is less prescriptive than the content of PPS21 regarding infill

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY 8.

Policy CTY 8 outlines the criteria that must be met in order to grant planning permission for an infill site. Policy CTY 8 is a restrictive policy. It states the 'Planning permission will be refused for a building which creates or adds to a ribbon of development'. It also states that 'An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, sitting and plot size and meets other planning and environmental requirements'.

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



The site comprises an irregular shaped plot, which has a frontage onto a private laneway that leads off Raleagh Road. The proposed site is cut out of a larger agricultural field. Adjacent to the east of the site is No. 16a Raleagh Road which consists of a 1 ½ storey dwelling in a substantial sized plot with mature trees and vegetation within and around its boundaries. To the east is No. 22 Raleagh Road, on which sits a 1 ½ storey dwelling in a more open plot that lacks established boundaries and shares its eastern boundary with detached 1 ½ storey dwelling at No 24 Raleagh Road.

The adjacent dwellings and application site are accessed from the private lane which Policy CTY8 paragraph 5.33 states that for the purposes of this policy a road frontage includes a footpath or private laneway. Therefore, the private lane is the road frontage. On considering the buildings and their arrangement along this private laneway, the application site would represent a gap within an otherwise substantial and continuous built-up frontage of No's 16A, 22 and 24 Raleagh Road. Where it is established that such a gap exists, it may be filled by an appropriate housing development, provided the requirements in relation to matters such as scale and design, siting and plot size are also met in full.

The justification and implication section of CTY 8 outlines that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than two houses but, must also be able to do so in a manner that respects the existing development pattern.

On considering the recent Judicial Review (JR) in the matter of an application by Gordon Duff on an infill approval at Glassdrumman Road, Ballynahinch, the restrictive nature of Policy CTY8 was further reinforced. The Judge had noted that:

"An exception to the prohibition against ribbon development can only be established if all of the conditions underpinning the exception are made out. Absent fulfilment of any of these conditions, the very closely defined exception cannot be made out. In construing and applying the exception, the decision-maker must bear in mind the inherently restrictive nature of the policy, the principal aim of which is to prevent the spread of ribbon development in rural areas"

It has been noted that planning permission had been previously granted on this site for an infill dwelling under LA07/2016/0007/O, approved on the 2nd December 2016 and a subsequent reserved matters application, LA07/2019/1713/RM, approved on 17th December 2020. A subsequent change of house type application was approved on the application site under planning ref. LA07/2021/1925/F. On checking these previous permissions have now expired and no Certificate of Lawfulness has been granted for works commencing on site to implement these permissions

The red line as submitted with this current application has been reduced in size, resulting in a smaller frontage width and plot size to that which was previously accepted and approved. The site frontage onto the laneway measures circa 38m with plots size reduced to circa 1992sqm. Both the frontage width and plot size fall below the smallest frontage width and plot size evident along the defined frontage comprising No's. 16a, 22 and 24 and well below the calculated average frontage width and plot size. See below layout plans.



The Planning Appeals Commission (PAC) has previously assessed 'gaps' as being the distance between buildings. The gap between the buildings is measure at circa 121m. Whether or not a gap is suitable for infill development in accordance with CTY 8 is a matter of planning judgement, taking into account what one ascertains on the

ground, not merely a mathematical exercise. It is important to also consider the disposition of those buildings relative to one another and the plots within which they lie.

On walking the laneway there is little appreciation of a visual linkage between the buildings at 22, 24 and 16a due to the alignment of the laneway, the positioning of buildings, rising land and mature landscaping within the plots and along the laneway frontage and for this reason the laneway does not feel continuously "built-up". The dwellings at No. 22 and 24 can be viewed together on passing, however the dwelling at No. 16a is not visible with any other building identified along this frontage. On passing the plots, each dwelling is viewed within their spacious curtilages. While the application sites plot depth is comparable with those found along this section of the laneway, owing to its smaller frontage width and resulting smaller plot size, the application site, when viewed on the ground would appear unfitting within the established pattern of development.

Further, due to the alignment of the laneway, the distance experienced when travelling along the laneway between the building at No. 16a and the building at No. 22, between which the gap site is proposed, feels very large. As there is little appreciation of a visual linkage between buildings to the east (No's 22 and 24) of the site with the building to the west (No. 16a) and the sizeable gap between the buildings, a new dwelling within the application site would lengthen the ribbon of development with the buildings at No's 22 and 24 rather than fill the gap.

While the previous approvals on this site are noted, each application is taken on its own merits and the recent Judicial Review is considered a material consideration in assessing infill proposals in that it highlights the highly restrictive nature of CTY8 and that exception to the prohibition against ribbon development can only be established if all of the conditions underpinning the exception are made out.

As the application site size does not respect the pattern of development along this frontage and is considered to lengthen ribbon development rather than fill a "small" gap, it is therefore the Planning Department's opinion that the gap site provides a visual break in the developed appearance of the locality that maintains the rural character of the area. The site is not therefore an exception to policy and is considered contrary to CTY8.

Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. No evidence has been provided of any overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement.

As the proposed development would fail to meet the requirements of Policy CTY 8 of PPS 21 and it has not been demonstrated that it is essential in this location, the proposal is not acceptable in principle in the countryside and fails to meet the requirements of Policy CTY 1 of PPS 21.

CTY 14 – Rural Character

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

As it has been deemed above that the proposal would not meet the infill policy of CTY 8, it follows that the proposal if approved would create a ribbon of development along this section of Raleagh Road when read with No's 22 and 24. For this reason, the Council consider the proposal to be contrary to CTY 14 of PPS 21.

PPS 2 – Natural Heritage

Policy NH5 - Habitats, species or features of Natural Heritage Importance states that permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. An inspection of the application site was undertaken and in line with DAREA guidance did not uncover any priority species or habitats. The sites verge with the laneway is heavily vegetated however plan P02B indicates this will be retained.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted as part of the proposal and have no objections subject to compliance with the RS1 form at reserved matters stage of 2.0m x 66m of site outlined in red and the access position to be in the position as indicated on drawing No. 457-23-02P.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Refusal Reasons:

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site does constitute the development of a small gap site and does not respect the existing development pattern along the frontage in terms of size and plot size.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would create a ribbon of development.

Case Officer Signature: Laura O'Hare

Date: 18 September 2024

Appointed Officer: A.McAlarney

Date: 20 September 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

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 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
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

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dunderine Road, Castlewellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	A McAlarney	In progress	N
PLANNING COMMITTEE MEETING 10 JULY 2024					
LA07/2022/1777/F	75m SE of no. 169 Longfield Road Forkhill Newry - Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground wash water tank to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as per NAP requirements	Deferred for site visit	M Fitzpatrick	Deferred for a site visit. Assessment of amended information on-going	N
PLANNING COMMITTEE MEETING 7 AUGUST 2024					
LA07/2023/2956/O	Lands between 34 & 36 Flagstaff Road, Newry - 2no infill dwellings	Deferred for site visit	M Fitzpatrick	Site visit completed – to be taken to November Committee at request of the agent	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 4 SEPTEMBER 2024					
LA07/2023/3065/O -	Site located to NE of No. 46 Slievenaboley Road, Dromara, Co. Down, BT25 2HW - Proposed farm dwelling, access and siteworks	Deferred for a site visit	A McAlarney	To be tabled at November Committee	N
PLANNING COMMITTEE MEETING 2 OCTOBER 2024					
LA07/2023/2274/F	Abbey Way Car Park, Abbey Way, Newry - Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.	Deferred	M Keane		
LA07/2023/2193/F	1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall.	Deferred	P Manley		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2023/2213/LBC	<p>Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street</p> <p>1 Town Hall, Bank Parade, Newry</p> <ul style="list-style-type: none"> - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. <p>Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street</p>	Deferred	P Manley		