



December 19th, 2024

### **Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 8th January 2025** at **10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

#### **Committee Membership 2024-2025:**

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

# Agenda

- 1.0 Apologies and Chairperson's Remarks
- 2.0 Declarations of Interest
- 3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for entire item
- 4.0 Minutes of Planning Committee held on 04 December 2024  
*For Approval*  
  
to follow
- 5.0 Addendum List - Planning applications with no representations received or requests for speaking rights


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*Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014*

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- 6.0 Notice of Motion - Section 76 Order, Downpatrick Eastern Distributor Road  
*For Decision*

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

 *Notice of Motion - Section 76 Order.pdf*

*Not included*

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

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- 7.0 LA07/2023/2827/F - Lands immediately NW of no. 48 Maytown Road, Bessbrook - Erection of dwelling

**REFUSAL**

On agenda as a result of the Call In Process

Cllrs Feehan, Finnegan, Larkin, D Murphy, S Murphy & M Rice attended a site visit on 4 December 2024.

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

Mr Colin O'Callaghan will be present to answer any questions Members may have

[LA07-2023-2827-F Case Officer Report.pdf](#)

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***Development Management - Planning Applications for determination***

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- 8.0 LA07/2023/2199/F - Lands to the south of No.s 1 & 2 Knockanoney Heights, north of Nos 1 & 63 The Demesne, east of Carnagat Road and west of No. 8 Daisy Hill, Newry - Proposed erection of social-led, mixed tenure residential development comprising 24 no. dwellings and 24 no. apartments, open space, landscaping, associated site works, parking and access arrangements from Carnagat Road.**

*For Decision*

**APPROVAL**

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

[LA07-2023-2199-F Case Officer Report.pdf](#)

Page 8

- 9.0 LA07/2021/1258/RM - 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**

*For Decision*

**APPROVAL**

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

[LA07-2021-1258-RM - Case Officer Report.pdf](#)

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[LA07-2021-1258-RM Case Officer Addendum Report.pdf](#)

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- 10.0 LA07/2023/2635/F - Lands approximately 250m north east of MJM Group, Unit 1 Derryboy Road, Carnbane Business Park, Newry, BT35 6QH - Proposed manufacturing facility, 2 storey**

**welfare & office facilities, associated site works including yard storage areas, boundary fencing, vehicular & pedestrian entrances.**

*For Decision*

**APPROVAL**

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

 [LA07-2023-2635-F - Case Officer Report.pdf](#)


*Page 51*

**11.0 LA07/2023/3470/F - Site adjacent to and to the W of 15 Tullymacreeve Road, Mullaghbawn, BT35 9RD - Dwelling & detached garage.**

*For Decision*

**REFUSAL**

On agenda as a result of the call in process

 [LA07-2023-3470-F - Case Officer Report.pdf](#)


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**12.0 LA07/2023/3475/F - 60m S of 68 Jericho Road, Crossgar, Downpatrick - Proposed new dwelling on a farm (under PPS21 CTY10).**

*For Decision*

**REFUSAL**

On agenda as a result of the call in process

 [LA07.2023.3475.F - Case Officer Report.pdf](#)


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**13.0 LA07/2024/0022/O - Lands between 20 and 24 Carnalroe Road, Ballyward, Castlewellan - Proposed dwelling and garage and associated siteworks.**

*For Decision*

**REFUSAL**

On agenda as a result of the call in process

 [LA07.2024.0022.O - Case Officer Report.pdf](#)

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**14.0 LA07/2023/1996/F - Lands between 3 and 9 Scaddy Road, Crossgar, BT30 9BW - 2 infill dwellings**

*For Decision*

**REFUSAL**

On agenda as a result of the call in process

📄 *LA07-2023-1996-O Case Officer Report.pdf*

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***For Noting***

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**15.0 Regionally Significant Planning Application under Section 26 of the Planning Act (Northern Ireland) 2011 – Grugganddoo Wind Farm**

*For Information*

📄 *Letter to DfI re notification of hearing and submission details.pdf*

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**16.0 Historic Action Sheet**

*For Information*

📄 *Planning Historic Tracking Sheet - 2024-12-04.pdf*

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# Invitees

- Cllr Terry Andrews
- .....
- Cllr Callum Bowsie
- .....
- Fionnuala Branagh
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- Cllr Jim Brennan
- .....
- Cllr Pete Byrne
- .....
- Cllr Philip Campbell
- .....
- Cllr William Clarke
- .....
- Cllr Laura Devlin
- .....
- Ms Louise Dillon
- .....
- Cllr Cadogan Enright
- .....
- Cllr Killian Feehan
- .....
- Cllr Doire Finn
- .....
- Cllr Aoife Finnegan
- .....
- Ms Joanne Fleming
- .....
- Cllr Conor Galbraith
- .....
- Cllr Mark Gibbons
- .....
- Cllr Oonagh Hanlon
- .....
- Cllr Glyn Hanna
- .....
- Cllr Valerie Harte
- .....
- Cllr Roisin Howell
- .....
- Cllr Tierna Howie
- .....
- Cllr Jonathan Jackson
- .....
- Cllr Geraldine Kearns
- .....
- Miss Veronica Keegan
- .....
- Mrs Josephine Kelly
- .....
- Mrs Sheila Kieran
- .....
- Cllr Cathal King
- .....
- Cllr Mickey Larkin
- .....
- Cllr David Lee-Surginor
- .....
- Cllr Alan Lewis
- .....
- Cllr Oonagh Magennis
- .....
- Mr Conor Mallon
- .....
- Cllr Aidan Mathers
- .....
- Mrs Annette McAlarney
- .....
- Cllr Declan McAteer
- .....
- Cllr Leeanne McEvoy
- .....
- Jonathan McGilly
- .....
- Cllr Andrew McMurray
- .....
- Maureen/Joanne Morgan/Johnston
- .....
- Cllr Declan Murphy
- .....
- Sinead Murphy
- .....
- Cllr Kate Murphy
- .....

Cllr Selina Murphy  
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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  
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Donna Starkey  
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Nicola Stranney  
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Sarah Taggart  
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Cllr David Taylor  
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Cllr Jarlath Tinnelly  
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Cllr Jill Truesdale  
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Mrs Marie Ward  
.....



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2023/2827/F**

**Date Received: 26/05/2023**

**Proposal: Erection of Dwelling.**

**Location: Lands immediately north west of no. 48 Maytown Road, Bessbrook.**

**Site Characteristics & Area Characteristics:**

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

The site is set on the edge of the public road although the area for development is just back from the public road with a narrow entrance laneway leading from the public road to the main area of the site. The main area of the site is a small hardcore yard which at the time of inspection had a number of cars and a caravan parked within the yard. The site also contains a small steel container shed which appears to be used for general storage. The site also includes the area adjacent to the public road which includes a shed, aviary style structure and green house, this area is detached from the other portion of the site by a mature evergreen hedge. The site is well screened from views when travelling along the public road by mature vegetation, to the southeast of the site is No 48.

The site is located within a rural area of countryside, a number of other properties are located within the vicinity of the site.

**Site History:**

LA07/2023/2816/CLEUD - Existing use: Retention of building of temporary construction, area of hardstanding and access - Lands adjacent to 48 Maytown Road, Bessbrook – Permitted Development.

**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:**

NI Water – No objection.

DFI Roads – No objection subject to conditions.

**Objections & Representations:**

The application was advertised on 05/07/2023, four (4) neighbours were notified on 18/09/2023, no representations or objections have been received.

**Consideration and Assessment:**

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. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

**Policy CTY 2a – New Dwellings in Existing Clusters**

A cluster is not defined in Policy CTY2a but the first 3 criteria give an indication of the policies intended meaning. Planning permission will therefore be granted for a dwelling at an existing cluster of development provided *all* the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

It is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties and buildings to the south-east of the application site. The Council consider the cluster to include residential properties

No's 37, 38, 38a, 44 and 48 Maytown Road and the business at No 19 McClenaghans Hill, the steel container and aviary within the site are not considered to form part of the cluster, the steel container is seen as temporary and can be easily removed from the site.

- the cluster appears as a visual entity in the local landscape;

The cluster is considered to appear as a visual entity in the local landscape given that it is evident when travelling along the public roads associated with the cluster.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

Whilst there is no focal point at this location such a social/ community building or facility the site is located at a cross-roads formed by Maytown Road and McClenaghan's Hill with development on both roads included within the cluster.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is considered to provide a suitable degree of enclosure although it is not considered that the site is bounded on at least two sides with other development in the cluster.

The submitted site layout drawing shows what is annotated as a shed within the site and north west of the proposed dwelling. Although this shed was seen as permitted development under application LA07/2023/2816/CLEUD given the period of time it had been on the site the description was amended to reflect that it is of a temporary construction as it could be easily removed from the site. As such this shed (steel container) is not considered to represent a building in line with the intentions of this policy. The Planning Department considers that the outcome of the CLEUD application is a material consideration to this application however limited weight should be attached to it given the temporary nature of the container. This is further highlighted by the fact the CLEUD application description was amended during the processing of the application following a detailed site inspection.

It is also considered that the aviary is not a building under the intentions of this policy and as such does not bound the site.

The Planning Department consider that the site is bounded on just one side by development with No 48 to the south, the public road to the east (as per appeal 2017/A0151 a road does not constitute development as it is not a building and cannot therefore enclose the site in the same way a building would), to the west and to the north beyond the temporary structure is open countryside.

The agent was advised of the Planning Departments view in this regard and in a supporting email they stated, "The definition of 'development' as per Section 23(1) of the Planning (Northern Ireland) Act 2011 is "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". We believe that the development that the applicant is relying on as part of their proposal fits with the definition of development as set out above".

While the above is the definition given within legislation, the application is being considered under regional Planning Policy. It is the Planning Departments opinion that at the time of writing the author would not have intended that the policy include structures of a temporary nature which could easily be removed from the site but was in reference to permanent structures with foundations. It is unimaginable that this type of structure/building would have been in the minds of the policy makers for the purposes of clustering and therefore to rely on it, would have significant implications for the operation of Policy CTY2a.

The proposal is considered to fail this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The proposal will not create a rounding off and consolidation of the existing cluster but instead will further extend the cluster and visually intrude into the countryside. As previously stated the cluster is seen to end at No 48 as the steel container is considered temporary, as such the application site is not part of the cluster and the proposed development would extend the cluster into the open countryside. Within Building on Tradition page 71 sets out it is not acceptable to extend the extremities of a ribbon by creating new sites at each end, in essence, this proposal intends on extending the ribbon east of the defined cluster and would therefore be contrary to policy.

The proposal is considered to fail this criterion.

- development would not adversely impact on residential amenity.

It is considered that given the proposed single storey design along with the existing mature vegetation will ensure that the proposal does no adversely impact on the amenity of the adjacent property No 48.

The proposal is considered contrary to criterion 4 and 5 within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

### **Policy CTY8 – Ribbon Development**

As the proposal is considered contrary to CTY2a it must also be considered against CTY8, this policy states that development will be refused for a building which creates or adds to a ribbon of development.

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

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

The application site has properties to the south east but there are no properties to the north west as the temporary structure approved under the CLEUD lies within the application site and as such there is no gap. Also, the structure is not considered to have a frontage with the public road given the area that lies between the site and the public road. If, however, it was considered that the existing structure has a frontage this would not remove the fact that it sits within the application site and there are no other buildings adjacent and north west which front the public road.

The proposal is contrary to CTY8 as it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road. Policy states that development set back can still represent ribbon development.

### **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

The proposed dwelling is set back from the public road and screened from view it will not be a prominent feature.

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

The site will use existing vegetation to allow the proposed dwelling to integrate.

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

The proposal makes use of existing vegetation to integrate.

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

The ancillary works such as parking already exist given the existing yard approved within the CLEUD, the access will require minimal improvements.

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

The proposed dwelling is a small single storey property which is quite traditional in appearance, the design is considered appropriate for the site and locality.

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

The proposal makes use of existing vegetation to screen and aid integration.

(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 in line with the requirements 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 will not be unduly prominent.

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

The erection of a dwelling on this site which has an existing structure along with a number of dwellings to the south east would add to a suburban build-up of development when viewed with existing buildings, the proposal fails this criterion.

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

The proposed dwelling is to have a similar building line to adjacent dwelling and along with being a single storey detached property it respects the traditional building pattern in the area.

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

As the proposal is considered to fail the tests of CTY8 as outlined above it will add to ribbon development along Maytown Road.

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

Any ancillary works will have a minimal impact and will not damage rural character.

The proposal is contrary to criteria b and d of CTY 14.

#### **PPS2 Natural Heritage**

The proposal will see limited vegetation removed with indication given that existing boundaries are to be retained and supplemented where necessary, it is considered that the proposal will not impact on the biodiversity of this area and as such is in line with PPS2.

#### **Access and Parking**

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

#### **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.

### **Recommendation: Refusal**

#### **Reasons for 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster and the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
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 it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road and does not represent an exception of policy.
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 dwelling would, if permitted be unduly prominent in the landscape
  - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - the dwelling would, if permitted add to a ribbon of development;and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Case Officer:** Wayne Donaldson **Date:** 09/10/2024

**Authorised Officer:** Maria Fitzpatrick **Date:** 11/10/2024

### Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Wayne Donaldson	
<b>Application ID:</b> LA07/2023/2199/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed erection of social-led, mixed tenure residential development comprising 24 no. dwellings and 24 no. apartments, open space, landscaping, associated site works, parking and access arrangements from Carnagat Road.	<b>Location:</b> Lands to the south of No.s 1 & 2 Knockanoney Heights, north of Nos 1 & 63 The Demesne, east of Carnagat Road and west of No. 8 Daisy Hill, Newry
<b>Applicant Name and Address:</b> The Kelly Family SSAS C/O The Pension Solutions Group Unit F1 Avonside Enterprise Park New Broughton Road Melksham, Wiltshire SN12 8BT	<b>Agent Name and Address:</b> John Bronte Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Date of last Neighbour Notification:</b>	10 July 2023
<b>Date of Press Advertisement:</b>	8 March 2023
<b>ES Requested:</b> No	
<b>Consultations:</b> DFI Roads Housing Executive NIW Natural Environment Division (NED) – NIEA Water Management Unit Shared Environmental Service Environmental Health Northern Ireland Water DFI Rivers Development Plan Section	
<b>Representations:</b> Liz Kimmins MLA 24 Monaghan Street      Comment: Support Justin McNulty MLA                      Comment: Support	
Letters of Support	2
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0

Number of Petitions of Objection and signatures	0.0
<p><b>Summary of Issues:</b></p> <p>The application shall be considered taking into account all relevant planning policies, the Area Plan and any other material considerations including the previous approval granted on the site.</p>	



## Site Visit Report

### Characteristics of the Site and Area

The application site is located within the Development Limits for Newry City as defined within the Banbridge / Newry and Mourne Area Plan 2015. There is no designation on the land use and the Plan remains silent. The site also includes Local Landscape Policy Area designation NY 123 – Daisy Hill as set out within the area plan, the site is also set adjacent to a Site of Local Nature Conservation Importance and east of the application site.

The site takes in approximately 1.9ha of vacant land set below the level of Carnagat Road, the site previously was overgrown and contained a number of trees but has recently been cleared. The site falls significantly to the east to Daisy Hill and Daisy Hill Wood, with mature trees and hedges forming this boundary. Mature trees also run along the boundary with Knockanoney Heights a residential development adjacent and north of the site, to the south is The Demesne housing development, vegetation runs along its boundary with the site. The boundary with Carnagat Road sits below road level and is defined by rugged vegetation and fencing.

The site is located within an area characterised by a mix of residential development however a school is located opposite and west of the site on the opposite side of the Carnagat Road.

### Description of Proposal

Proposed erection of social-led, mixed tenure residential development comprising 24 no. dwellings and 24 no. apartments, open space, landscaping, associated site works, parking and access arrangements from Carnagat Road.

### Planning Assessment of Policy and Other Material Considerations

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS6 - Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

## PLANNING HISTORY

### Planning

LA07/2019/0796/O - Proposed Housing Development - Lands between Knocknagoney Heights and The Demesne, Carnagat Road, Newry – Permission Granted 19/06/2020.

## SUPPORTING DOCUMENTS

Documents submitted include Badger Survey, Invasive Management Plan, Ecological Appraisal and Ecological Management Plan.

## CONSULTATIONS

Roads – Initially concerns were raised, following the submission of additional information the latest response raises no objection subject to conditions and informatives.

Housing Executive – The latest response received outlined support for the proposed scheme.

NIW – Initially NIW had recommended refusal for the application, additional information had been submitted by the agent to show engagement with NIW. The latest response received from NIW states that although the Wastewater Impact Assessment has not yet been fully agreed a negative condition can be implemented in this case.

### NIEA

Natural Environment Division (NED) – Latest response states NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions and informatives.

NIEA Water Management Unit - Has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. The comments received outline that concerns relate to NIW comments and that if approval was recommended then a condition is suggested.

Shared Environmental Service – The response received states that 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. The response does suggest a condition to address concerns raised by NIW.

Environmental Health – No objection in principle, informatives have been suggested.

Northern Ireland Water – NIW initially had concerns with the proposal and recommended refusal, following the submission of additional information the most recent response states that a negative condition can be included on any approval.

DFI Rivers – The latest response raised no objection in principle to the proposal following consideration of submitted Drainage Assessment, the response does suggest a condition for a further assessment to be submitted prior to construction of the drainage network.

Development Plan Section – No objections raised in principle to the proposal, it is considered in the comments received that measures to compensate vegetation removal should be considered.

## REPRESENTATIONS

The application was advertised on 07 & 08/03/2023, fourteen (14) neighbouring addresses were notified on 31/03/2023 with one further neighbour notified on 26/06/2023, no objections have been received, two representations of support have been received from elected representatives.

## EVALUATION

### **Proposal**

The proposal involves the erection of 24 no. dwellings and 24 no. apartments, open space, landscaping, associated site works, parking and access arrangements from Carnagat Road.

The proposal includes the provision of 4 one-bedroom apartments within one block and 20 two-bedroom apartments within two large split-level blocks. The dwelling units proposed will consist of 14 two-bedroom semi-detached dwellings and 10 three-bedroom semi-detached dwellings.

All the proposed dwelling units and the block of one-bedroom apartments will be two-storey in their design, the large blocks accommodating the two-bedroom apartments will be two-storey facing west and three and a half storey facing east.

The one-bedroom apartments and all dwelling units are very similar in their appearance, their designs are quite modern and simplistic with standard gable designs including small bay window features in some units.

The large split-level apartment blocks are to be very similar to all other units on their two-storey elevation, the three and a half storey elevation is similar but includes dormer windows within the upper level of these units.

All properties are all to be finished with blue / black slate roof, white self-coloured render with grey clay facing brick in sections, windows are to be painted grey timber, doors are also to be timber with a stained finish, the canopy is to be a zinc finish.

The development will involve earthworks with cut and fill works across the site to facilitate suitable levels on which to develop and to allow units to have access to relatively flat rear gardens and for shared amenity spaces to be useable.

The differing levels and proposed cut and fill will require the use of retaining walls and gabions to facilitate the development. The proposal includes the use of two main retaining walls, the first extends from the south of the large split level apartment blocks towards the southern boundary of the site, this wall is required to allow relatively flat areas to the front and rear of the apartment blocks, mature planting and vegetation is proposed to soften the appearance of this retaining structure. The second retaining wall is to the rear of ten semi-detached two-bedroom dwellings positioned in the northeastern corner of the site, again vegetation is proposed to the rear of these sites to screen views of the retaining structure.

To allow the main area of shared amenity space which is located to the east of the large apartment blocks to indeed be useable the proposal is to make use of gabions to level this section of the development, planting is again proposed to reduce any visual impact from these proposed works when viewing the site from the city centre.

The proposal will see the creation of a new internal road system to serve all properties, the construction of this road system will also require ground levels to be altered to provide adequate

access, dwelling units are to have private parking at each property with apartments to have shared parking which is to be to the front and rear of the split-level apartment blocks, landscaping had been utilised to soften visual impact.

The proposal will see the creation of private garden areas for all dwelling units with apartment units making use of shared amenity spaces. Substantial amounts of new planting is proposed to both screen and soften any visual impact from the development, the proposed planting will also help to compensate for any trees that have been removed from the site in recent years.

Overall, the development is a mix of similar design types with the main visual element being the split-level apartments, given the need for retaining structures proposed planting is a very important element to ensure the proposed development is of a high visual quality and appearance.

### **EIA Screening**

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

### **Planning Act:**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Strategic Planning Policy Statement (SPPS).

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3).

It is considered that the proposal is accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

### **Development Plan:**

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Newry City where there is no designation on the land use and the Plan remains silent. The site also includes Local Landscape Policy Area designation NY 123. The application must satisfy the provisions of policy CVN 3 of the Strategic Plan Framework. Designation NY 123 states the features or combination of features that contribute to the environmental quality, integrity or character of this designation are,

1. Daisy Hill Wood and nursery area of local amenity importance, and
2. Area of locally significant nature conservation interest, which includes woodland and significant tree groups.

Policy CVN 3 states that planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. The policy also states that where proposals are within a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

As part of the consideration of the previous approval LA07/2019/0796/O, the nursery area was seen to have ceased to exist at this site for some time, the previous nursery area had become overgrown. It was considered that this aspect of the LLPA no longer applied to the proposed site given the nursery previously operating from the site no longer being in place. The current application site includes additional land however this land is not within Daisy Hill Wood and so it is still considered that even though the site has been cleared the area cleared is that of the previous nursery and not Daisy Hill Wood which remains and offers good screening to the site.

Given the area of separation between proposed units and the inclusion of compensatory planting it is considered that the proposal does not impact on Daisy Hill Wood or the area of locally significant nature conservation interest and with no objections from NIEA I do not consider the proposal to adversely affect the environmental value and character of the LLPA.

The proposal is in general compliance with the Area Plan and policy CVN 3 of the Strategic Plan Framework.

### **Planning Policy Statement 2**

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 Preliminary Ecological Appraisal has picked up a number of features of natural heritage importance in relation to this site. Natural Environment Division was consulted as part of the application process and following consideration of the Ecological Management Plan has no objections given the proposed compensatory landscaping proposed which includes native species providing habitats for birds, mammals and invertebrate species. NED in their consideration of the application viewed information submitted by the agent including Badger Survey, Invasive Management Plan, Ecological Appraisal and Ecological Management Plan. The latest response from NED has raised no objections having considered all submitted information and has recommended conditions to ensure the retention vegetation, a protection zone around the badger sett entrances, and the submission of a Habitat Management Plan. I consider the inclusion of these conditions will help to safeguard the natural heritage interests of the site without stifling development. The proposal is in compliance with PPS 2 policies NH2 and NH5 given the information submitted and response received from NED.

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 05/12/2024. This found that the project would not have an adverse effect on the integrity of any European site.

**The proposal will be assessed against regional operational policy, Planning Policy Statement 7 – Quality Residential Environments, PPS 7 Addendum: Safeguarding the Character of Established Residential Areas and Creating Places.**

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site.

It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 of PPS7 requires planning permission for new residential development to demonstrate a quality and sustainable residential development where the design and layout will reflect the positive aspects of the character and appearance of the surrounding area. Such proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

**Policy QD 1 of PPS 7 states:**

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

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

The site is located within the urban settlement of Newry surrounded predominantly by existing and approved residential housing, a school complex is located to the west of the site.

Housing development within the vicinity includes a mix of house types, two-storey units would be the most common however some split-level development does exist with units designed to fit sloping sites. Adjacent residential developments include retaining structures to allow development of sloping sites.

The application site is quite sloping and development will include significant cut and filling to allow the proposed units to be constructed, this is similar to other developments in the area. The proposal will see retaining walls along sections of the site, these structures will then have adjacent landscaping to soften any visual impacts. While it is acknowledged that the use of retaining walls are not always considered a design solution in this specific instance given their location within the development and how they are to be screened with substantial planting it is considered to be an acceptable solution. Appropriate care has been taken to ensure that the proposed layout on this sloping site has minimal impact on adjoining developments and the proposed scheme.

The proposed dwelling units and apartment block A are modest in their size and scale with their massing similar to other properties in the area. The larger apartment blocks are more significant in their size, scale and massing. Following the Department highlighting their concerns over the large apartment block a revised design was submitted. In doing so the agent has slightly amended their design by splitting the block in two and relocating the external staircase centrally as a hardscape feature (previously positioned in the northern gable) and lowering the ridge appearance to the rear elevation. The rear elevation now reads as a building designed over 3.5 floors with the upper floor accommodation now positioned within the buildings roof void and use

of dormer windows which are typically found with the surrounding and established built context. The massing to the rear is still considered significant however consideration is given to other development in the area which is similar and also the fact that this element of the proposal will only be viewed from within the development given significant landscape proposed as part of the application and additional screening to the east of the site within the LLPA which remains outside the site. For the reasons outlined above the larger apartment blocks are considered acceptable in this specific case.

Initial concerns were also raised with regards to how the proposal would read when viewed from the Carnagat Road as dwellings are positioned with rear gardens fronting onto the road. Revised drawings were received which demonstrated that with the retention and further augmentation of existing planting to the Carnagat Road boundary and change in levels the dwellings will be completely screened from critical views from the existing carriageway. The combination of frontage achieved by Apartment Blocks A and B1/B2 where levels permit and a strong landscaped boundary to the balance will therefore make a positive contribution to the local streetscape of Carnagat Road.

The proposal consists of a mix of private and shared amenity space, soft and hard landscaping along with private and shared parking areas, the use of planting helps to soften hard surfaced areas and retaining structures. Landscaping is also used to provide a buffer between the public road and dwelling units to the west of the site.

The proposal is considered in line with this criteria given that the development has been designed to best fit the typography on a sloping site and is similar in a number of ways to surrounding existing and approved development.

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

There are no archaeological or built heritage features associated with the site. NIEA has considered the Ecological Management Plan submitted, part of the consideration was the level of vegetation which has been cleared from the LLPA approximately 0.7 ha and the level of compensatory planting approximately 0.44 ha, it is considered that this is adequate. Consideration is also given to the overgrown nature of the site and the need for some clearing to be carried out.

NED has stated that it is content with the compensatory native planting and advises that a condition is attached to the decision notice to ensure that a habitat management plan is submitted provide to development works commencing to ensure that the monitoring of the compensatory habitats is carried out and ensure that the correct management of the woodland and grassland habitats is prescribed. The suggested conditions shall be included on any approval.

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

The development is within the threshold for requiring public open space provision as instructed by PPS 8, the site is 1.9 hectares with 10% required for public open space. The proposal shows 1976 sqm of open space in line with the requirements of PPS8, this will see the creation of three

separate areas of open space. The small landscaped area at the site entrance will help to create an attractive outlook to the development from the Carnagat Road and help to soften the visual appearance of the new internal road layout. The proposal will include retaining structures to provide useable open space with landscaping is to be used to soften the appearance of any structures proposed. The proposal also shows some shared amenity areas to serve the proposed apartments, these proposed areas are considered acceptable. It is therefore considered that the open space provisions of the development are suitably located, proportioned and adequately landscaped which will aid in the promotion of biodiversity and contribute to the overall development. Soft landscaping has also been incorporated into areas proposed for parking which will lessen the impact of the hardstanding associated with this requirement.

The provision of private amenity for proposed dwelling units is broadly in line with the required minimum 70sqm of private amenity space with only a few properties having a level only a few sqm below and others being well in excess. The level of private amenity is considered acceptable in this case.

The proposal includes the retention of existing and new planting proposed along the boundaries and within the site which will help soften the visual impact and help integrate the development into the site. The existing and proposed landscaping will reduce views of the proposed development when travelling along the public road, it will also help to soften the development when viewed internally, this includes screening of retaining structures.

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 dwellings within the development and easily accessible. Subject to the proposed landscaping being appropriately implemented and maintained in perpetuity the proposed landscape measures are acceptable

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

Given the nature and sale of the proposed, the developer is not required to make provision for local neighbourhood facilities. Nonetheless all the necessary services are located in close proximity to the site given its located close to the city centre. The proposal will require new water links and NIW has requested the inclusion of a negative condition to ensure these links are agreed and provided.

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 Carnagat Road. The site provides a good location in terms of providing a movement pattern that supports walking and cycling, the proposal meets the needs of people whose mobility is impaired as provision is made for a public footpath. The proposal offers proximity to good public transport links and neighbourhood facilities.

f) Adequate and appropriate provision is made for parking;

The proposal includes the provision of 73 parking spaces, 25 spaces are to be provided for the 24 apartments and 48 spaces for the 24 dwelling units within their respective curtilages. Parking



standards shows that a total of 60 spaces would be required for the dwelling units calculated at 2.5 spaces for each unit and a total of 35 spaces for the proposed apartment units. The proposal has a shortfall with regards to the maximum standards, with regards to the proposed dwelling units it is considered that the provision of two in-curtilage spaces per unit is satisfactory. It is also considered that the provision of 25 shared spaces for the apartment units although less than the maximum standards it will provide an adequate level of parking in this case.

Although not meeting the maximum standards consideration is given to the mix of units along with the proximity to public transport links and as such a relaxation from the maximum standards is seen as acceptable in this case.

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

As previously stated the proposal has been designed to take account of the sloping site in a similar way to surrounding residential developments. The design of the dwelling units and apartment block A is similar to other units within the area. The larger apartment blocks although significant in their appearance do have similarities to other similar units in the surrounding area and given this and the limits views from outside the site due to existing vegetation their design is seen as acceptable. The proposed units are to have matching materials and detailing which are considered acceptable.

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

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

The proposed development will not create conflict with adjacent land uses as these are residential. The layout and orientation of the proposal shows Apartment Block A set to the north of dwellings within The Demesne, the proposal will see one first floor window within the living area facing the gable of the closest dwelling within The Demesne, existing mature vegetation between the site and adjacent properties is to be retained. The corner of the apartment block site approximately 11 metres from the closest adjacent property, given the orientation of the proposed apartment block with its gable facing the gable of the adjacent property the separation distance in this case is considered acceptable. The proposed three-bedroom dwellings set to the south of the site will have first -floor windows facing towards the gables of properties within The Demesne. These units will be set approximately 17.5 metres from the closest boundary and over 20 metres from the closest adjacent property. Dwellings to the north of the site adjacent to Knockanoney Heights will be 15 metres from the shared boundary and approximately 28 metres to the nearest property within the neighbouring development. The proposal has been considered and the separation distances are considered acceptable. The distances along with the existing and proposed boundary treatments and the adjacent house types will ensure that overlooking and loss of privacy is not an issue.

It is considered that the distance between proposed and existing properties along with the orientation of proposed dwellings will ensure that the proposal will not result in a loss of light to any existing properties. It is also considered that the proposal will not result in overshadowing of any existing properties given the separation distance and orientation of the proposed development.

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

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

The proposal is designed to deter crime and promote personal safety as far as is appropriate for a proposed residential development. The proposal is considered to comply with this criterion.

Overall, the proposal complies with Policy QD 1.

**Addendum to PPS7 – Safeguarding the Character of Established Residential Areas Policy LC 1 of Addendum PPS 7 states:**

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

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

The proposed density will match that of surrounding residential developments.

b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

The pattern of development will reflect that of adjacent residential development and be in keeping with the overall character and environmental quality of the residential area.

c) all dwelling units and apartments are built to a size not less than those set out in Annex A. The proposed units are of an appropriate size as noted in Annex A of the Addendum to PPS7. One-bedroom apartments in Block A are to have floor areas of 53.8sqm and 51.2sqm, two-bedroom apartment in Blocks B1 and B2 are to range in area from 63sqm to 68sqm. The semi-detached dwelling units will see the 3 person two-bedroom units having an area of 75sqm and the 5 person three-bedroom units a floor area of 95sqm.

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 proposal involves the creation of apartment blocks, I am content that the proposed density is not significantly higher than that found in the established residential area. The pattern of development is considered in keeping with the overall character and environmental quality of the established area.

Policy LC 3 of APPS 7 covers permeable paving in new residential developments. A

Drainage Assessment was submitted alongside the 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.

### **PPS 12: Housing in Settlements**

The proposal complies with the planning control principles detailed in both PPS12 and the SPPS. Increased housing density without town cramming – the proposal will increase the housing density in the area without eroding local character, environmental quality or amenity. It is acknowledged that the proposal introduces a development with a higher density but given its location within a predominantly residential area and the previous outline approval on the site, accessibility to public transport and the need to achieve more sustainable compact urban forms it is considered a suitable location for this proposal. The scheme is also reflective of other existing residential developments in the vicinity in terms of form, scale and massing.

Good design – the design of the scheme respects the context of the area and follows local traditions in respect of form, materials and detailing.

Sustainable forms of development – This proposal supports the principle of the creation of compact urban forms through the reuse of derelict lands within the area.

Balanced communities – The proposal includes a mix of dwelling and apartment units aimed at meeting different needs within the community.

### **DES 2 - Townscape**

In view of the above, it is also considered that the proposal is in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The site is suitable for residential use given the principle being agreed under previous approval LA07/2019/0796/O, the proposal is set below the public road with vegetation to provide acceptable screening, other existing vegetation and development will further reduce any visual impact created by the development, it is considered that the overall proposal is respectful of the existing character in terms of design, scale and use of materials.

It is noted that Policy DES 2 refers specifically to towns and villages. It is however considered that while Newry is now a designated city, it was a town for the purposes of this policy requirement. It is considered appropriate to apply it in the context of this planning application.

### **PP3 Access, Movement and Parking**

As stated above the parking is considered adequate for the proposal, DfI Roads raised no objections to the proposal subject to conditions, the proposal is considered in line with the requirements of PPS3.

### **PPS 15: Planning and Flood Risk**

Throughout the processing of the application the agent has provided additional information that has been considered by DfI Rivers.

While the applicants Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, it indicates that the 1 in 100 year event could be contained through the addition of an underground system discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.

In order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition. A suggested wording has been provided below to be included on any approval.

<b>Neighbour Notification Checked</b>	Yes
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**Summary of Recommendation**

Having had regard to the development plan, policy and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS7, PPS7 (Addendum), PPS12, PPS15, DCAN15, DOE Parking Standards). The proposed scheme merits as a suitable residential 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.

**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;

- 0011,
- 0006 Rev 20,
- 2221.01.E,
- 2221.02.E,
- 0005 Rev P05,
- 0001 Rev P05,
- 0300 Rev 2,
- 0400 Rev 2,
- 0100 Rev 2,
- 0200 Rev 5,
- 1200 Rev 5,
- 3001 Rev 07,
- 3002 Rev 06,
- 3003 Rev 3,
- 3004 Rev 3,
- 3005 Rev 3,
- 3006.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 0001 Rev P05.

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 0001 Rev P05. The 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.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 0001 Rev P05, 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. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

7. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.

Reason: To ensure adequate parking is provided.

8. The development hereby permitted shall not be commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

9. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site shall immediately cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of the Planning Office (in consultation with Environmental Health at Newry, Mourne and Down District Council).

Reason: To ensure the orderly development of the site and protection of environmental receptors to ensure the site is suitable for use.

10. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction –

Reason: To protect existing retained trees and minimise the impact of the proposal on the biodiversity of the site.

11. No development activity, including ground preparation or vegetation clearance, shall take place until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NIEA. The approved HMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved HMP, unless otherwise agreed in writing by the Planning Authority.

The HMP shall include the following:

- a) Clear aims and objectives of proposed habitat management/restoration;
- b) Description of pre-construction, baseline habitat conditions;
- c) Appropriate maps, clearly identifying habitat management areas;
- d) Detailed methodology and prescriptions of habitat management and restoration measures, including timescales, and with defined criteria for the success of the measures;
- e) Details of the prohibition of habitat damaging activities, including agricultural activities;
- f) Details of the regular monitoring of the effectiveness of habitat management and restoration measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 5, 10, & 20 after construction);
- g) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.

Reason: To ensure the implementation of a suitable Habitat Management Plan (HMP).

12. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has

been provided around each badger sett entrance at a radius of 25 metres as shown on Figure 2 of the Badger Survey Report dated March 2023 carried out by AECOM. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of the Planning Authority/unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To ensure wildlife protection.

13. No tree felling or hedgerow/vegetation clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active birds nests in the hedgerows, trees, or scrub, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

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

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

15. 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.

16. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 15, 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.

17. The open space and amenity areas as indicated on the drawing No 0006 Rev 20 shall be managed and maintained in accordance with the detailed Landscape Management Plan (document 2221.LMP.01.E) as agreed by the Local Planning Authority. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

18. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the approved drawing No's 2221.01.E and 2221.02.E and the submitted Plant Schedules (document 2221.SCH.01.E) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

19. 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.

20. All existing hedgerow and trees shown on drawing No's 2221.01.E and 2221.02.E shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Local Planning Authority in writing.

Reason: To ensure the maintenance of screening to the site and to protect priority habitat and the biodiversity value of the site, including protected species.

21. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the buildings for its permitted use another tree or trees shall be planted at the same place and shall be of such size and species shall be planted at such time as may be specified by the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

22. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and that the retaining wall design accommodates any lateral loading from the retained slope. Any such designs and assessments shall be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice.

**Case Officer Signature:** Wayne Donaldson

**Date:** 12th December 2024



**Appointed Officer Signature:** Maria Fitzpatrick  
**Date:** 17<sup>th</sup> December 2024



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.



- 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;

layout, density, siting, design, external appearance, means of access, drainage and landscaping as considered below.

The concept plan submitted at outline stage showed the creation of two cul-de-sacs and the erection of 36 semi-detached units.



Concept plan

The case officer report for the outline approval states that the proposed 36 semi detached dwellings are not appropriate "even if broken into two different plots... although semi-detached dwellings are characteristic of part of Ardfreelin estate, detached dwellings are also distinct, and I believe a mixture of both semi-detached and detached dwellings would be more appropriate to this site in creating an attractive setting."

The site plan also shows both semi-detached and detached houses grouped within 2 cul-de-sacs. The erection of 42 houses, although slightly higher than that shown on the concept plan, is in line with the Area Plan. The proposal is considered a sustainable form of development within a defined settlement. There are local facilities and services available. A mix of house types and sizes are proposed which assists in meeting community needs. No specific need for social housing has been identified.

#### PPS 7 – Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale,

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

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

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

It is considered that the development respects the surrounding context and is appropriate to the character and topography of the site given the proposed density which is similar to adjacent housing developments whereby the proposed plot sizes are reflective of the plot sizes within the existing residential area which is made up of a mixture of detached and semi-detached dwellings 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 at 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 70m<sup>2</sup> 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 70m<sup>2</sup> 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

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

#### Addendum Report – LA07/2021/1258/RM

**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

**Site Location:** To the rear of 11 Hilltown Road Newry and adjacent and south of 'Ardfreelin' Hilltown Road Newry

As per the Council's Scheme of Delegation, this application was recommended for approval by the Planning Department and was subsequently listed for discussion at a Planning Committee meeting dated 6<sup>th</sup> November 2024 due to the number of representations received. The Planning Committee agreed with the recommendation made by the Planning Department.

Following the Planning Committee, it was noted that NI Water's response had since expired. NI Water's responses are valid for an 18-month period, therefore the issuing of a Decision Notice was paused, upon receipt of an updated response from NI Water.

A consultation was issued to NI Water 18<sup>th</sup> November 2024 whereby NI Water recommended the application for refusal as an assessment has indicated network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed.

A re-consultation was issued to NI Water on 25<sup>th</sup> November advising NI Water that the application is for Reserved Matters whereby Outline approval has already been granted with the following conditions:

*Condition 15: No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.*

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

*Condition 16: Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.*



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

A final response was received from NI Water on 16<sup>th</sup> December 2024. NI Water acknowledged their positive response provided in April 2023, however, advise that since the Outline approval was granted and the response dated April 2024, both of which confirming that a sewage disposal solution needs to be agreed with NI Water, the developer has never engaged with NI Water to discuss this matter. NI Water has further advised the receiving catchment is still constrained and is operating at capacity and in order to agree a solution, the developer will need to engage with NI Water through the submission of a Wastewater Impact Assessment (WwIA) application to check if an alternative drainage or treatment solution can be agreed (i.e. stormwater offsetting). Subject to a successful outcome to mitigate the downstream capacity constraints in accordance with the WwIA procedure, NI Water would recommend approval of this proposal.

In response to NI Water's position outlined above, the Planning Department notes that this is a Reserved Matters (RM) application, whereby the site benefits from outline planning permission. This Outline permission was extant at the time of the Reserved Matters submission, and this is a genuine Reserved Matters application.

The principle to develop housing on the site has already been established. The condition attached to the outline approval (Nos. 15) restricts the commencement of development until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW). If Reserved Matters approval was to be granted, the same condition would be attached, thus satisfactorily restricting the commencement of development until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW).

Having account the specific circumstances of this case as outlined, whereby it is not possible to attached a more restrictive condition at RM Stage, while the associated Outline permission would have been considered as a committed development (subject to compliance with relevant conditions), on balance, it is considered permission cannot be withheld on this basis, and approval is therefore recommended, again subject to the same conditions imposed at Outline stage.

#### **Recommendation: Approval**

**Case Officer Signature: Eadaoin Farrell**

**Date: 18.12.24**

**Appointed Officer Signature: M Keane**

**Date: 18-12-24**

## Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Wayne Donaldson	
<b>Application ID:</b> LA07/2023/2635/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed manufacturing facility, 2 storey welfare & office facilities, associated site works including yard storage areas, boundary fencing, vehicular & pedestrian entrances.	<b>Location:</b> Lands approximately 250m north east of MJM Group, Unit 1 Derryboy Road, Carnbane Business Park, Newry, BT35 6QH
<b>Applicant Name and Address:</b> McGuinness Plumbing Ltd Unit 7 Loughway Business Park Newry BT34 2TH	<b>Agent Name and Address:</b> Brian Lavery 79 Greenan Road Newry BT34 2PT
<b>Date of last Neighbour Notification:</b>	8 August 2023
<b>Date of Press Advertisement:</b>	19 June 2024
<b>ES Requested:</b> No	
<b>Consultations:</b> DFI Roads DFI Rivers Agency Environmental Health NI Water Loughs Agency Water Management Unit Natural Environment Division Shared Environment Services Historic Environment Division (Historic Monuments)	
<b>Representations:</b> No representations or objections have been received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0

## Site Visit Report

### Characteristics of the Site and Area

The application site is located within the settlement limits of Newry City as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is an area of vacant land in an area zoned for Economic Development under designation NY63 of the Area Plan 2015.

Located within an existing Industrial Estate (Carnbane) the site is undeveloped and is part of a larger parcel of land, which is relatively flat and has frontage onto Derryboy Road to the east, with no defined eastern boundary. The site directly adjoins undeveloped lands to the south (approval granted for light industrial use), with a belt of mature landscaping beyond the western site boundary and further south, which includes an embankment separating Newry River, which is located some 50m west of the site. The site is adjacent and adjoining an existing established manufacturing facility LA07/2019/1491/F, the adjacent business has a large industrial style building with associated parking and turning areas.

The site is surrounded by a mix of industrial buildings with a number of development sites under different levels of construction.

### Description of Proposal

Proposed manufacturing facility, 2 storey welfare & office facilities, associated site works including yard storage areas, boundary fencing, vehicular & pedestrian entrances.

### Planning Assessment of Policy and Other Material Considerations

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

- The NI Regional Development Strategy 2035 (RDS)
- SPPS Strategic Planning Policy Statement for Northern Ireland
- Planning Strategy for Rural Northern Ireland (PSRNI) – DES2
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 – Natural Heritage
- PPS3 - Access, Movement and Parking
- PPS4 - Planning and Economic Development.
- PPS6 – Planning, Archaeology and the Built Environment
- DCAN10 (Revised) – Environmental Impact Assessment
- PPS15 (Revised) - Planning and Flood Risk.
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards.

#### PLANNING HISTORY

LA07/2023/3543/F - Extensions to existing manufacturing facility southwards (12m x 30m) and westwards (15m x 54m) - 30 Derryboy Road, Carnbane Business Park, Newry – Permission Granted 24/07/2024.

LA07/2019/1491/F - Proposed manufacturing facility for electrical control panels, mobile plant rooms and welfare and office facilities, associated site works including; yard storage areas, boundary fencing and 2 vehicular and pedestrian access gates - Permission Granted 29/05/2020

LA07/2021/0410/F - Proposed 2no. light industrial buildings with associated offices, yard area, car parking and site works - Permission Granted 18/02/2022

P/2009/0640/O - Land at Shepherds Way, Carnbane Industrial Estate, between Newry River and Cloghanramer Road, Newry, Industrial Development – Permission Granted 23/04/2010

P/2009/0642/F - Lands at Shepherds Way, Carnbane Industrial Estate, between Newry River and Cloghanramer Road, Newry, Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platforms - Permission Granted: 26/04/2010.

### CONSULTATIONS

DFI Roads – No objections in principle to the application.

DFI Rivers Agency - No objection to the proposal following consideration of submitted Drainage Assessment.

Environmental Health - No objection to the proposal, subject to conditions.

NI Water – Refusal. Subject to the applicant engaging with NI Water as outlined in the NIW response, NIW may reconsider its recommendation. The agent has submitted information to show engagement with NIW in the form of submitting a PDE, this information is sufficient to allow any approval to proceed with negative conditions relating to water connections.

Loughs Agency – No specific objections raised in principle; conditions were suggested regarding potential impacts on watercourses.

### NIEA

Water Management Unit – The response raised concerns with the potential affects on the surface water environments given the comments received from NIW. The response also states that should the application be approved then WMU would recommend a condition to address concerns by NIW.

Natural Environment Division – No objections.

Shared Environment Services – No objections subject to condition.

Historic Environment Division (Historic Monuments) – No objections.

### REPRESENTATIONS

The application was advertised on 21/06/2023, four neighbouring addresses were notified on 25/07/2023, no representations or objections have been received.

## EVALUATION

The proposal is for a proposed manufacturing facility, 2 storey welfare & office facilities, associated site works including yard storage areas, boundary fencing, vehicular & pedestrian entrances. The proposed development is for McGuinness Plumbing Limited who manufacture, provide and install heating, ventilation and air conditioning systems (HVAC) to residential units. The proposal will include a large manufacturing and storage warehouse with associated offices etc. it is considered that the proposal falls within the use class of Light Industrial with the office element being ancillary to the main Light Industrial use.

The building is to measure 41.4 metres by 25.5 metres, the manufacturing and storage area is to have a height of 11.55 metres and the office area of the building will have a height of 8 metres. The majority of car parking is to the front and side of the building with some lorry parking to the side and then also the rear of the building.

The portion of the building to the rear with the taller height will be industrial in appearance with the smaller scale portion to the front having the appearance of an office block.

Two external storage areas are shown to the rear of the building, it has been indicated by the agent that these external areas will store larger components such as external housing, pipework, supply and return ductwork, some finished goods such as air exchangers and heat pumps will also be stored externally.

The site is to be defined with 2,4 metre paladin boundary fencing with gates to match, small grass areas are proposed to the front of the building.

### **EIA Screening**

The proposal falls within the threshold of Category 10 (a) (Industrial estate development projects where the area of development exceeds 0.5 Ha) and 10 (b) (Urban development projects) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council's Planning Authority has determined through an EIA screening that there will be no likely significant environmental effects and an Environment Statement is not required.

### **Habitats Regulation Assessment**

The potential impact of this proposal on Carlingford Lough SPA and RAMSAR has been assessed through a HRA screening, in accordance with Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015.

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 19/01/2024. This found that the project would not have an adverse effect on the integrity of any European site.

**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.

**The Regional Development Strategy (RDS) 2035:**

The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging strategic links between settlements. Newry has been identified within the RDS the South Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor. The site is located to the northern part of Newry city within an existing industrial estate, with close proximity to strategic transport corridors which 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.

**Banbridge/ Newry and Mourne Area Plan 2015:**

BNAMP 2015 is the operational Local Plan for this site, which identifies the site as being within the settlement limits of Newry (NY01). Under Policy SMT2 (Volume 1 of the Plan) zoned economic development land planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

124 hectares of land within the settlement has been zoned for economic development under allocation ECD1 (Volume 1 of the Plan) (which allows for a range of economic development uses which includes General Industrial (Class B3), Light Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4) as defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (The former 2004 Planning Use Classes Order 2004 now superseded by the 2015 Order).

The site is located within the economic development land zoning NY63 (Zoning NY63-Economic Development Carnbane / Cloughanramer Rd) which identifies specific key site requirements:

- **Access shall be from Carnbane Industrial Estate access roads;**

Access is proposed to be taken off Derryboy Road within Carnbane Industrial Estate.

- **Open storage areas shall be screened from access roads;**

The proposal includes a yard storage area to the rear / along the western site boundary which will be primarily screened by the building itself. The proposed fencing along with the existing development to the north and approved development to the south will fully screen the storage area from view when travelling along Derryboy Road;

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

The application site does not directly impact on this area of landscaping;

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

The application site does not directly impact on this area of landscaping;

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

**Planning Policy Consideration:**

As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS. Para 4.2 of the SPPS outlines that one of the core principles is to support sustainable economic growth through the provision of creating jobs, services and growth. The SPPS continues that a positive approach to appropriate economic development proposals should be undertaken which aids further investment and job creation while also ensuring sustainable growth.

**PED1 Economic Development in Settlements:**

The proposal relates to the provision of a new building for the manufacture of HVAC units with associated office space.

The proposed use is considered to fall under Class B2 of The Planning (Use Classes) Order (Northern Ireland) 2015 (Class B2: Light Industrial Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.)

Policy PED1 of PPS4 directs that proposals for a Class B2 Light Industrial Use or Class B3 General Industrial Use will be permitted in an area specifically allocated for such purposes in a development plan or an existing industrial area provided it is of a scale, nature and form appropriate to its location.

The proposed development is located on land zoned for Economic Development which includes other industrial development both established and approved. 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, including substantial buildings established and approved on either side of the application site. The nature of the proposal to create a new business within an established industrial area which is zoned is seen as acceptable.

The proposed development conforms with the land zoning at this location and meets the requirements of PED 1 for the reasons set out above.

**PED8 (Development incompatible with Economic Development Uses)**

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

**PED 9 - General Criteria:** A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The proposal is for a new business within an industrial area, the business will be similar to others established and approved in the vicinity.

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

The proposal will not harm the amenities of nearby residents to an unacceptable level given the substantial separation distance. Environmental Health has raised no objections nor have any third party representations been received raising concerns. Environmental Health has suggested conditions relating to external noise and hours of operation, any necessary conditions will be included on any approval.

(c) it does not adversely affect features of the natural or built heritage;

The natural or built heritage will not be compromised by the proposal and is considered acceptable to PPS2 and PPS6 requirements, the proposal is to provide a new business within a zoned area. Newry Canal / River is identified in BNAMP 2015 as a Local Landscape Policy Area (NY114.) Given the site is significantly removed from this area (some 50m,) the proposed development is not considered to impact on the environmental quality, integrity or character of the Newry River and canal corridors and associated vegetation / trees, HED Historic Monuments raised no objections to the proposal. SES having conducted an appropriate assessment conclude that significant effects on designated sites are not expected.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

DFI Rivers Agency has no objections to the proposal and are content with the Drainage Assessment submitted. There are no concerns in relation to PPS15, provided the proposal is implemented strictly in accordance with the proposed drawings i.e. not encroaching into the floodplain of Newry River.

(e) it does not create a noise nuisance;

The proposal is not anticipated to create odour or air pollution nuisance, as outlined above under criteria b) Environmental Health have not raised any objections to the proposal in this regard, any necessary conditions will be included on any approval.

(f) it is capable of dealing satisfactorily with any emission or effluent;

Following the submission of additional information from the agent stating that they have engaged with NIW to resolve issues with capacity it is considered that a negative condition can be included on any approval to ensure no development takes place until an agreement with NIW has been submitted showing that NIW will permit connection to a public sewer. There are no known emissions associated with the development.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

DFI Roads has no objections to the proposal with regard to the existing road Network.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

The proposed plans provided adequate access arrangements, parking and manoeuvring areas. DOE 'Parking Standards' directs that 33 non-operational and 2 operational parking spaces are required to serve the proposed development, along with 3 cycle spaces. The proposed layout incorporates 30 parking spaces for cars, 7 lorry spaces and a cycle parking area. Given these figures and the fact that the provision of parking is extremely close to the full standards required, the site has adequate parking to support the development and associated facilities. There is



adequate manoeuvring space provided and DFI Roads are content with the access arrangements.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

A pedestrian footway exists along the site frontage to enable safe movement patterns to and from the site. The proposal is therefore in general compliance insofar that is practical and proportionate to the proposal.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

The site layout, building design and associated infrastructure are of a high quality and similar in form and design to other premises both established and approved within the vicinity, the proposal will not appear misplaced in their surroundings but instead will reflect the character and appearance of this industrial area. The proposal will not see any vegetation removed and so will not impact on the biodiversity of the area and is sensitive to the development pattern in this section of the industrial estate.

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

Consideration has been given to the provision of boundary fencing and existing and approved development which provides screening to the site, the storage area is to the rear of the building and so will be screened from view.

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

Areas of existing public access adjacent to the site are informally overlooked by the proposed building block to encourage safety and security at the site, along with the fencing surrounding to deter crime / unprohibited access.

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

This is not a rural location and so this criterion is not applicable.

Overall, the proposal is considered to fully adhere to the requirements of PED 9 as outlined above.

### **DES 2 Townscape**

The site is located within the settlement limits of Newry on lands zoned for economic development surrounded primarily by industrial and business uses of similar design and form within the existing Cambane Industrial Estate. Overall the design and layout 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.

### **SPPS and PPS2 - Natural Heritage**

DAERA Water Management Unit stated in their latest response that it has considered the impacts of the proposal on the surface water environment and on the basis of the information provided would suggest a condition to address concerns raised by NIW.

Natural Environment Division stated in their response that they have considered that Biodiversity Checklist and Extended Ecological Statement and that they have no concerns, informatives have been suggested.

NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. The proposal is considered to meet the requirements of the SPPS and PPS2, any relevant conditions and informatives seen as necessary will be included on any approval.

**SPPS, PPS3 - Access, Movement and Parking, DOE Parking Standards and DCAN 15 - Vehicular Access Standards**

The latest response from DFI Roads raised no objections to the Planning Department being satisfied with the provision of parking and turning. The site has adequate in curtilage turning and parking areas to facilitate safe vehicular movements (as considered above under PED9). The site is adequately connected to pedestrian footways along the site frontage to facilitate safe pedestrian movements to and from the site.

The proposal is considered in line with the above policies.

**SPPS and PPS15 (Revised) – Planning and Flood Risk**

The latest response from DFI Rivers states that the submitted Drainage Assessment has been considered and that they accepts its logic and has no reason to disagree with its conclusions. The proposal is considered to comply with PPS15 with only FLD 3 being applicable for this application.

**SPPS and PPS6 – Planning, Archaeology and the Built Environment**

Historic Environment Division (Historic Monuments – HED:HM) raised no objection to the proposal stating that, Historic Environment Division (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**Necessary Services - Water and Sewerage**

Given the information submitted by the agent to show engagement with NIW it is considered that negative conditions may be included on any approval to ensure the necessary water and sewerage infrastructure is provided prior to commencement.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation**

Having had regard to the development plan and all other material considerations (including the relevant planning history, SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS4, PPS6, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable economic development proposal which is in full compliance with the land zoning of the area plan, adheres to key site requirements and fully complies with planning policy for the reasons set out above. Therefore, the application is recommended for approval, subject to the necessary planning conditions outlined below being complied with.

**Conditions/Reasons for Refusal:**

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: L01B, P02, P03, P04, P05, P06 and P08.

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No P02 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first available planting season following the occupation of the development hereby approved.

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

4. 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.

5. 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.

6. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 5, 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.

7. All air handling units shall be installed as shown on drawing 1488/W01C in accordance with the information provided by correspondence dated 25 April 2024 from Delahunt Laverty. No other external noise producing equipment shall be installed without prior approval of the planning authority.

Reason: To safeguard amenity.

8. Hours of operation shall be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday only.

Reason: To safeguard amenity.

9. No flood lighting to be erected on site without prior approval from the Planning Authority.

Reason: To safeguard amenity.

**Case Officer Signature:** Wayne Donaldson

**Date:** 05 December 2024

**Appointed Officer Signature:** Maria Fitzpatrick

**Date:** 17 December 2024

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date** \_\_\_\_\_

## Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Ashley Donaldson	
<b>Application ID:</b> LA07/2023/3470/F	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & detached garage	<b>Location:</b> Site adjacent to and to the west of 15 Tullymacreeve Road, Mullaghbawn BT35 9RD
<b>Applicant Name and Address:</b> JOHN CAMPBELL 15 TULLYMACREEVE ROAD MULLAGHBAWN BT35 9RD	<b>Agent Name and Address:</b> Bernard Dinsmore 19 Spring Meadows Warrenpoint BT34 3SU
<b>Date of last Neighbour Notification:</b>	17 March 2024
<b>Date of Press Advertisement:</b>	1 November 2023
<b>ES Requested:</b> No	
<b>Consultations:</b> NI Water - approval with standard conditions DFI Roads – Following amendments, no objection subject to compliance with attached conditions. Development Plan Section – Contrary to policies CTY 1 and CTY 15 of PPS 21. NIEA – No concerns noted. SES - Eliminated from further assessment because it could not have any conceivable effect on a European site. DFI Rivers – No objections raised.	
<b>Representations:</b>	
<b>N/A</b>	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
<b>Summary of Issues:</b>	

## Site Visit Report

### Site Location Plan:



### LOCATION PLAN

**Date of Site Visit: 20.09.24**

#### **Characteristics of the Site and Area**

The site which is rectangular in shape is located within a larger agricultural field that falls to the NE. A watercourse is evident to the North and NE of the site and trees and hedging are located along the road frontage. A footpath separates the site from the main road and residential dwellings are located to the SW and SE of the site. The site is located just beyond the Settlement Limit for Mullaghbawn within the rural area / AONB and looking towards Mullaghbawn, housing is the most dominate land use with agriculture prevailing to the NW of the site.

**Description of Proposal**

Full permission for a dwelling & detached garage

**Planning Assessment of Policy and Other Material Considerations****Planning history**

Application Number: P/1983/0158

Decision: Permission Granted

Decision Date:

Proposal: PROPOSED DWELLING

Application Number: P/1983/0159

Decision: Permission Granted

Decision Date:

Proposal: PROPOSED BUNGALOW

Application Number: P/2006/1528/F

Decision: Appeal Dismissed

Decision Date: 18 February 2011

Proposal: Erection of housing development comprising 30No. dwellings and associated site works.

**Policy and Guidance Documents**

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

**Case Officer 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.



### Banbridge Newry and Mourne Area Plan 2015

The site is located outside the settlement limit for Mullaghbawn and within the countryside. The site is un-zoned and therefore the Plan remains silent on the use and defers decision making the retained policies, considered below.

### Planning Policy Statement 21 / Strategic Planning Policy Statement for NI

Given the siting within the countryside, PPS21 is a lead policy consideration for the application. PPS21 is more prescriptive than the SPPS, determining weight can be afford to the retained policy of PPS21 which is consistent with para 1.12 of the SPPS.

Policy CTY 1 makes provision for a range of development in the countryside including residential in 12 circumstances listed under policy CTY 1. The agent was contacted to confirm which policy with CTY 1 the application sought approval for.

The agent responded with the following,

'I confirm that the application is submitted under Policy CTY 1 of PPS 21, Strategic Planning Policy for Northern Ireland (SPPS) and Rural Development Strategy for Northern Ireland (RDS). The aim of the SPPS 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.

The application complies with both SPPS & RDS as a slight extension to the Development Zone that is not detrimental to the Mullaghbawn area. In complying with the above it also complies with CTY 1 and is consistent with recent Planning decisions in this respect.'

The agent has failed to confirm which policy within CTY 1 the application, in their opinion, meets.

Policy CTY1 makes provision for a new dwelling in the countryside where the proposal meets one of a number of exceptions. As no specific information has been provided to clearly identify which policies within PPS21 is relevant the proposal should be assessed against each policy in turn.

The proposal is not within an existing cluster that appears as a visual entity nor is it associated with a focal point or located at a crossroads. The proposal does not meet the policy criteria of CTY2a. There is no dwelling on site to replace and therefore does not qualify under policy CTY3. No special personal or domestic circumstances have been submitted to be considered under policy CTY6. A business does not exist at the site to be considered under policy CTY7 and the site does not occupy a gap in an otherwise substantially and continuously built-up frontage to allow compliance with CTY8. Finally, there are no farm buildings or farm details for the application to be considered under Policy CTY10.

Having considered all residential policy provisions of CTY 1 I am content the proposal does not meet any of those listed. CTY 1 reminds the reader 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 settlement, or it is otherwise allocated for development in a development plan. With no overriding reasons why the development is essential, the proposal is contrary to policy CTY 1 of PPS 1 and therefore the principle of development is not established at this site.

Notwithstanding the above, I will consider the proposal against the remaining applicable retained policies.

In terms of design, ancillary works and integration I am content the proposal would, on balance, integrate into the site particularly given the retention of the trees to the front of the site and Slieve Gullion acting as a backdrop to the site. The design is traditional in character with appropriate materials and has the correct vertical emphasis to the windows with the chimneys located internally and on the ridge. The design is appropriate for the site and broadly consistent with guidance in Building on Tradition. The proposal is generally consistent with policy CTY 13.

The proposal will not contribute ribboning, result in suburban style build up or appear prominent in the landscape. The proposal generally is consistent with the development pattern within the area and cumulatively I am content the proposal is in compliance with policy CTY 14.

As confirmed through consultation with Development Plan team, the Settlement Development Limit (SDL) results in a clearly defined distinction between the urban area of Mullaghbawn and the surrounding rural areas. The purpose of the SDL is to protect the Village and countryside to ensure the sustainability of both. The correct vehicle to request an extension of the SDL is by way of representation to the Development Plan section (when invited) to have this site considered within a new SDL for Mullaghbawn.

Allowing a dwelling on this site would mar this distinction of the countryside and urban area of Mullaghbawn and result in an impression of urban sprawl along Tullymacreeve Road which would undermine the current SDL. Consequently, the proposal is contrary to policy CTY 15. This position is supported by the Development Plan Team.

I do not agree with the agent that the proposal is consistent with the SPPS in that the SPPS clearly outlines 9 scenarios where a dwelling could be appropriate in the countryside and para 6.71 confirms that 'development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.'

#### Planning Policy Statement 3 / DCAN 15.

Following amendments to visibility splays and consultation with DFI Roads, the Department has confirmed it has no objections to the proposal with regard to PPS 3 and DCAN 15 subject to compliance with the attached conditions. There is also sufficient space within curtilage for adequate parking and turning.

#### Planning Policy Statement 2

A Biodiversity Checklist and Ecologist's statement has been submitted for consideration and upon inspection offers no objection to the proposal with mitigating factors included within the proposed plans. In conclusion, 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. NIEA was consulted and raised no concerns with the application.

Policy NH 6 is pertinent to the application given the siting within the Ring of Gullion AONB. As the proposal would lead to urban sprawl and mar the distinction of the SDL, the siting is not considered sympathetic to the AONB in general and of the particular locality. There are no features of importance compromised by the proposal, and the design, materials and architectural style are generally acceptable for the area. Trees will be retained to the front of the site which is compliant with policy. The proposal is contrary to PPS 2 policy NH 6 for the above reason.

<b>Planning Policy Statement 15</b>	
Policies FLD 1, FLD 4 and FLD 5 are not applicable to the application. A working strip has been shown on the layout which satisfies policy FLD 2 and whilst a Drainage Assessment is not required under policy FLD 3, drainage and flood risk responsibility is deferred to the applicant / landowner. The proposal is in general compliance with PPS 15.	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation</b>	
Refusal, contrary to SPPS and policies CTY1 and CTY 15 of PPS 21. Proposal also contrary to policy NH 6 of PPS 2.	
<b>Reasons for Refusal:</b>	
<p>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.</p> <p>2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, mar the distinction between the settlement of Mullaghbawn and the surrounding countryside and would otherwise result in urban sprawl.</p> <p>3. 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.</p>	
<b>Case Officer Signature: A Donaldson</b>	
<b>Date:</b> 13 November 2024	
<b>Appointed Officer Signature: M Fitzpatrick</b>	
<b>Date:</b> 14/11/2024	

## Delegated Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2023/3475/F	<b>Target Date:</b>
<b>Proposal:</b> PROPOSED NEW DWELLING ON A FARM (UNDER PPS21 CTY10)	<b>Location:</b> 60M SOUTH OF 68 JERICO ROAD CROSSGAR DOWNPATRICK Co DOWN BT30 9LQ
<b>Applicant Name and Address:</b> SAMUEL ROSS 68 JERICO ROAD CROSSGAR DOWNPATRICK BT30 9LQ	<b>Agent Name and Address:</b> MICHAEL BAILIE 42 Crew Road Ardglass DOWNPATRICK
<b>Date of last Neighbour Notification:</b>	
<b>Date of Press Advertisement:</b>	6 March 2024
<b>ES Requested:</b> No	
<b>Consultations:</b> see report	
<b>Representations:</b> None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

## Site Visit Report

**Site Location Plan:** The site is located 60m south of 68 Jericho Road, Crossgar Downpatrick.



**Date of Site Visit:** 02<sup>nd</sup> May 2024

### Characteristics of the Site and Area

The site is located off the Jericho Road which is approx. 4 miles NE of Crossgar. The site is roughly rectangular and measures approx. 0.29ha in size. The northern boundary comprises a post and wire fence along the boundary of the existing laneway, the eastern boundary comprises a roadside hedge which is quite mature, while the other boundaries are undefined, being cut from a larger agricultural field. The existing laneway leads up to a number of farm buildings and the dwelling at No 68 is accessed via another driveway further north of this site. The land rises steadily from the roadside towards the western part of the site. The area is rural and is characterised by single houses and farms in the countryside.

### Description of Proposal

## PROPOSED NEW DWELLING ON A FARM (UNDER PPS21 CTY10)

### **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 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 3: Access Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

### PLANNING HISTORY

No history on the site

Planning - Close to the site

Application Number: LA07/2024/1349/F

Decision Date: pending

Proposal: Replacement of existing dwelling in substitution of planning permission granted under planning reference LA07/2023/2258/F.

Location: 450m NE of 68 Jericho Road, Killyleagh.

### **Objections & Representations**

In line with statutory requirements no neighbours were required to be notified. The application was advertised in the Down Recorder 01/11/2023 and again on 06.03.2024. No letters of objection or representation have been received in relation to the proposal.

### **Consultations**

**NI Water** – No objections

**DfI Roads** – No objections subject to conditions

DAERA – No objections

Proposed site located in FSN 3/110/108 field 35 is under the control of the farm business identified on the P1C Form.

**Shared Environmental Services (SES)** – no formal consultation required.

### **Consideration and Assessment:**

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

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

The Strategic Planning Policy Statement for 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.

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

The policy context for the development includes Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21). 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. Policy CTY 1 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 settlement.

### **PPS 21 - Sustainable Development in the Countryside**

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

#### Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, (including P1C), farm maps, site location plan, site layout, proposed floorplans and elevations have all been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (now known as

DAERA) business ID number along with other evidence to prove active farming over the required period. Policy CTY10 does not confer an absolute entitlement to the approval of a dwelling on a farm. The policy is permissively worded but makes it clear that approval will be conditional upon certain criteria being met.

The applicant is Mr Samuel Ross of 68 Jericho Road, Crossgar. He is the registered owner of the farm business. The farm maps indicate the business ID with a total of 29.17 hectares. A farm business ID was allocated by DAERA on 21/03/1997 and is a Category 1 business as confirmed by DAERA.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and they state that the business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. DAERA indicate that the proposed site located in FSN 3/110/108 field 35 is under the control of the farm business identified on the P1C Form. The first part of the criteria has been met.

Part (b) requires that 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. The applicant has stated in the P1C form that no dwellings or development opportunities been sold off from the farm holding within 10 years of the date of this application. A search of planning records would indicate the same. On this basis the Planning Authority is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land within the last 10 years.

Criterion (c) of CTY 10 requires 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. It goes on to say 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 there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)".

To the north west of the proposed site is an existing group of farm buildings including the two-storey dwelling where the applicant currently resides. The grouping therefore qualifies as an 'established group of buildings on the farm' as per CTY 10. The site, however, does not visually link or cluster with the group of farm buildings, as the distance involved does not allow for grouping. The result is that the proposed siting creates a linear form of development in the form of ribboning.



The agent has submitted further information to show that the shed under construction is due to be completed and that he wants to complete the digger work at the same time as the shed construction (as it makes financial sense), quotes from McCormick Metal Fabrications for steelworks and a quote from Beattie Contracts for digger work for the shed were forwarded. The agent indicates that completion of this shed would bring the shed closer to the proposed dwelling. It is noted that there is no lawful development certificate in place for the shed and nor is there any requirement for a certificate providing that it meets the terms of agricultural permitted development under part 7 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. Planning officers, however, have to assess the present circumstances and what is currently on the ground, not future intentions. CTY10 for visual linkage or clustering has an inherent proximity test as part of the policy, but it cannot offend CTY14. CTY 14 is clear in that planning permission will be refused for a building which creates or adds to a ribbon of development. CTY10 also requires compliance with CTY13 and CTY14. This site does not visually link or cluster with the group of farm buildings, as the distance involved does not allow for grouping. The result is that the chosen siting creates linear development in the form of ribboning and is therefore contrary to both CTY 13 and CTY 14.

#### Policy CTY 13 - Integration and Design of buildings in the Countryside

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

A new building will be unacceptable where:

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

#### Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g).

Design: The proposed dwelling is one and a half storey, however, the roof slopes down in part to single storey to the rear, with a double height rear return to the rear. The front

elevation is orientated to face east onto the road and is dominated by a front projection with glazing, the remaining elevation is simple in form and the windows having a vertical emphasis. The dwelling has a ridge of 7m. As the principle of development has not been acceptable, no amendments on the design have been sought, however, a reduction in this glazing element could be sought if the principle was accepted.



External finishes include smooth render with a painted finish, stone cladding to be used as indicated. Roof- natural roofing slates/black ridge tiles. Windows and Doors – uPVC RWG – black uPVC. These materials and finishes would all be deemed suitable for this rural locality. While the garage is connected to the dwelling, this adds to the overall bulk of the dwelling and given the siting close to the road, combined with the openness of the site, there will be views of this along the roadside in both directions. The removal and setting back/side of the garage linking to the house could negate this issue, but in its current form the house type does not respect the siting and the site is inappropriate.



### Proposed site layout

**Siting & Levels:** There will be some cut into the site, given existing levels. There is sufficient private amenity space within the curtilage.

**Landscaping:** The site plan identifies that all boundaries will require new planting boundaries with hedgerow comprising Hawthorne, Blackthorn, Dog Rose, Willow, Hazel, Holly and Alder. Trees where shown include Birch, Alder, Rowan and Pine. These would be acceptable forms of planting.

The site is cut from a larger field, whereby three of the four boundaries are undefined, with the remaining boundary defined only by a post and wire fence along the laneway. The site has been pulled in from the roadside hedge with the access coming off the existing laneway, however, this existing access will require visibility splays of 2m x 45m which will require the removal of some roadside hedging which will open the site up even further. There is some vegetation further to the west and south west beyond the site along the boundaries of the agricultural field, however, given the absence of any vegetation or other integrating features on three of the site boundaries, the site could not provide a sufficient degree of enclosure to successfully absorb the development into the landscape. The rising ground would provide very limited backdrop for the proposed development and would not mitigate the lack of enclosure. New planting would not be

sufficient to integrate the proposed development. The site is contrary to parts b, c, e and g of CTY 13.

#### Policy CTY 14 - Rural Character

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

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

The proposal has already been deemed to be unacceptable in terms of ribboning. In addition, when viewed with the existing buildings, the proposal would lead to a localised sense of build-up that would be detrimental to the rural character of the area. The proposal therefore offends Policy CTY14.

#### Policy CTY 16 – Development Relying on Non-Mains Sewerage

The proposal is being served by a septic tank and soakaway system within land owned or controlled by the applicant as indicated on the site plan. The granting of planning permission does not negate the need that other consents outside of the planning process may be required. A consent to discharge would need to be applied for to DAERA NIEA.

#### **PPS 3 - Access, Movement and Parking**

DFI Roads have been consulted and have offered no objections to this proposal. It is also considered the proposal would comply with AMP 2 of PPS 3 subject to conditions. There is sufficient provision within the site for parking.

#### **Impact on Residential Amenity**

There are no neighbouring properties close to the site, therefore there will be no adverse impact.

#### **Conclusion**

Having considered the relevant policy, the proposal does not meet with the criteria as set out in CTY 1, CTY 10 CTY 13 and CTY 14 of PPS 21 and refusal is recommended.

1.The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside 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.

2.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS,) and Policy CTY13 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.

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

**Neighbour Notification Checked**

N/A

**Summary of Recommendation**

**REFUSAL**

**Case Officer Signature: C. Moane**

**Date: 22 November 2024**

**Appointed Officer: A.McAlarney**

**Date: 22 November 2024**

## Delegated Application

<b>Development Management Officer Report</b>	
<b>Case Officer:</b> Catherine Moane	
<b>Application ID:</b> LA07/2024/0022/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage and associated siteworks	<b>Location:</b> Lands between 20 and 24 Carnalroe Road, Ballyward, Castlewellan
<b>Applicant Name and Address:</b> Phelim McEvoy 11 Carnalroe Road Ballyward Castlewellan BT31 9UG	<b>Agent Name and Address:</b> William Wallace 9 Crossgar Road Dromara BT25 2JT
<b>Date of last Neighbour Notification:</b>	22 March 2024
<b>Date of Press Advertisement:</b>	24 January 2024
<b>ES Requested:</b> No	
<b>Consultations:</b> see report	
<b>Representations:</b> None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

**Site Visit Report**

**Site Location Plan:** The site is located at lands between 20 and 24, Carnalroe Road, Ballyward, Castlewellan.



**Date of Site Visit:** 22<sup>nd</sup> August 2024

**Characteristics of the Site and Area**

The site is a roadside plot which is located between No's 20 and 24 Carnalroe Road. The site is cut from a larger field and therefore the western boundary is undefined. The site is accessed via an existing field gate, with some hedging along the front roadside boundary. The southern boundary is defined only by a post and wire fence and the northern boundary is shared with No 24 which comprises a post and wire fence with a hedge planted on the inside (hedge belonging to No 24). The site rises gradually from the roadside to the rear of the field. The area is rural in character.

**Description of Proposal**

Proposed dwelling and garage and associated siteworks

**Planning Assessment of Policy and Other Material Considerations**

The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge / Newry And Mourne 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 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 6 Planning Archaeology and the Built Environment

Planning Policy Statement 21 Sustainable Development in the Countryside;

Banbridge / Newry and Mourne Area Plan 2015.

Guidance

- DCAN 15 – Vehicular Access Standards

- Building on Tradition, A Design Guide for Rural Northern Ireland

### PLANNING HISTORY

Planning

No relevant history on the site.

Adjacent to the site

Q/2003/0331/F | 100m south of Carnalroe Road | Erection of dwelling | permission granted 18/11/2003.

Q/1992/0182 | 12 Carnalroe Road | Garage | Permission Granted 17/09/1992.

### **Consultations:**

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

Historic Environment Division – No Objections

### **Objections & Representations**

In line with statutory requirements neighbours have been notified on 07.03.2024. The application was advertised in the Mourne Observer on 21.01.2024 (Expiry 07.02.2024). No letters of objection or support have been received to date.

### **Consideration and Assessment:**

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



the Council Area has been adopted. The LDP in this case is the 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.

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

The site comprises an irregular shaped plot which fronts onto Carnalroe road. No 20, No 24 and the outbuilding north of No 24 all have frontage to the road because the plots upon which they sit abut the road. The substantial and continuously built-up frontage therefore comprises three buildings as specified in the policy, namely, the two detached dwellings at Nos. 20 and 24 and the dwelling and the outbuilding at No 24. If read from the south, the built-up frontage would continue and include No 8 (and its associated garage), with a ribbon of development beyond No 8.

A material consideration for the Council is the recent high court judgement – Gordon Duff v Newry, Mourne and Down District Council [2022] (NIQB37) and the subsequent court of appeal judgement - Gordon Duff's Application (Re. Glasdrumman Road, Ballynahinch) [2024] NICA 42. Policy CTY8 refers to a small gap site within an otherwise substantial and continuously built-up frontage, that is to say, which is continuously built up (in line with the policy) but for a 'small gap site' which is under consideration for development.

On considering that Judicial Review (JR) as referred to above, 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".*

Paragraph 5.34 of the amplification text of Policy CTY8 states 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. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built-up frontage. In considering in what circumstances two dwellings might be approved in such cases 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 buildings."

Paragraph 5.34 infers that for the purposes of the policy, the 'gap' is between buildings. The gap between the two dwellings is approximately 100 metres wide. In assessing whether that gap is 'small' and thus compliant with the policy, one must assess it in the context of the existing pattern of development along the frontage in terms of size, scale, siting and plot size. While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal.

When considering the frontage of No 20 Carnalroe road, while the history of this site (Q/2003/0331/F) had included the triangular portion along the frontage within its red line, this is not what is on the ground. Part of this plot (triangular portion) has been clearly sectioned off by hedge and fencing and has been used to graze animals (and according

to google streetview and orthophotography has been like this since 2014 whereby the access position was also moved further to the SW). Therefore, in relation to No. 20, its plot size is approximately 0.2 hectares, with No 8 approx. 0.49ha. The plot at No. 24 is around 0.2 hectares, with the plot size of the outbuilding (north of 24) is approx. 0.2ha. which gives an average of 0.27ha. The plot size of the site would be around 0.26 hectares which, from the site inspection, would respect this aspect of the development pattern along the frontage.

Building on Tradition (BoT) states that where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. It goes on to say that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The guidance states that a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon. From the Carnalroe Road, the plot width of No 8 is approximately 52m, No. 20 is approximately 45 metres, No. 24 is around 50 metres with outbuilding around 73 metres. The average plot width is therefore some 55 metres. Factoring this in and given that the width of the gap is approximately 100 metres, the gap is not more than twice the length of the average plot width at around 55 metres. Again, this aspect of the proposal would be acceptable.

Notwithstanding the above, the indicated plot of the site would have much smaller frontage along the built-up frontage (approx. 32m) which would read as visually discordant. Therefore while there is a small gap site within an otherwise substantial and continuously built up frontage, the proposed site would not respect the existing development pattern along the frontage.

Further to this, officers consider that while the proposal is located within a substantial and continuous built-up frontage (as identified above) the gap between Nos 20 and 24 provides an important visual break from development and contributes to the rural character of the area.



No 20

No 24



**Views from along the frontage of the site and from the Dromara Road**

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

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

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that the site is cut from a larger agricultural field, with the loss of some of the road frontage hedging which would open the site up further when along the frontage of the site. Given the absence of any vegetation or other features on three of the site boundaries, the site could not provide a sufficient degree of enclosure to successfully absorb the development into the landscape. Nor is there any rising ground rising to provide a backdrop for the proposed development which would mitigate the lack of enclosure. New planting would not be sufficient to integrate the proposed development. The site is contrary to CTY 13.

### CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Development of the site would be visually liked with the two adjacent buildings at No 24 and the two storey outbuilding and would read as a ribbon of development from this aspect. Similarly, when travelling in both directions along Carnalroe Road there would be an awareness of three buildings in a linear form row. In doing so it would conflict with criterion d of PPS 14 (read as a whole and the related provisions of the SPPS), which would cause a detrimental change to the rural character of the area.

### CTY 16 – Development relying on non mains sewerage.

There would be sufficient room within the land in red for a septic tank and soakaways. The grant of planning permission does not negate the need for a consent to discharge outside of the planning process. A consent to discharge should be obtained from DAERA NIEA.

### **PPS 2 – Natural Heritage**

The proposal will involve some removal of hedgerow along the frontage of the site to accommodate sightlines. A biodiversity checklist was completed by the agent. Whilst it is acknowledged that hedgerows are classed as priority habitats, consideration has been given to the quality of this particular hedgerow which is not considered to be species rich or having a rich basal flora of herbaceous plants. Given the quality of the hedgerow it considered that reinstatement of the lost roadside hedgerow with a species rich native hedgerow would be acceptable and can be conditioned as such if the Council are minded to approve the development. An informative advising the applicant in relation to bird breeding season can be placed on the decision notice. The proposal is not therefore considered to offend Policy NH 2 or NH 5 protected species or priority habitats.

### Policy NH 6 - Areas of Outstanding Natural Beauty

The application site falls within Mourne AONB. 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.

This is an outline application therefore there are no details of the choice of materials and the design of the dwelling, however these could be conditioned if the council are minded to approve the development.

### **PPS 3 – Access, Movement and Parking**

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

### **PPS 6 – Planning Archaeology and the Built Heritage**

Historic Environment Division were consulted as the proposal fell within the consultation zone in relation to a scheduled monument (DOW 035:018). Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Conclusion**

The agent was advised of the recommendation to refuse the application. The agent subsequently submitted a statement indicating that he had considered the findings of the Duff JR and doesn't feel that this application is comparable as he deems the plot size, area and road frontage are very comparable to the surrounding development pattern and the site does not represent a visual gap in accordance with Buildings on Tradition.

Full consideration has been given to this statement, however, for the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8, and CTY 13 & 14 of PPS 21 and the related provisions of the SPPS. No overriding reasons have been presented to demonstrate how the proposal would be essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS.

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
  
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as its development would result in the loss of an important visual break and would, if permitted, result in the addition of ribbon development along Carnalroe Road.
  
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 proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

**Informative**

The plan to which this refusal relates includes :site location plan P01C.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation – refusal as per refusal reasons given</b>
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<b>Case Officer Signature: C Moane</b>	<b>Date: 28 November 2024</b>
<b>Appointed Officer: A.McAlarney</b>	<b>Date: 29 November 2024</b>

**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	
<b>Case Officer:</b> Claire Cooney	
<b>Application ID:</b> LA07/2023/1996/O	<b>Target Date:</b>
<b>Proposal:</b> 2 Infill Dwellings	<b>Location:</b> Lands between 3 and 9 SCADDY ROAD CROSSGAR BT30 9BW
<b>Applicant Name and Address:</b> Julie Coffey 14 WALLACE HILL ROAD BALLYGALLY KILLYLEAGH DOWN BT30 9BU	<b>Agent Name and Address:</b> Martin Hyde 20 LOUGH ROAD BALLYWILLIN CROSSGAR DOWN BT30 9DT
<b>Date of last Neighbour Notification:</b>	22 March 2023
<b>Date of Press Advertisement:</b>	15 February 2023
<b>ES Requested:</b> No	
<b>Consultations:</b>	
DFI Consult	23/03/2023
Consult	14/03/2023
<b>Representations:</b>	
Objections have been received from the following neighbours of the site	
<ul style="list-style-type: none"> <li>• 3, 5, 6, 9 and 10 Scaddy Road,</li> </ul>	
Letters of Support	0.00
Letters of Objection	5
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
<b>Summary of Issues:</b>	
The main issues of objection relate to	
<ul style="list-style-type: none"> <li>• Road safety</li> </ul>	

- Prominence
- Impact on privacy
- Impact on Rural Character
- Integration
- Increased risk of flooding
- Removal of vegetation
- Impact on Ecology
- Proposal is not situated in a continuous & substantial built up frontage
- Impact on adjacent septic tanks
- Impact on adjacent rights of way
- Impact on drainage
- Contrary to Policy – SPPS, PPS 3, PPS 21
- Compliance with General Procedure Development Order 2015

## Site Visit Report

### Site Location Plan:



**Date of Site Visit:** 17<sup>th</sup> May 2023

### Characteristics of the Site and Area

The site is located along the minor Scaddy Road Crossgar and is comprised of a road side portion of land approximately 0.3 hectares in size. The site is defined on all boundaries with mature hedging. The site is relatively flat and low lying at the roadside from where it rises very gently upwards in a north-easterly direction.

Adjacent the site there are detached bungalows located at Nos 3, 5 and 9 Scaddy Road.

The area is rural in character and predominantly agricultural in use, however there are a number of roadside dwellings within the immediate vicinity of the site.

### Description of Proposal

2 Infill Dwellings

### Planning Assessment of Policy and Other Material Considerations

None

### PLANNING HISTORY

Planning

R/1991/0787 Proposal: Bungalow Decision: Appeal Dismissed

R/2004/2033/O Proposal: Site for dwelling (Amended Plans) Decision: Permission Refused  
Decision Date: 06 May 2006

### SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design & Access Statement
- Bio-Diversity Checklist
- Site Location Plan
- Proposed site layout plan

### CONSULTATIONS

DFI	Consult	23/03/2023
	Consult	14/03/2023

### REPRESENTATIONS

- 3, 5, 6, 9 and 10 Scaddy Road,

### 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 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 Nos 1, 3, 5 and 9 Scaddy Road Crossgar. 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 5 and 9 Scaddy Road is 100.7m.



In assessment of the frontages the proposed development site has a frontage of 74.2m while those adjacent properties they are as follows.

- No 1 – 31.2m
- No 3 – 52.5m
- No 5 – 11.9m
- No 9 – 67.5m

While consideration of the infill is not a mathematical exercise it does serve to inform the assessment of the proposal.

The average frontage is therefore 40.7m. Given the proposed site has a frontage of 74.2.3m this would equate to frontages of 37m for two dwellings if the plot was divided equally. It follows therefore that if development were to be in keeping with the existing, 2 dwellings could be accommodated within the proposed development site.



In assessment of the existing pattern of development the aerial overview above indicates that a variety of plot sizes and depths are present. With the exception of that at No5, plots are predominantly modest in size and relate to land immediately around the curtilage of the dwelling.

Unlike the adjacent development the proposed infill sites do not extend to the natural boundaries of their respective plots. The proposed development sites have been cut out of a larger field and the chosen plot areas have been manufactured to ensure they are comparable with that adjacent.



Notwithstanding the above, the Planning Authority must be mindful of the recent Judicial Review in the matter of an application by Gordon Duff (re Glassdrumman Road Ballynahinch) and in the matter of a decision of Newry Mourne & Down District Council Ref: TRE12475.

In this court of appeal ruling great emphasis is placed on the restrictive nature of Policy CTY 8 and its intention to preserve visual breaks within the rural area to prevent ribbon development and the consequential erosion of rural character.

The Planning Authority consider that that proposed development site represents a visual break in the built-up frontage of Scaddy Road and at 100m in length, this break cannot be considered as small for the purposes of infilling. Similarly, and as discussed above, the gap between Nos 5 and 9 Scaddy Road has been artificially divided into two plots in terms of their area to ensure that they are comparable with that adjacent.

Such manipulation of the guidelines is not in keeping with the general thrust of the policy and should be resisted. Policy CTY 8 also requires proposals to meet other planning and environmental requirements these are discussed below.

### **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:

- (a) It is a prominent feature in the landscape;
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies 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;

In consideration of the above, Officers note that the site currently benefits from substantial roadside vegetation in the form of dense bramble scrub between a treeline and species poor hedgerow as visible in the street view image below.





DfI Roads have indicated on their RS1 form that visibility splays of 2m x 70m are required to provide a safe shared entrance to and from the site. Officers consider that in providing these splays much of the roadside vegetation will have to be removed in order to facilitate that required. This opinion is supported in the Ecological Statement provided on behalf of the application by Ayre Environmental Consulting Ltd (see page 7 of the statement).

The removal of this vegetation will have implications for the ability of the development to integrate into the surrounding landscape. Officers consider that the extent of removal at 70m in each direction would have a detrimental impact in terms of integration and while the agent has advised that the internal tree line will remain, officers do not consider this would be sufficient to effectively maintain integration and will require additional new planting to provide integration.

Officers considered therefore that the proposal is contrary to Criteria B and C 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
- (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.

In consideration of the above, as officers consider the proposal does not comply with the exceptions set out in Policy CTY 8, the proposal would therefore create ribbon development.



Paragraph 5.80 of the amplification justification section of CTY 14 states that ribbon development is always considered detrimental to the rural character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside. Such erosion of character should therefore be resisted.

In addition to the above, officers note that the proposal will be facilitated by a new paired access at the site entrance. Such features are not typical of rural development, dwellings are predominantly served by single accesses onto the public road. The proposal to serve this site with a paired access is out of character with the rural setting and more typical of development within the urban / suburban area.

For these reasons the proposal is also contrary to rural character.

### **PPS 3 – Access, Movement and Parking**

The site will create a new access onto Scaddy Road. While this is an outline application, indications are that the access will be paired for the 2 dwellings proposed.

Officers' objections to this are noted above in the consideration regarding CTY 13.

However, from a road safety perspective DfI Roads have indicated in their consultation response that they have no objections to the proposal. On this basis, it is considered that the proposal is compliant with the requirements of PPS 3.

### **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.

Hedgerows are considered to be a priority habitat. The proposed development would require the removal of a stretch of hedgerow along the roadside as discussed above in CTY13.

A bio-diversity checklist and ecological statement has been carried out by Ayre Environmental Consulting Ltd on behalf of the applicant. The statement concluded that considering the proposed removal of an existing priority habitat new native-species hedgerow planting will be required as mitigation. It is recommended that new native species hedgerow planting is provided to the rear of the visibility splays, to the dividing property boundary and/or to the formal northeast boundary once created.

The site has been assessed for the presence of priority species including bats, badgers and smooth newts, no species will be impacted by the development.

### **Consideration of Objections**

The above assessment concludes that the proposal for 2 infill dwellings on this site, does not meet the policy requirements of CTY 8, 13 and 14.

A consultation with DfI Roads has concluded with there being no objections raised with regard to road safety.

While it is acknowledged that some roadside hedging will have to be removed to facilitate the development, an ecological assessment has concluded that the hedging is species poor and that a compensatory scheme will be required to mitigate its loss.

In consideration of this issues raised regarding privacy, the application seeks outline planning permission, details are not therefore before officers as to the proposed layout of the 2 dwellings. Nevertheless it is considered that in the event of an approval dwellings could be sufficiently separated from the neighbouring properties not to impact on their privacy.

With regard the issues raised regarding flooding / drainage, Flood Maps NI indicates that a portion of the eastern side of the site is affected by surface water flooding. Standard advice in this regard would direct the developer in the event of an approval to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. The developer is advised to obtain advice from a suitable qualified competent person in respect of the site and finished floor levels.

In consideration of the issue regarding septic tanks, officers note that under the Water (Northern Ireland) Order 1999, the consent of the Northern Ireland Environment Agency is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In the event of an approval a Consent to Discharge should be conditioned prior to the commencement of any development on site.

In consideration of rights of way, officers would note that planning permission does not confer title, therefore the developer would need to ensure before commencing development that they have the permission of any relevant land owner to use their land within the proposed development. This is matter that must be resolved between the relevant parties and is not one the Planning Authority can give determining weight to.

The owner / occupier of 6 Scaddy Road has advised that they did not receive a neighbour notification letter in August 2023. Planning records indicate that a letter to this address was produced. While the occupier may not have received it from the local postal delivery service, they are aware of the proposal and have had an opportunity to comment. It is not considered that they have been prejudiced.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation**

**REFUSAL**

**Reasons for Refusal:**

1. The proposal is contrary to the 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 SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site does not constitute a small gap and represents a clear visual break along the Scaddy Road and would, if permitted, result in the creation of ribbon development and loss of rural character.
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, if permitted, the proposed dwellings would result in the removal of long established natural boundaries and would therefore be unable to visually integrate into the surrounding landscape and would rely upon new planting to integrate successfully.

**Case Officer Signature: C COONEY**

**Date: 29 November 2024**

**Appointed Officer: A.McAlarney**

**Date: 29 November 2024**

**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Date** \_\_\_\_\_



Planning Appeals  
Commission

Department for Infrastructure  
Regional Planning Policy & Casework Directorate  
Clarence Court  
10-18 Adelaide Street  
Belfast  
BT2 8GB  
**By email only**

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92 Ann Street  
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Your Ref: P/2015/0218/F  
Our Ref: 2021/C010

Date: 3<sup>rd</sup> December 2024

Dear Sir/Madam

### **Regionally Significant Planning Application under Section 26 of the Planning Act (Northern Ireland) 2011**

**Location:** Lands approximately 650m south west of 40 Mullaghgarraff Road, Hilltown, Newry in the townlands of Gruggandoo, Grugganskeagh and Mullaghgarve BT34 5LT.

**Proposal:** Construction of a wind farm comprising 8 no. wind turbines (tip height not exceeding 142.5 metres), and electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on Mullaghgarraff Road, delivery route improvements at Rostrevor Road, junction improvements at Rostrevor/Mullaghgarraff Road and all associated ancillary works.

The Department requested the Commission to hold a public inquiry in relation to the above major planning application. Having checked the electronic list of objectors and the hard copies of objections which were provided, the Commission is now in a position to set out the arrangements.

The inquiry will open at 10.30am on **Wednesday, 12<sup>th</sup> March 2025** in the Newry Conference and Banqueting Centre, 39-41 The Mall, Newry, BT34 1AT and will continue as necessary on the following day. The Commissioner will report directly to the Department.

Please ensure that the Department's statement of case is submitted by 4.00pm on **Tuesday, 21<sup>st</sup> January 2025**. Please provide 10 hard copies and 1 electronic copy. The statement of case should not exceed **2,500 words**. Appendices may be used for supporting information but argument must be confined to the main body of the statement.

The Commission will exchange the statements of case in the week following their submission. The Department will be afforded an opportunity to comment on the other

parties' cases by 4.00pm on **Tuesday, 11<sup>th</sup> February 2025**. The total length of the rebuttal statement should not exceed **1,500 words**.

The Commission has produced a booklet entitled "Procedures for Public Local Inquiries and Hearings into Regionally Significant and Called-In Applications ". The booklet can be viewed on our website at [www.pacni.gov.uk](http://www.pacni.gov.uk). If you have any further queries, please do not hesitate to contact this office.

Yours sincerely

Lori Austin

### **SUMMARY OF ARRANGEMENTS**

Statements of case by:-	<b>4pm on 21/01/2025</b>
Rebuttal evidence by:-	<b>4pm on 11/02/2025</b>
Inquiry opens at:-	<b>10:30am on 12/03/2025 continuing on 13/03/2025.</b>

**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

<b>Minute Ref</b>	<b>Subject</b>	<b>Decision</b>	<b>Lead Officer</b>	<b>Actions taken/ Progress to date</b>	<b>Remove from Action Sheet Y/N</b>
<b>PLANNING COMMITTEE MEETING 29 JUNE 2022</b>					
LA07/2019/0868/F	Proposed commercial unit comprising creche and associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	M Fitzpatrick	<b>Readvertisement Aug 24 following amended proposal description.  Under consideration.</b>	N
<b>PLANNING COMMITTEE MEETING 26 JULY 2023</b>					
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	<b>To be tabled at 18 December 2024 Planning Committee</b>	Y
<b>PLANNING COMMITTEE MEETING 13 DECEMBER 2023</b>					
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	<b>Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit. Agent contacted to advise retail info received and under consideration.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING COMMITTEE MEETING 7 FEBRUARY 2024</b>					
LA07/2022/1712/O	Lands between 51 and 53 Dunderinne Road, Castleweellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	A McAlarney	<b>In progress</b>	N
<b>PLANNING COMMITTEE MEETING 10 JULY 2024</b>					
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	<b>Deferred for a site visit. Assessment of amended information on-going.</b>	N
<b>PLANNING COMMITTEE MEETING 2 OCTOBER 2024</b>					
LA07/2023/2274/F	Abbey Way Car Park, Abbey Way, Newry - Proposed Civic Hub	Deferred to consider late submission	M Keane	<b>Tabled at December Committee meeting</b>	Y



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.				
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. 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	Deferred to consider late submission	P Manley	<b>Tabled at December Committee meeting</b>	Y
LA07/2023/2213/L BC	1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of	Deferred to consider late submission	P Manley	<b>Tabled at December Committee meeting</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	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				
<b>PLANNING COMMITTEE MEETING 6 NOVEMBER 2024</b>					
LA07/2023/3370/O	To the rear of 44 Bavan Road, Mayobridge.BT34 2HS - Infill dwelling and garage	Deferred for a site visit	M Keane	Site visit attended 28/11/2024. Tabled at Dec Committee	Y
LA07/2024/0470/F	4 Cargagh Road Annacloy, Downpatrick, BT30 9AG - Retention of existing granny flat with single storey flatroof extension to side	Deferred as per operating protocol until enforcement issue is resolved.	A McAlarney	Awaiting submission of LDE from agent.	N
LA07/2023/2376/O	60m SW of 131 Derryboy Road, Crossgar - Proposed dwelling on a farm under Policy CTY10 of PPS21	Deferred for a site visit	A McAlarney	Deferred for a site visit -- to be arranged.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING COMMITTEE MEETING 4 DECEMBER 2024</b>					
LA07/2024/0275/F	Land 205m SE of 7 Dunturk Road Castlewella - 1 ½ storey replacement dwelling and detached garage	Deferred for a site visit	A McAarney	Site visit to be arranged	N
LA07/2023/2827/F	Lands immediately NW of no. 48 Maytown Road, Bessbrook - Erection of dwelling	Deferred for a site visit	M Fitzpatrick	Site visit attended 04 Dec 2024. Tabled at 18 Dec Committee Meeting	Y