



August 6th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 7th August 2024** at **10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2024-2025:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

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

4.0 Minutes of Planning Committee held on 10 July 2024

to follow

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

 [Addendum list - 07-08-2024.pdf](#)

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

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

For Decision

REFUSAL

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

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

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

 [LA07-2023-2374 - Case Officer Report.pdf](#)

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Development Management - Planning Applications for determination

7.0 LA07/2023/2911/A - 24-36 Bagnalls Retail Park Castle Street,

Newry - Change the current painted signage on gable wall adjacent to car park on approach from Abbey Way to include the Irish language version of the Museum's name: Iarsmalann an Lúir aus Mhúrn

For Decision

APPROVAL

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

 [LA07-2023-2911 - Case Officer Report.pdf](#)

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8.0 LA07/2023/3429/F - Warrenpoint Beach / Baths Seaview, Warrenpoint - Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2024 – 2028 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity

For Decision

APPROVAL

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

 [LA07-2023-3429 - Case Officer Report.pdf](#)

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

For Decision

APPROVAL

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

Speaking rights have been requested by Mr Gerry Tumelty, agent, in objection to the application.

Speaking rights have been requested by Mr & Mrs Knox in objection to the application.

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

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10.0 LA07/2023/2051/O - Lands between 24 and 20 Crawfordstown Road, Downpatrick - 2 x Infill dwellings

For Decision

REFUSAL

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

Speaking rights have been requested by the Agents from Carlin Planning, Mr Tiernan Fitzlarkin and Mr John Scally in support of the application.

11.0 LA07/2023/2804/O - Approx 140m West of 71 Bishopscourt Road, Downpatrick - Farm dwelling and garage

For Decision

REFUSAL

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

Speaking rights have been requested by Mr Gerry Tumelty in support of the application.

12.0 LA07/2021/2010/O - Approx 100m West of 42 Crawfordstown Road, Downpatrick - Farm dwelling and garage

For Decision

REFUSAL

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

Speaking rights have been requested by Mr Gerry Tumelty, agent, and Mrs A Jkinson, applicant, in support of the application.

 [LA07-2021-2010 - Case Officer Report.pdf](#)

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 [12 - LA07.2021.2010.O.pdf](#)

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

For Decision

REFUSAL

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

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

 [LA07-2023-2956 - Case Officer Report.pdf](#)

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 [13. LA07_2023_2956_O.pdf](#)

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Items deemed to be exempt under paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

14.0 Legal advice regarding a judicial review.

For Information

This item is deemed to be exempt under Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information in relation to which a claim to legal professional privilege could be maintained in legal proceedings - and the public may, by resolution, be excluded during this item of business.

Counsel to be present at 11.30am.

For Noting

15.0 Historic Action Sheet

For Information

 [Planning Historic Tracking Sheet - 2024.08.07.pdf](#)

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Invitees

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

Cllr Siobhan O'Hare
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Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Cllr Gareth Sharvin
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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
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Cllr Helena Young
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Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 7 August 2024

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

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

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

Delegated Application

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

Site Visit Report

Site Location Plan: 80 Dublin Road, Drumena Newry.



Date of Site Visit: 26th June 2023

Characteristics of the Site and Area

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

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

Description of Proposal

2 No Glamping Pods With Associated Landscaping.

Planning Assessment of Policy and Other Material Considerations

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

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

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

Published guidance documents will also be considered such as:-

- DCAN 15
- Parking standards

PLANNING HISTORY**Planning**

Application Number: R/1985/0873

Decision: Withdrawal

Proposal: FARM DWELLING.

Application Number: R/1986/0554

Decision: Permission Granted

Proposal: FARM DWELLING.

Application Number: R/1989/0311

Decision: Permission Granted

Decision Date: 03/05/1989

Proposal: Farm dwelling

Application Number: R/2004/0768/O

Decision: Withdrawal

Decision Date: 09 December 2004

Proposal: Site for erection of 8 Fisherman Cottages.

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

Proposal

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

Objections & Representations

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

Consultations

DFI Roads – No objection – subject to conditions

Northern Ireland Water - No objections

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

DfI Rivers – No objection

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

Consideration and Assessment

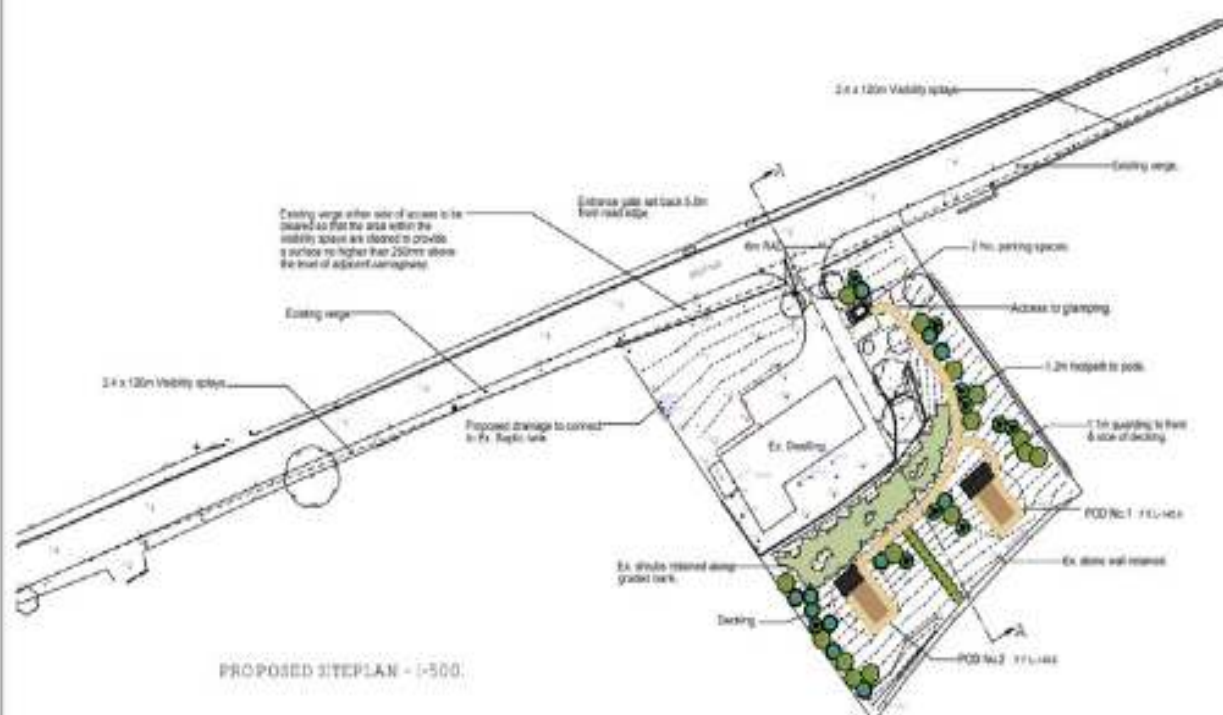
Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in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

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

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

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

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



Proposed Site layout

Principle of Development

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

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

Tourism

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

TSM 6 New and Extended Holiday Parks in the Countryside

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

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

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

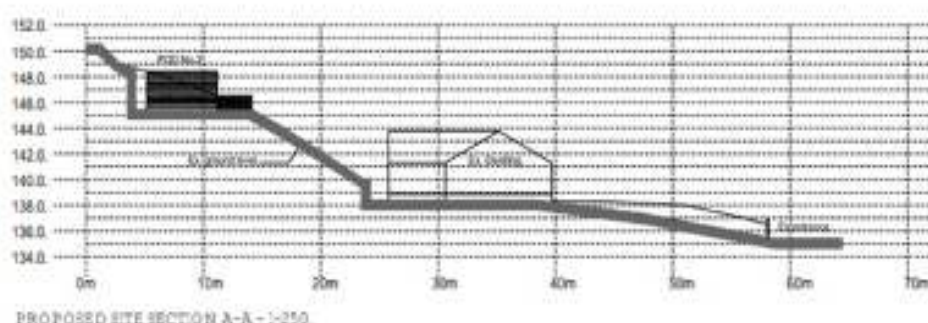
(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

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

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

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

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



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

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

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

Proposed Site, Integration and Rural Character

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

A new building will be unacceptable where:

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

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

Rural Character

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

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

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

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

CTY 16 Development relying on non mains sewerage

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

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

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

Planning Policy Statement 2 - Natural Heritage

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

Policy NH 1 - European and Ramsar Sites

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

Policy NH 6 - Areas of Outstanding Natural Beauty

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

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

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

Planning Policy Statement 3 - Access, Movement and Parking

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

Policy AMP 2 Access to Public Roads

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

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

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

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Department's published guidance. Consideration will also be given to the following factors:

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity

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

Conclusion

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

Recommendation: Refusal

The plans considered as part of this assessment include:

Location plan – 25408NW

site plan -2637 /SP01L B

Proposed glamping pod elevations and floor plans – 2637/PL01

Refusal Reasons:

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

Informative

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

Neighbour Notification Checked

Yes

Summary of Recommendation - Refusal

Case Officer Signature: C. Moane

Date: 29th April 2024

Appointed Officer: A.McAlarney

Date: 29 April 2024



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

Application Reference: LA07/2023/2911/A

Date Received: 07.06.2023

Proposal: change the current painted signage on gable wall adjacent to car park on approach from Abbey Way to include the Irish language version of the Museum's name: Iarsmalann an Iúir agus Mhúrn

Location: 24-36 Bagnalls Retail Park Castle Street, Newry, BT34 2BY

Site Characteristics & Area Characteristics:

The application site is located within the settlement development limit of Newry. The application site has been screened for both natural environment and historic environment designations. The following designations are noted:

- Area of archaeological potential
- City Centre of Newry
- Conservation Area of Newry
- Scheduled Zone DOW 046:040
- Record Only Listed Building HB16/28/082 (McCann's Bakery)

A site visit was undertaken to the application site whereby it is evident that there is currently lettering on the wall "Newry and Mourne Museum" which was approved under application LA07/2022/0077/A. The application under consideration as part of this application requests to change the lettering on the walls with the inclusion of Irish Language.

Image 1 Photograph of the Museum from the Car park



Image 2 Photograph of the Museum towards the entrance



Image 3 Extract from the Proposed Elevations



This advertisement consent application seeks the addition of lettering to the building. Any further works would be subject to a full application.

It is noted that the application was submitted alongside a Listed Building Consent application; however, the building is not a listed building (and is record only) Historic Environment Division have confirmed that a Listed Building Consent application is not required and thus the Planning Department have withdrawn this application (LA07/2023/2913/LBC).

Planning Policies & Material Considerations:

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- PPS 6 – Planning Archaeology and the built Environment
- Planning Policy Statement 17 – Control of Outdoor Advertisements (March 2006)

Site History:

Planning Reference	Proposal	Address	Decision
LA07/2023/2913/LBC	This application is to change the current painted signage on gable wall adjacent to car park on approach from Abbey Way to include the Irish language version of the Museum's name: Iarsmalann an Iúir agus Mhúrn	24-36 Bagnalls Retail Park Castle Street, Newry, BT34 2BY	Withdrawn
LA07/2022/0078/LBC	New painted wall signage at courtyard. Approximately 5600mm wide x 2000mm tall (lettering painted on the wall to match grey detailing) New painted wall sign.	Newry and Mourne Museum Castle Street Newry	Approved

	Approximately 2800mm wide x 900mm tall (lettering painted on the wall to match grey detailing) New aluminium information panel to be placed by the main doors 380mm wide x 700mm tall	Co. Down BT34 2BY	
LA07/2022/0077/A	New painted wall signage at courtyard. Approximately 5600mm wide x 2000mm tall (lettering painted on the wall to match grey detailing) New painted wall sign. Approximately 2800mm wide x 900mm tall (lettering painted on the wall to match grey detailing) New aluminium information panel to be placed by the main doors 380mm wide x 700mm tall	Newry and Mourne Museum Castle Street Newry Co. Down BT34 2BY	Approved
P/2002/2159/F	Repair and remodelling of existing bakery warehouse and adjacent castle for use as Exhibition/Display for Newry Museum, with associated Admin', storage, workshop and staff areas. New premises for Newry Tourist Information office and associated retail space. New cafe. Creation of new Historic Garden and repairs to external fabric in consultation with Archaeologists recommendations.	Mc Canns Bakery/Bagenal's Castle Abbey Way Newry	Approved
P/2010/1145/LDP	The proposal involves the installation small interpretative panel/pedestal. Dimensions are 1280mm high x 420mm wide	Bagenals Castle, Castle Street, Newry	Approved
P/2000/0662/A	1 No Wall mounted shop sign (gable Type) 2 No projecting Gantry signs free standing	24/36 Abbey Way (Old McCanns Bakery Site) Newry	Consent Refused
P/1999/0548	Demolition of portal framed and concrete framed buildings to leave Bagnalls Castle and other 3 storey buildings free standing.	SITE OF FORMER MCCANNS BAKERY.CASTLE STREET.NEWRY.	Approved
P/1999/0340	Proposed food retail outlet and associated parking	MCCANN'S BAKERY SITE, CASTLE STREET, NEWRY	Approved
P/1976/0974	PROPOSED ALTERATION TO BAKERY AND WORKSHOP	Victoria Bakery, Newry	Approved

Consultations:

Historic Environment Division – set out that Bagenals castle is a regionally important scheduled monument. The proposal satisfies the policy requirements of paragraph 6.12 of the SPPS and Policy BH 11. The explanatory note sets out that the proposal provided no illumination is considered appropriate and defers to the Conservation Officer for further comment/assessment.

Objections & Representations:

There is no statutory requirement to notify or advertise applications for advertising consent.

No representations have been received to date (02.07.2024)

Assessment:**The Banbridge, Newry and Mourne Area Plan 2015**

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

Planning Policy Statement 6 Planning Archaeology and the Built Environment**Policy BH 11 Development affecting the setting of a Listed Building**

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) the nature of the use proposed respects the character of the setting of the building.*

The application site is within proximity to listed buildings to include the terraced row of listed buildings at 18, 20 and 22 Castle Street as well as the Master's House at Abbey Yard (HB16/28/056 A, B & C as well as HB16/28/055 E). Further affects would also be within the wider setting of St Patrick's and St Coleman's Cathedral (HB16/28/036).

The proposal incorporates signage which is to be painted onto rendered wall. Historic Environment Division were consulted and considered that this method be appropriate. There is currently painting of *Newry and Mourne Museum* on the walls. It is considered that the proposal would not have any further negative impact on the surrounds nor settings of any listed buildings. The proposed signage is not illuminated and given its location to the variety of listed buildings within the surrounds their separation via dual carriageways, carparks create a buffer between settings.

It is considered that the proposal would have negligible adverse impact in comparison to the existing signage already painted onto the walls. It is considered that the proposal complies with the policy requirements of policy BH 11.

Policy BH 13 The Control of Advertisements in a Conservation Area

The Department will not normally grant consent for the display of advertisements in or close to a conservation area which would adversely affect the character, appearance or setting of the area or which would be detrimental to public safety.

The proposal incorporates a change in current signage on the building, whereby Irish Language is to be an addition to the building. Having regard for the policy it is considered that the proposal is similar to that currently in place on the building and thus would be considered

to not detract from visual amenity of the area. Further, no illumination is proposed as a result of the proposal. It is considered that the signage proposed aims to preserve and enhance the character of the conservation area.

It is considered that the proposal is appropriate and is considered to comply with policy BH13.

Planning Policy Statement 17 Control of Outdoor Advertisements

Policy AD 1 of PPS 17 refers to amenity and public safety. Consent will be given for the display of an advertisement where:

(i) it respects amenity, when assessed in the context of the general characteristics of the locality; and

(ii) it does not prejudice public safety.

Signage is a common feature within settlement limits in that there are business signs, office signs, for sale signs, parking signs. These signs aim to identify and define places and businesses.

The justification and amplification of AD 1 sets out that care must be taken to ensure that an advertisement does not detract from the place where it is to be displayed or would not prejudice public safety. Further, it states that it is important to prevent clutter, adequately control signs involving illumination and to protect features such as listed buildings and conservation areas from potential adverse effects of advertising.

Having regard for the policy above and the justification and amplification of the policy it is considered that the proposal would not have a demonstrable impact on the area. The proposal incorporates the addition of Irish Language onto the museum via hand painting which is to be painted onto the wall to match the grey detailing. It is considered that the proposal would have no greater impact than that currently painted onto the wall.

The proposed signage is in association with the operating museum and provides wayfinding for the public to find and identify the building.

Historic Environment Division were consulted and offered no objection to the proposal. The proposal meets both criteria listed within AD 1 of PPS 17.

Recommendation:

Consent Granted

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: NM145-B-1-00 & NM145-B-1-04
Reason: To define the planning permission and for the avoidance of doubt.
3. The lettering shall be hand painted onto the walls in Black/Grey paint.
Reason: In the interests of visual amenity

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer Signature: Roisin Bird

Date: 02/07/2024

Authorised Officer Signature: Pat Rooney
--

Date: 04/07/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3429/F

Date Received: 02.10.2023

Proposal: Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2024 – 2028 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity.

Location: Warrenpoint Beach / Baths Seaview, Warrenpoint, BT34 3NH

1.0 Site Characteristics and Area Characteristics

The application site is located adjacent to Warrenpoint Baths on the seafront of Warrenpoint. The portion of the site upon which this application relates is located within the settlement development limit of Warrenpoint (3/06b) and has the following designations on the site:

- Within the Settlement Development Limit
- Development Opportunity Site WB 33
- Area of Townscape Character
- NIEA Seascape Character Area
- ASSI Carlingford Lough
- Area of Outstanding Natural Beauty

In terms of Historic Features whilst there are no features on the site there are the following listed buildings/records within the immediate surrounds:

- HB16/12/020 – Public Swimming Baths (Record Only)
- HB16/12/021 A – 6 Sea View (Grade B2)

- HB16/12/021 B – 7 Seaview (Grade B2)
- HB16/12/021 C – Coolbawn (Grade B2)
- HB16/12/019 – 8 and 9 Seaview (Record only)

The application site is located on the seafront of Warrenpoint adjacent to Warrenpoint Baths. The application site is currently accessed via a ramped walkway, the walkway extends down to the water edge making it accessible for all. The area upon which the application relates to is a mix of stone and sand.

The proposal is to place 2 x 20ft shipping containers on the beach north of Warrenpoint baths each year from May to September for 4 years (2024-2028 inclusive). A site visit was conducted in May 2024 upon which it was noted that the shipping containers were in place on the beach. The shipping containers had been clad in wooden panels.

Image 1 Photograph of the application site (Container Ships placed)



2.0 Planning Policies and Material Considerations

The Planning application has been assessed against the following:

- The Regional Development Strategy 2035
- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- PPS 2 Natural Heritage
- PPS 3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS 6 Planning Archaeology and the Built Heritage
- PPS 8 Open Space, Sport and Outdoor Recreation

- PPS 15 Planning and Flood Risk
- PPS 16 Tourism

3.0 Site History

Having studied the planning history of the application site the below are relevant within the immediate vicinity. It is also worth noting that there was two previous applications for the same proposal within the immediate surrounds. One of which was approved and the other withdrawn. The following applications are prevalent:

- LA07/2023/2150/F for Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2023 – 2027 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity at Warrenpoint Beach / Baths Seaview, Warrenpoint, BT343NH – Withdrawn
- LA07/2021/0155/F for Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2022 - 2026 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity at Warrenpoint Baths, Seaview, Warrenpoint, BT34 3NH – Approved
- LA07/2021/2026/LDE for Warrenpoint baths 35m north east of no. 6 Radharc na Mara Warrenpoint, BT34 3NH for Planning application LA07/2015/0369/F - Proposed redevelopment of the Warrenpoint baths including refurbishment and extension of existing adventure centre, community function room, seaweed baths/spa, coffee shop and external venue space, public toilets and all associated site works. First phase of works for the stabilisation of the existing structure has been undertaken. Works commenced in 2019 to repair structural elements of the site/building which form the initial phase of the overall proposal (Approval)
- LA07/2021/1655/F for Lands along Warrenpoint Front Shore adjacent to Marine Parade, Harbour Quays, Havelock Place for Public realm improvement scheme comprising resurfacing; new kerbing; new railings; installation of street furniture including picnic benches, seats, bins, cycle stands and bollards; replacement street and feature lighting; reconfiguration of existing car park; sea wall repairs; vegetation planting; new signage and entrance feature; upgrade of existing ramps to the faux beach adjacent to the baths to be made DDA compliant, complemented with the installation of new granite steps; and all associated works (Approval)
- LA07/2022/0949/DC for Lands along Warrenpoint Front Shore adjacent to Marine Parade, Harbour Quays, Havelock Place for Partial Discharge of condition no 13 on LA07/2021/1655/F (Approval)
- LA07/2022/0935/DC for Lands along Warrenpoint Front Shore adjacent to Marine Parade, Harbour Quays, Havelock Place for Partial Discharge of condition no. 10 on LA07/2021/1655/F (Approval)

- LA07/2015/0369/F for Warrenpoint baths 35m north east of no. 6 Radharc na Mara Warrenpoint, BT34 3NH for Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works (Approval)

4.0 Consultations

Consultations were issued to the following consultees:

- Historic Environment Division – Content with the application as presented.

We note the increase of size of the container from 2 x 6.58m x 2.59m as per the previously approved planning application LA07/2022/0155/F to 1 x 12.71m lx 3m and the change in orientation and location. Please refer to image 1 and 2. We understand the application to be for 1 x 12.71m container as shown in Drg 003a rather than the 2 x 20ft containers in the description. Should this not be the case we request to be re-consulted.

We are content with these alterations on a temporary basis but advise that HED consider that the current proposal becoming a permanent feature may have a detrimental impact on the character and setting of the existing listed buildings. Should a more permanent solution be submitted for this site we would wish to see it more sensitively integrated into the setting. We request to be consulted on any permanent applications submitted for this site.

Set out conditions and informatives to be attached to any decision notice.

Defer to the Conservation Officer for comment on the character and appearance within the ATC.

Planning Department note the reference to the one shipping container- however, it is two containers set side by side and clad.

- Environmental Health – No objections to the proposal as presented
- Northern Ireland Environment Agency –

Marine and Fisheries Division – Referral to Loughs Agency. Attention brought to previous consultation - LA07/2023/2150/F which we advised against. While checking this area on Google Maps from July 2023 the work appears to have been completed despite LA07/2023/2150/F being withdrawn. Highlighted to Planning Authority. Standing advice was also set out.

Natural Environment Division - considered the impacts of the development on Carlingford Lough ASSI and on the bases of the scale, location and duration of the development is content that the development is unlikely to significantly impact the designated site features

- Shared Environmental Services – Advised that given the location, nature, scale and duration of the project, the proposal as described can be eliminated from Habitats Regulations Assessment, because it could not have any conceivable effect on a European site.

- DFI Rivers - Schedule 6 received. Planning Department deem the application an exception to PPS 15 FLD 1 and therefore DFI Rivers cannot sustain an objection under policy. DFI Rivers recommend that the containers be raised 600mm and additional freeboard added.
- Loughs Agency – No objection in principle to the proposed development. The applicant should demonstrate best environmental practice when working close to watercourses. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (Northern Ireland) 1952 to cause pollution which is detrimental to fisheries interests.

5.0 Objections and Representations

12 neighbours were identified and notified of the application. The application was advertised in the local press on the 25th October 2023. Two representations have been received from the same address. The following points have been noted:

First representation attached photos of the containers at the access to the beach following their delivery. The shipping containers at this stage were located at the access and were not clad.

- Lack of consideration for aesthetics and the blatant disregard for the natural beauty of the coastline
- Placement appears to have been done without any thought to their visual impact
- I urge the council to reconsider aesthetics and the positioning of these containers and to take into account the importance of preserving the natural beauty of our coastline. It is imperative that steps are taken to ensure that such eyesores are not allowed to mar our beaches any further.

A further objection was received setting out the following points:

- Objection
- Using shipping containers as changing rooms on the beach poses several concerns
- Lacks aesthetics and disrupts the natural beauty of the beach environment
- Safety hazards such as inadequate ventilation and insulation, which could lead to discomfort or even health issues for users.
- repurposing shipping containers may not meet the necessary standards for accessible facilities, posing challenges for people with disabilities.
- Lastly, it sets a precedent for industrialisation of recreational areas, detracting from the serene atmosphere that beaches are meant to provide.
- These containers are indistinguishable from the shipping containers used as a site offices on a construction site.

The Planning Department note the representations received and will consider these points through the body of this assessment.

6.0 Assessment:

Image 2 Extract from drawing 002 Site Block Plan

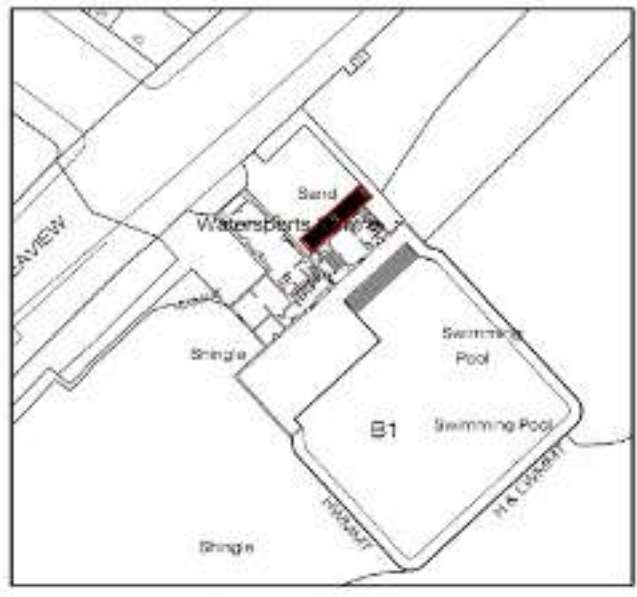
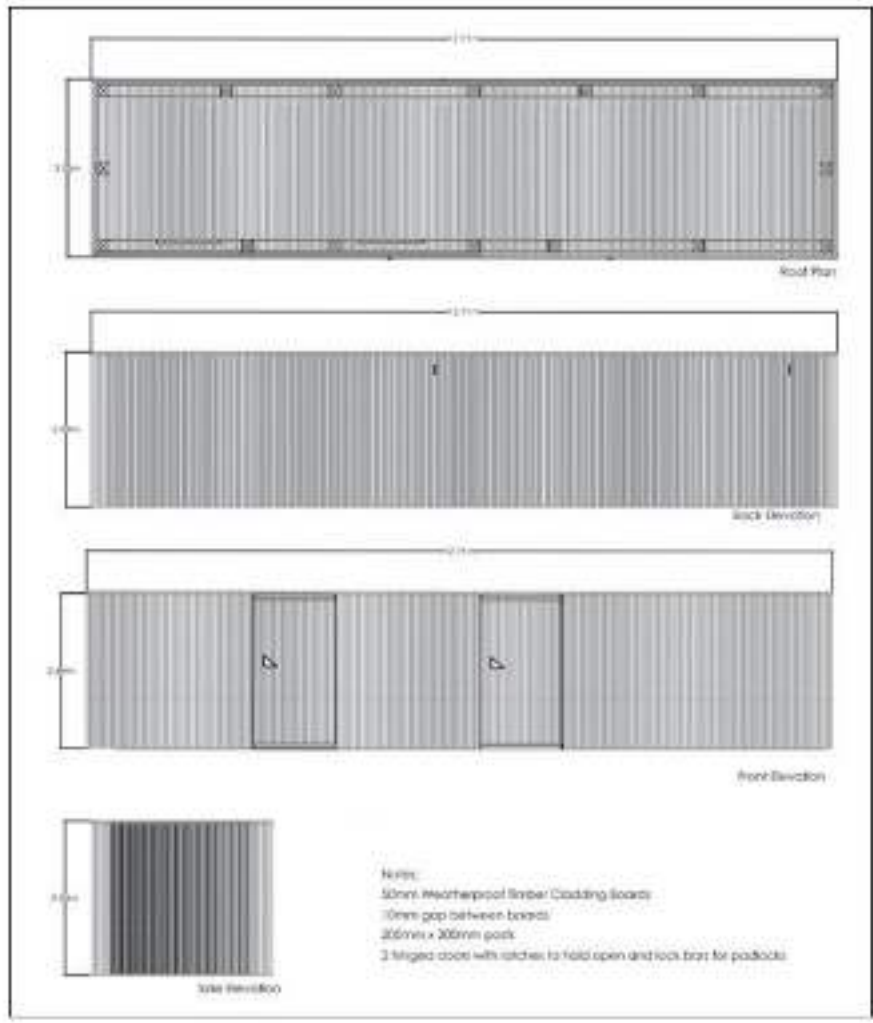


Image 3 Extract from drawing 003A Elevations



Banbridge Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located within the Settlement Development Limit of Warrenpoint (3/06b) and is further located within the following designations:

- Development Opportunity Site WB 33
- Area of Townscape Character
- NIEA Seascape Character Area
- ASSI Carlingford Lough
- Area of Outstanding Natural Beauty

In terms of the above the designation of WB 33 refers to a development opportunity site, the baths Seaview which is a 0.2 hectare site at the baths. The plan further elaborates setting out that this is the former site of the Victorian Baths. A large part of the structure still remains. Possible uses would include leisure/water sports or a conference facility. With regards to the ATC it is noted as designated WB 34 and encompasses a large area the guidance sets out that key features within the area will be taken into account when assessing applications. It is noted there is no specific mention of the application site however its effect on the setting of the ATC will be assessed.

Strategic Planning Policy Statement (SPPS) 2015

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

The core Planning Principles set out within the SPPS are relevant to the proposed development:

- Improving Health and Well Being
- Creating and Enhancing Shared Space
- Supporting Good Design and Positive Place Making

It is considered that the proposal aims to abide by and enhance the core planning principles set out in the SPPS into reality on the ground whilst enhancing the tourist benefit to the town. The proposal is compliant to the guidance set out within the SPPS.

PPS 2 Natural Heritage

Given the location of the application site and its expressed designations PPS2 applies in terms of policies the following policies should be assessed in the determination of this application:

Policy NH3 – Sites of Nature Conservation Importance- National

Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- *an Area of Special Scientific Interest;*
- *a Nature Reserve;*
- *a National Nature Reserve; or*
- *a Marine Nature Reserve.*

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

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

Policy NH 6 – Areas of Outstanding Natural Beauty

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

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

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

c) the proposal respects:

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

With regards to the above two policies the shipping containers are cladded with timber. Whilst the Planning Department note the policy guidance set out above it is considered that the siting of the proposed temporary facility close to the built development of the Warrenpoint Baths and retaining walls as well as sufficiently removed from listed buildings has reduced the impact on the buildings.

It is noted that there has been an increase of the sport/recreational attraction of sea swimming, which has led to pressure on bodies to facilitate and adapt coastal areas in order to facilitate these users. It is imperative to note that the proposal is temporary in nature for a time duration each year from 2024 to 2028 inclusive thus given this it is considered that it would not cause significant adverse impact on the AONB. Further, the proposal is located within a sheltered area of the beach (which is below road level) and is not dominant in terms of views within the area given its

location close to the Warrenpoint baths. It is considered therefore that the Planning Department could not sustain a refusal under these policies. NIEA was consulted with regards to the proposal and set out advice that should be considered by the applicant however, no reasons for refusal were given. Their full consultation response should be read and considered by the applicant as well as any informatives attached to this permission.

PPS 3 Access Movement and Parking

The application site is located on the beach and is to allow for a changing facility for sea swimmers. The application form indicates that there would be no increase from the estimated 50 swimmers who attend the premises daily. DFI Roads were not required to be consulted with regards to the proposal. It is expected that a number of users would be from the local area and are able to walk to the beach coupled with the fact there is plenty of on street and off-street parking options within the town. It is therefore considered that the proposed development complies with the guidance and policy set out in PPS 3.

PPS 6 Planning Archaeology and the Built Heritage

Policy BH 11 Development affecting the setting of a listed building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) the nature of the use proposed respects the character of the setting of the building.*

With regards to the above policy, it was necessary to consult Historic Environment Division, this was due to the fact the application site is within proximity to listed buildings (HB16/12/021 A-D – 6 - 8 Seaview, Warrenpoint, Newry, Co Down, Grade B2). Whilst site characteristics were noted with regards to the difference in height and viewpoints it is still necessary to assess the application against policy BH 11. Historic Environment Division acknowledged the distance of the proposed development in relation to the listed buildings as to have negligible impact and acknowledged the temporary nature of the application. On this basis Historic Environment Division was content with the proposal as presented. As set out above due to the temporary nature of the application and the fact it will not be in situ all year round it is mainly a summer feature for four years the Planning Department could not sustain a refusal on the site.

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS 6 Development of facilities ancillary to Water Sports

The Department will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:

- (i) it is compatible with any existing use of the water, including non-recreational uses;*
- (ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- (iii) there is no adverse impact on visual amenity or the character of the local landscape;*
- (iv) it will not result in water pollution or an unacceptable level of noise or disturbance;*
- (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
- (vi) the proposed facility takes into account the needs of people with disabilities; and*
- (vii) there is no conflict with the provisions of any local management plan*

Paragraph 5.47 sets out that water-based sports in Northern Ireland are an increasingly popular activity ... Paragraph 5.48 sets out that the development of ancillary facilities to support water sport uses such as ... changing facilities ... generally requires planning permission. With regards to the above policy in relation to the application under assessment it is considered that the proposal has been demonstrated that it is for a changing facility which is compatible with its location. The proposal has been assessed against PPS 2 and PPS 6, and in the light of the temporary nature of the proposal and the views of the relevant statutory consultees, it is considered to comply with these policies. Whilst the shipping containers will have some degree of visual impact on the beach, given the temporary nature of the proposal, its positioning close to existing built development and at a lower level to the road, the viewpoints and visual impact are minimised.

With regards to pollution and noise, there is no water nor electricity needed for the container ships and therefore they do not create nuisance in this sense. The use for changing should also not create any public nuisance. Environmental Health and NIEA were consulted with regards to the proposal and given the temporary nature of the use were content with the proposal as presented.

The shipping containers are located close to a concrete walkway that leads to the beach and are located at a ramped access to the beach; they are therefore considered to be situated within an area that takes account of those who are disabled. Having reviewed the policy set out above, it is considered that the proposal is compliant with the policy set out above and as such the Planning Department could not sustain a refusal.

PPS 15 Planning and Flood Risk

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

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The Planning Department deemed the application an exception to policy under FLD 1. A proportionate flood risk assessment was submitted alongside the application and schedule 6 followed. The proposal is compliant with policy.

DFI Rivers consultation response recommended that the containers be raised 600mm additional freeboard be added on to the required T200 Climate Change coastal level to set any buildings finished floor, path or road levels (3.88 + 600mm = 4.48 m.OD).

It is considered, that whilst the Planning Department note DFI Rivers consultation response, the position of the shipping containers are on a beach, which is contended to be a sensitive location for any development. The proposed shipping containers have been placed at the most sheltered part and with any development on a beach the applicant should be aware that there is a chance the containers would flood given its close proximity to water and the tidal patterns along with varying weather at the location. However, it is considered that there is no electricity or water supply to the proposed shipping containers nor do these containers contain any foul waste storage or disposal. The proposal is a temporary proposal for summer months in order to allow for a changing facility for sea swimmers. It is considered that should the shipping containers be raised any further from the ground they would be more prominent within the context of the surrounding area and have an adverse impact of the quality of the surrounding area. It is therefore considered that the proposal is an exception to PPS 15.

PPS 16 Tourism

TSM 1 Tourism Development in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

TSM 7 Criteria for Tourism Development

TSM 7 is also applicable to the development; which sets out proposals will be subject to the following design criteria:

Design Criteria

(a) 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;

The application site is located on the beach adjacent to Warrenpoint Baths, there is a ramped access at this entrance point to the beach and concrete hardstanding path leading down to the beach. The location of the application site and its use is considered to comply with criterion a in so far that it is located on a central location within proximity to all amenities and public transport.

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in

accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The proposed building(s) are shipping containers that will have a timber clad. An assessment has been carried out in relation to the natural and built heritage aspects that surrounding the proposed use and it is considered given the temporary nature of the shipping containers that these are an acceptable use at this location.

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

Due to the location of the application site on a beach and given the fact the containers have been placed close to built development, coupled with, the beach being at a lower level than road level and the walls surrounding it is considered that the proposal is not prominent from public view points and will have a limited impact due to its temporary nature.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

There is no need for any water or electricity for the proposal.

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

The shipping containers are for public changing facilities on the coast to allow for swimmers to utilise. It is considered that these are a Council application and will be maintained as a Council facility for the duration of their use each summer. In doing so monitoring of these will be the responsibility of the Council. Given the location of these on the beach at a public spot it is considered this location in itself will deter crime and promote public safety.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

Not applicable to this application

General Criteria

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

The application has been considered against PPS 2 and PPS 6 above in terms of natural and built heritage. As previously stated it is considered that the use is compatible with the location in terms of its using as a changing facility for swimmers using the beach and water for swimming. In terms of its impact on landscape quality etc it is considered that due to the temporary nature ie it is only in situ between the months of May to September (inclusive) it would not be feasible for the Council to sustain a refusal on this basis.

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

Due to the location of the application site and separation distances from dwellings/uses; it is considered there would be negligible impact to the amenity of neighbouring dwellings. Further Environmental Health were consulted and offered no objections.

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

Consultation was carried out with NIEA and HED with regards to the proposal; whilst guidance was offered no objections were presented due to the temporary nature of the proposal.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

The proposal does not need any form of drainage or water supply due to its nature.

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

The proposed shipping containers are located on the beach and not disruptive to the flow of traffic nor would inconvenience it. The application form indicates that there would not be an increase in vehicles nor attendees to the area as a result of the proposal. Given that it is for sea swimmers to change it is considered that it is niche and would not create an influx of individuals.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

The proposal is located within the beach area adjacent to Warrenpoint baths and does not block any public access to the beach/coastline.

Having considered the application and all aspects for assessment it is considered that on this occasion the proposal, for the temporary approval from May to September each year from 2024-2028 (inclusive), is appropriate and therefore approval is recommended.

7.0 Recommendation – Approve

7.1 Drawings in which the application relates to: 001, 002, 003A

1. The development, hereby permitted, shall be for a limited period of 4 years only and shall expire on the **1st October 2028**.

Reason: This is a temporary permission is such that permanent retention would harm the scenic quality and amenity of the area.

2. The development, hereby permitted, shall only be sited in the area agreed, as indicated on approved drawing number 002 stamp dated 10th January 2022, from the 1st May each year (2024-2028 inclusive) for the duration of this permission and must be removed by the 1st October each year, up to 2028.

Reason: This is a temporary permission and as such permanent retention would harm the scenic quality and amenity of the area.

3. The lands shall be restored to their original condition within 14 days following the removal of the temporary structure on the 1st October each year from 2024 to 2028 inclusive.

Reason: This is a temporary permission and as such permanent retention would harm scenic quality and amenity of the area.

4. The development hereby permitted shall take place in strict accordance with the following approved plans: 001, 002, 003A

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

5. The development hereby permitted shall be clad with 50mm weatherproof timber cladding boards with 10mm gap between the boards prior to being erected on site, and shall be natural timber in colour.

Reason: in the interest of visual amenity

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Case Officer Signature: Roisin Bird

Date: 09.07.2024

Appointed Officer Signature: Pat Rooney

Date: 11.07.2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2023/2813/F

Date Received:

June 2023

Proposal:

Proposed Front Dormer to Existing House and First Floor Balcony

Location:

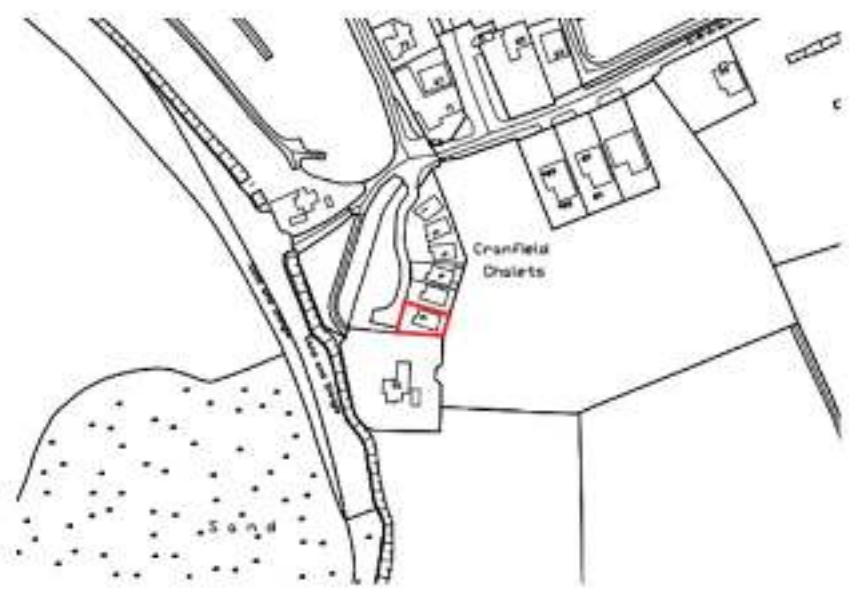
6 Cranfield Chalets, Cranfield, Newry, BT34 4LJ

Site Characteristics & Area Characteristics:

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

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

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



Site location map



Application building

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

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

Site History:

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

Other relevant planning history includes:

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



Consultations:

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

Objections & Representations:

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

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

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

The objections have been summarised below:

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

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

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

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

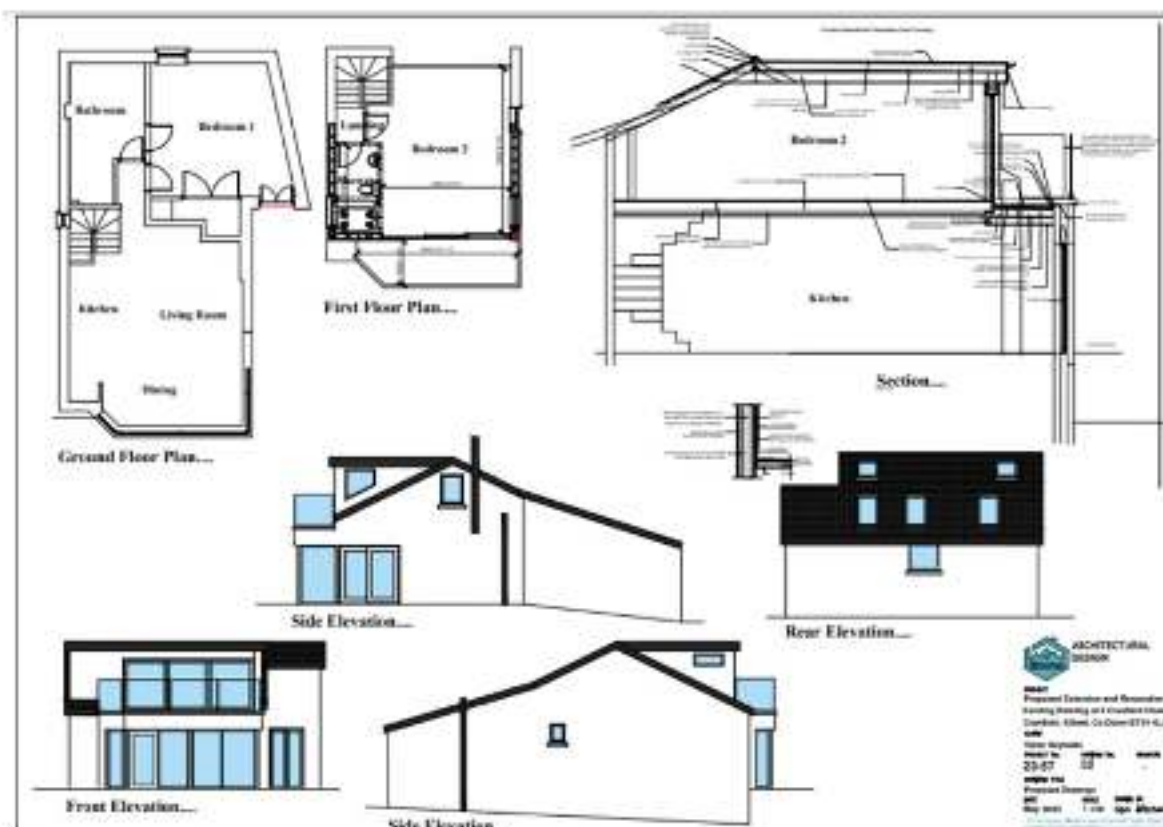
The concerns will be considered during the assessment of the proposal as per Policy EXT 1 of APPS 7. The points made within the letters of support will also be considered.

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

Assessment

Proposal

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



Proposed plans

Principle of Development

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

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

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

Addendum to PPS 7: Residential Extensions and Alterations

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

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

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

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



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

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

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

The relationship between both plots is shown below.



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



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

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

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

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

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

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

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

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

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

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

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

Summary

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

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

Recommendation: Approval

Conditions:

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

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

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

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

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

Reason: To protect the amenity of the neighbouring properties.

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

Reason: To protect the amenity of the neighbouring properties.

Informative:

- This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Case Officer Signature: Eadaoin Farrell

Date: 23.07.24

Appointed Officer Signature: M Keane

Date: 23-07-24

Planning Committee Schedule of 7th August 2024

Planning reference: LA07/2023/2813/F

Proposal: **Proposed Front Dormer to Existing House and First Floor Balcony**

Applicant: **Mr & Mrs J Knox**

Location **6 Cranfield Chalets, Cranfield, Newry, BT34 4LJ**

Recommendation: **Approval**

Site Description

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

The property is located at 6 Cranfield Chalets Cranfield within a row of one and half storey detached holiday cottages. The development sits to the southern corner of Cranfield Bay Holiday Park. The application site is the end unit of these chalets, located on higher ground than the adjacent residential unit located to the south of the application site.

Planning Policies & Considerations

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

Planning History

- P/1983/0608 – Cranfield, Killeel – 7 no. holiday chalets – Permission granted May 1986
- LA07/2023/0446/CA – 6 Cranfield Chalets, Killeel – Raised balcony – Enforcement case closed.
- P/2011/0464/F – 72 Cranfield Road Killeel – Erection of holiday home – Permission granted condition was attached restricting the use of the building for holiday accommodation only. November 2011. The building was approved along the northern boundary, as constructed. A

Objections

Numerous objections have been received. Raising concerns about the proposal.

Proposal will create a dominating effect for neighbours at lower level

Potential loss of light and noise pollution due to proximity to existing approved building & proposal will create a dominating effect for neighbouring property at lower level as well as blocking light to the bedroom area of this property, the objector holds a topographical survey.

The existing property has been allowed to dominate the objectors annex which is already set at a lower ground level as can be seen from the officers photographs.

The existing house is already dominant and the patio doors already cause overlooking, loss of privacy to the decking area to the front of objector's property.

The current proposal incorporating the unauthorised works which were carried out without proper approval, these works only compound the lack of consideration for the existing residential unit. The applicant carried out works which extended the decking area to the front and side of the property closest to the objector.

While it is accepted and approved that No4 has a similar approved extension one must take into account that the adjacent properties to that address are of similar design but it should be noted that they do not sit at a lower level as is the case with the objector's property in the case of No6.

While the objector is not opposed to an extension to No6 they wish it to be considered that this proposal renders the social area at the front of their annex and their garden area unusable and thus the loss of privacy and dominance by the applied for extension.

Attempts to increase the boundary wall and decking area compound the dominance of the proposed works which restrict light to the bedroom window.

The first floor balcony will encourage the owners to use this area which is some two and a half stories higher than the existing building belonging to the objectors.

The case officer states that "no additional footprint is being created", the objector would want to argue this as it is considered that the creation of a balcony on the second floor will cause overlooking and loss of privacy not to mention will create additional floor space.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and refuse the development as applied for and request the developer to negotiate a compromise with the objectors.

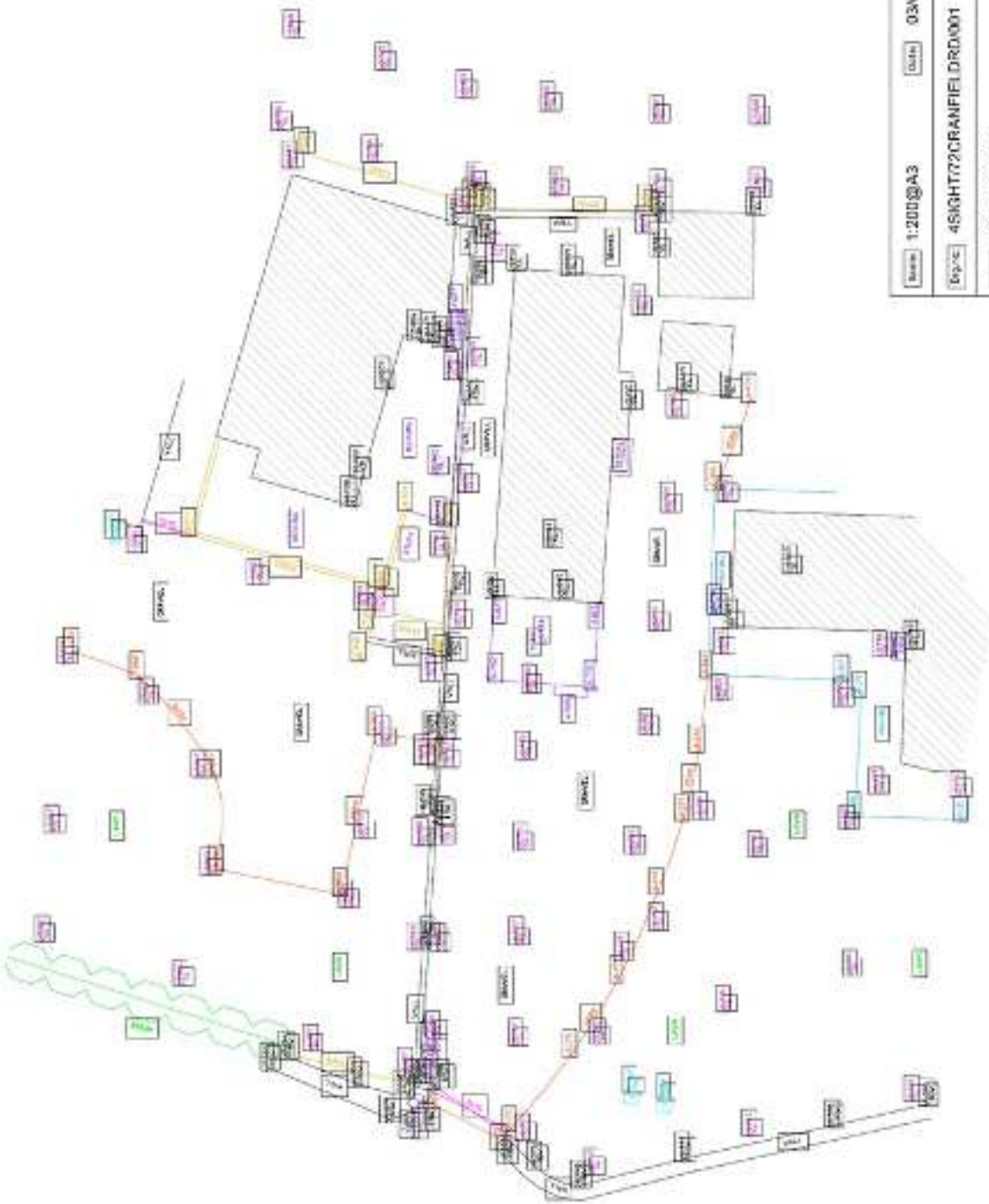
Appendix (ii)





PLEASE CHECK AND VERIFY ALL CRUCIAL MEASUREMENTS ON SITE

MANHOLE
WATER VALVE
DECKING LEVEL
RIDGE LEVEL
EAVES LEVEL
FLOOR LEVEL
GROUND LEVEL
WIND/CW HEAD
DOOR HEAD
TOP OF WALL
TOP OF FENCE



Scale	1:200@A3	Date	03/06/24
Topic	4SIGHT/72CRANFIELD RD/001	Sheet	A
Client	JOHN KNOX		
Project	72 CRANFIELD RD, KILKEEL		
Title	TOPOGRAPHICAL SURVEY		

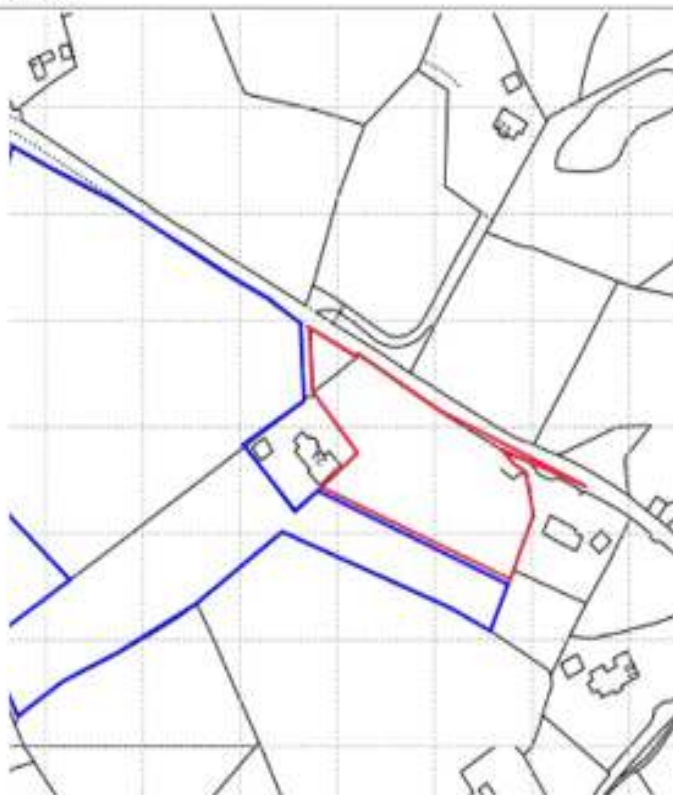


Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/2051/O	Target Date:
Proposal: 2 x Infill Dwellings	Location: Lands Between 24 and 20 Crawfordstown Road Crawfordstown Road, Downpatrick, BT30 8QQ
Applicant Name and Address: Owen Miskelly 37 Crabtree Road Ballynahinch BT24 8RH	Agent Name and Address: Tiernan FitzLarkin The Courtyard 380c Belmont Road Belfast
Date of last Neighbour Notification:	06.02.2023
Date of Notification Expiry:	20.02.2023
Date of Press Advertisement:	01.03.2023
Date of Press Expiry:	23.03.2023
ES Requested: No	
Consultations:	
<p>NI Water was consulted initially and re consulted and responded (10.02.2023) with no objections subject to conditions.</p> <p>DFI Roads was consulted in relation to the application on a number of times with a number of revisions and finally plans were submitted that were considered acceptable and DFI Roads have no objections to the proposal subject to conditions.</p>	
Representations:	
Neighbour notification and publicity was carried out as detailed above and to date no representations have been received in relation to the application.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: There are no outstanding issues as a result of the neighbour notification and publicity process.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is part of an agricultural field located alongside lands south of the Crawfordstown Road. The site abuts no 20 and no 24 Crawfordstown Road which are both dwellings and garages, single storey in height and appearance. The site in question has a strong native hedge running along the front of the boundary save for the western part of the site in front of no 24 which is bounded by a post and wire fence front and side. The rear of the site is also bounded by a planted hedge and post and wire fence. The land rises constantly from the east to the west of the site.

The site in question is located in open countryside not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. No specific site constraints have been identified in relation to the site. The area is characterised by single dwellings and farm steads.

Description of Proposal

The proposal seeks permission for 2 dwellings (infills)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2002/0955/O - 250M SE 28 Crawfordstown Road, Loughinisland, Downpatrick - Private domestic dwelling – approval on appeal – 22.10.2003

R/2003/1584/RM - 250m SE of 28 Crawfordstown Road, Loughinisland – Dwelling – granted – 24.04.2004

R/1997/0348/RM - Crawfordstown Road 310 Metres East Of Junction With Cloughley Road Drumaness – Dwelling – 25.06.1997

R/1992/0073/O - Crawfordstown Road 310 Metres East Of Junction With Cloughley Road Drumaness – Dwelling and Garage – permission granted – 10.05.1992

R/1995/0260/O - Crawfordstown Road 310 Metres East Of Junction With Cloughley Road Drumaness – dwelling and garage – granted – 21.06.1995

CONSIDERATION AND ASSESSMENT

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

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined within PPS 21 and the relevant policy for infill development is CTY8 Ribbon Development that sets out the provisions for development of a small infill site, small enough to accommodate a maximum of two houses.

POLICY CTY 8 RIBBON DEVELOPMENT

Planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being permitted for 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.



Consideration is first given to if a substantial and continuously built-up frontage exists and it is noted that along this section of the Crawfordstown Road there is a dwelling known as no 20 Crawfordstown Road and an associated garage that sits forward of the building line of no 20 Crawfordstown Road, this would account for two buildings along a frontage. Adjacent to this is a long agricultural field (subject to this application) and the field comes to an end at the lane that serves the dwelling known as no 24 Crawfordstown Road.



As the above image demonstrates no 24 does not have frontage to the Crawfordstown Road. The curtilage of No.24 does not share or abut the road. In terms of policy this site does not therefore sit within a substantial and continuously built up frontage and therefore cannot be considered as an exception. CTY 8 has not been met and therefore it is considered that in the development of this site it would result in the creation of a ribbon of development along the Crawfordstown Road which would be detrimental to rural character.

CONSIDERATION OF CTY 13

Policy CTY 13 – Integration and Design of Buildings in the Countryside is considered which states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

(a) it is a prominent feature in the landscape.

The site is a roadside site that can make use of field boundaries to the side and rear of the site which could allow sympathetically designed dwellings to integrate. However given the site and its levels, to accommodate 2 dwellings on site would be difficult without a significant degree of cutting which would be detrimental to rural character of the existing area. The site lays exposed to the road given the rise in levels from that of no 20 Crawfordstown Road and also taking account of the ground level of the site compared to the road, development of the site would result in the buildings sitting prominent, cutting in to accommodate the dwellings would not be an acceptable solution and would further impact the character and appearance of the immediate 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.

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

The site can make use of existing boundaries to the side and rear of the site. The site is exposed to the front of the existing dwelling no 24 with only a post and wire fence along the lane boundary and part of the front of the site, this does open the site up somewhat and planting would be advantageous however on a whole integration would not rely on this new element of planting. The level of cut required to accommodate 2 dwellings would not be appropriate to this rural area.

(d) ancillary works do not integrate with their surroundings.

Given the roadside plot and the existence of services serving adjacent buildings it is envisaged that ancillary works in terms of services can be brought to the site without causing much difficulty or having impact on the character or appearance of the area.

A site layout showing the exact layouts of the proposed sites has not been provided given this is an outline application. An indicative layout annotates accesses (plural) but does not specifically set out the plans for accesses and it is noted that the RS1 returned by DFI Roads accepts the splays 2.4m by 80m from a paired access can be achieved.

A paired access however is not typical of a rural arrangement whereby typically single dwellings are served by individual accesses and the designs of the dwellings are not a repetition or a mirrored design to each other. This proposed layout is not considered to be in keeping with typical rural form and would have a detrimental impact on the character of the rural area and the immediate surroundings and is not considered to be

acceptable, as such the ancillary works by way of access arrangement of a paired access would not integrate into the surroundings.

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

As this is an outline application the full particulars of design have not been submitted however it is considered that if approval should be granted it should be for single storey dwellings only given the elevated nature of the site. A maximum ridge of 5m would be considered acceptable with 0.35m under build. It is noted that no 24 is characterised by a hipped roof design however having account of the wider area and the visibility of the site it is considered gable ended dwellings would more successfully integrate into the landscape.

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

Given the character of the site and the way it lays visible and exposed to Crawfordstown Road and having account of the rising level across the site toward no 24 Crawfordstown Road it is considered that there would have to be considerable cutting in and filling across the site to provide two dwellings and this would be further exacerbated with having to work to the one access point as a central access and level point. It has not been demonstrated that two dwellings and associated works can be achieved on this site without the requirement to cut in, fill or provide retaining structures to account for the natural slope of the site and change in levels across the site therefore this aspect of policy has not been respected.

(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 dwelling is not sought under the provisions of CTY 10 therefore this aspect of policy is not relevant.

CONSIDERATION OF CTY 14 RURAL CHARACTER.

CTY 14 Rural Character is considered and it states that permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape.

As alluded to under the assessment of CTY 13 A it is considered that the provision of 2 dwellings and the associated ancillary works would result in the buildings being unduly prominent in the landscape an excessive amount of cut and fill would be required to allow the dwellings to not sit prominent in the landscape.



Above shows the site from the access gate adjacent to no 20 Crawfordstown Road (from the point of the road)

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

At present this site appears as an important visual break within open countryside. The development of the site would change the character of the area and result in a more built up, suburban style build up of development, especially given the overlapping of the site to the front of the dwelling known as no 24 Crawfordstown Road. This type of relationship of buildings is not commonly found in rural areas. The development of this site would change the character of the area resulting in a more built-up urban character and the paired access is more akin to suburban style development and is not a characteristic of rural design.

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

The character of development within the rural area is made up generally of single dwellings and farm steads. Given that two single dwellings are proposed here it is considered that the overall traditional pattern of settlement will not be altered however it is accepted that the development would result in a ribbon of development which is dealt with below.

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

As already considered through the consideration above of CTY 8 the development of this site is considered to result in the creation of a ribbon of development along the Crawfordstown Road which is not considered acceptable under the provisions of CTY 8 or CTY 14.

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

Ancillary works by way of the provision of the access to serve the dwellings will have a detrimental impact on the character and appearance of the rural area as the provision of a paired access is not akin to the typical layouts found in rural area. It has been noted that the dwellings will sit prominent in the site and would require an unacceptable level of cutting in to integrate and potentially the same will apply for ancillary buildings though it is noted the application is for two dwellings only.

OTHER MATTERS

The agent was made aware of issues in relation to the application by way of letter dated 31.05.2023 in which it was set out that the site did not represent a gap in an existing ribbon of development and as such this development would result in the creation of a ribbon of development along this piece of road.

It was also put to the agent that this type of development would result in a suburban style build up of development when viewed with existing development along this section of road.

DFI Roads issues were also brought to the agents attention and these have since been resolved.

The agent responded to the points raised and advised that the application was made on the basis of previous decisions made by Newry, Mourne and Down District Council, namely LA07/2022/0599/O and LA07/2022/0800/O. Both applications have been considered and neither are found to be directly comparable to this application, no further arguments or evidence was put forward therefore the opinion remains unchanged.

CONSIDERATION OF PPS 2 NATURAL HERITAGE

It is noted that there are no trees or buildings to be removed as part of the works or required to facilitate the development of this site. It is noted however that a portion of the roadside hedgerow will require removal in order to achieve splays. It is noted that no

biodiversity information was submitted with the application. In the absence of such information the Planning Authority cannot be sure that the development proposed will not result in a detrimental impact on Protected species or habitat.

The agent subsequently submitted a bio diversity checklist that demonstrated that there would be no impact on natural heritage as a result of the works therefore the Authority can be content that matters under NH5 have been addressed and this aspect of policy is not offended.

Neighbour Notification Checked

Yes

Summary of Recommendation

As detailed within the report the works are not considered to meet any exceptions as set out in PPS 21 Sustainable Development in the Countryside where it is noted that there is a presumption against development unless the proposal meets with the exceptions set out within said policy, this proposal clearly does not meet with policy and would have a negative impact on the character of the rural area.

Reasons for Refusal:

- 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 there is not a line of 3 or more buildings in a substantial and built-up frontage and it would, if permitted, result in the creation of ribbon development along the Crawfordstown Road.**
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside part:**
 - A) the development would be a prominent feature in the landscape;**
 - D) Ancillary works (by way of the paired access) do not integrate with their surroundings;**
 - F) development would fail to blend with the existing landform and existing slopes.**

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would:

- A) be unduly prominent in the landscape.**
- B) result in a suburban style build up of development when viewed with existing and approved buildings.**
- E) The impact of ancillary works, namely the access arrangement and levels of cutting and infilling would damage rural character.**

Case Officer Signature: Fionnuala Murray

Date: 05.07.2024

Appointed Officer: A.McAlarney

Date: 05.07.2024

PLANNING APPLICATION REF: LA07/2023/2051/O

ADDRESS: LANDS BETWEEN 24 AND 20 CRAWFORDSTOWN ROAD, DOWNPATRICK, BT30 8QQ

PROPOSAL: 2 X INFILL DWELLINGS

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

The proposed application (Ref. LA07/2023/2051/O) is seeking outline planning permission for 2 x Infill Dwellings Lands Between 24 and 20 Crawfordstown Road, Downpatrick, BT30 8QQ.

Reasons 1 and 2: Principle of Development

The Council claims that the proposals do not meet the infill policy under Policy CTY 8 of PPS 21 due to the adjacent property at 24 Crawfordstown Road not having a direct frontage to the road, with only its access lane extending to the road. However, recent planning approvals by the Council, such as application Ref. LA07/2022/0599/O granted in September 2022, have established that if the approved curtilage of a property extends to the road, it is considered to have road frontage. The position taken for Ref. LA07/2022/0599/O matches the circumstances of the current application site. Images of these approvals are included within the accompanying PPT presentation.

The approved site plan for number 24 Crawfordstown Road (Ref. R/2003/1584/RM) confirms that the site does comprise a lawful frontage to the road and is consistent with the application referenced above (Ref. LA07/2022/0599/O). The continuous and built-up frontage for the purposes of the policy exists.

In addition, the Council has recently approved other applications where only the access lane provides frontage to the road. Planning application Ref. LA07/2022/0800/O was granted planning permission for an infill dwelling in April 2023. This is a further precedent considered relevant to the application proposals. Images of the approval is included within the accompanying PPT presentation.

The application benefits from a substantial and built-up frontage of 3 or more dwellings, regardless of which scenario is accepted:

1. Number 24 has a road frontage consistent with LA07/2022/0800/O and;
2. Has an approved curtilage which extends to the road, consistent with LA07/2022/0599/O.

Both scenarios complete the built-up frontage of 3 buildings for the purposes of Policy CTY 1 and 8 of PPS 21. As per the SPPS, Councils in decision taking should prioritise predictable decision making (Paragraph 2.2) and the need for fairness and accountable decision making is considered fundamental to ensuring that all interests are taken into account (Paragraph 5.2).

Reasons 3 and 4: Integration and Design

The Council also claims that the proposals does not meet the requirements of Policy CTY 13 (Integration and Design of Buildings in the Countryside) and CTY 14 (Rural Character) of PPS 21. The Case Officer recognises that the site does benefit from vegetated boundaries and does not rely solely on new planting for integration.

The greatest concern of the Council relates to potential cut and fill to accommodate the proposals, the paired access arrangement and prominence of suburban style build up.

We do not believe that the level of cut and fill to accommodate the proposals is significant or uncharacteristic of development in the countryside. There is a gradual rise in levels between numbers 20 and 24 Crawfordstown Road and while it is accepted there would likely be a level of cut and fill, this is consistent with the majority of development in the Countryside. In addition, it is premature in this outline planning assessment to state with certainty that the proposals would require significant cut and fill. An innovative split-level design could easily be accommodated on the site, resulting in very minor levels of excavation.

There are numerous cases where much more significant excavation in the countryside was required to accommodate proposals and considered appropriate and capable of integration without impacting rural character such as planning application Ref. LA07/2022/0070/O. Photographs of this case are included within the PowerPoint presentation. The proposals do not result in excessive cut and fill as claimed.

The Council also claims that paired access is uncommon in rural areas, and it does not integrate with its surroundings. PPS 21 states in relation to integration of accesses that; *"New accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing"*. This is an outline planning application and is not proposing any features that could be considered to impact on potential access integration.

To the contrary, a dual access is proposed as opposed to two separate access points which would require two entrances, two gates etc, and significantly more hardstanding. It is generally accepted that a single access point has much greater potential to integrate within its surroundings due to the less ancillary development required. The arrangement is considered acceptable on numerous applications granted by the Council for that exact reason.

The paired accesses are generally considered more appropriate for developments of two or more properties because they limit the amount of ancillary works required. In addition, we would highlight numerous dual access arrangements in the immediate area, which are demonstrated in the PowerPoint presentation and comply with Policies CTY 13 and 14.

Finally, in relation to the claims of 'suburban style build up when viewed with existing and approved buildings'. As confirmed by the Planning Appeals Commission in 2013 (2013/A0119), where there is a continuous built-up frontage and a valid infill opportunity exists, then there is no argument in terms of creating suburban development when the adjacent dwellings are a pre-requisite for an infill opportunity to exist. The reason for refusal could not be sustained based on this ground if the principle of development is found to be acceptable.

The principle of development is considered acceptable and consistent with previous delegated and planning committee approvals. The SPPS requires consistency and fairness in decision making. In addition, it is premature to state that the site requires extensive cut and fill at outline planning stage. We also believe that it is appropriate to highlight to the committee, recent examples (Ref. LA07/2022/0070/O) where much more significant excavation was deemed acceptable in terms of integration and rural character. In addition, the paired access arrangement is a common feature along the Crawfordstown Road and is considered more appropriate in the countryside as it requires less ancillary works.

The recommendation by the Case Officer is inconsistent with recent planning decisions and the assessment is subjective and flawed. We would therefore request that the planning committee overturn this recommendation for refusal.

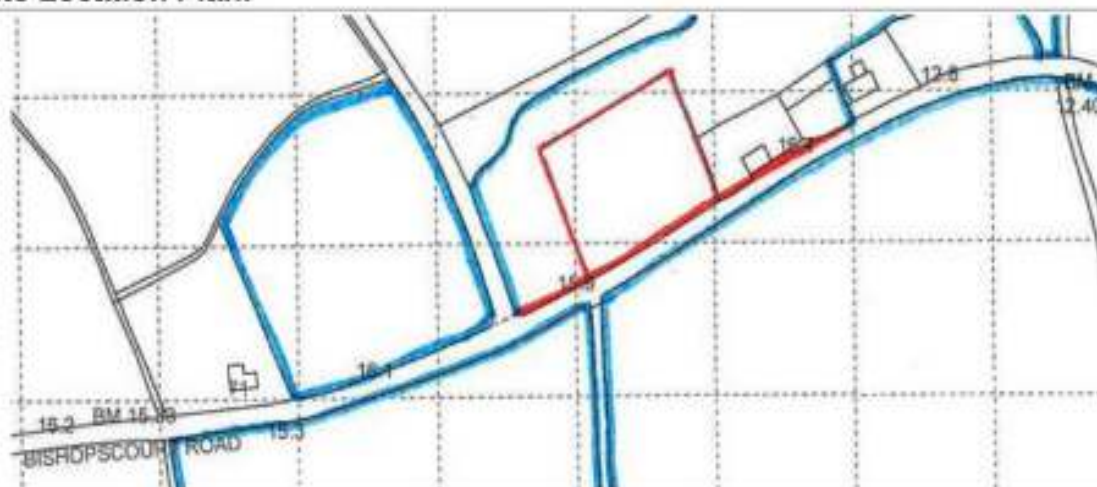


Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2804/O	Target Date:
Proposal: Farm Dwelling and Garage	Location: Approx 140m West of 71 Bishops Court Road Downpatrick Down BT30 7PD
Applicant Name and Address: Mr Stephen Magee 9 Ballywoodan Road Downpatrick BT30 7PE	Agent Name and Address: Gerry Tumelty 11 Ballyalton Park Downpatrick BT30 7BT
Date of last Neighbour Notification:	21 July 2023
Date of Press Advertisement:	26 July 2023
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • DAERA • DFI ROADS • NIW 	
Representations:	
No representations or objections have been received from neighbours or thirds parties of the site.	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 14.06.2024

Characteristics of the Site and Area

The site is located along the minor Bishopscourt Road Kilclief and is comprised of a roadside portion of land cut out of a larger field currently grazed by horses.

The site is relatively flat throughout and sits slightly above road level. It is defined at the roadside by a grass verge with post & wire fence and scrappy hedgerow as shown below.



To the north east of the site and along the same road frontage lies a derelict building, next to which there is a small enclosed hard standing area which a stable block. Immediately adjacent this lies a double garage which appears to be associated with No 63 Bishopscourt Road.

The site is located within the rural area as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Farm Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

R/2001/0766/O Decision: Permission Granted Decision Date: 22 September 2001
Proposal: Dwelling.

R/2001/0767/O Decision: Withdrawal Decision Date: 10 October 2001
Proposal: Dwelling.

R/2003/0738/RM Decision: Permission Granted Decision Date: 03 August 2004
Proposal: New dwelling.

R/2004/1549/RM Decision: Permission Granted Decision Date: 07 April 2005
Proposal: Proposed new dwelling (1 1/2 Storey).

R/2003/1380/O Decision: Permission Refused Decision Date: 14 June 2005
Proposal: Domestic dwelling and garage

R/2008/0553/F Decision: Permission Granted Decision Date: 10 June 2011
Proposal: New access laneway to 'under construction' dwelling as approved under R/2001/0766/O & R/2004/1549/RM

SUPPORTING DOCUMENTS

In support of the application the following was submitted

- P1 Form
- P1c Form
- Design & access Statement
- Site Location Plan
- Farm Map

CONSULTATIONS

- DAERA - No objections
- DFI ROADS - No objections
- NIW - No objections

REPRESENTATIONS

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

EVALUATION

Ards and Down Area Plan 2015

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

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

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

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

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

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

Policy CTY 10 of PPS 21 – Dwellings on Farms

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

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

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

The applicant has stated on the forms that no development opportunities or dwellings have been sold off since November 2008.

A search of planning records has revealed that the applicant received planning permission for a replacement dwelling at Ballywoodan Road under Planning reference number LA07/2016/1109/F on 10th July 2018. At the time of submission of LA07/2016/1109/F, the applicant Stephen Magee stated his address was No 63 Bishopscourt Road.

It is noted in this current application that the applicants address is now 9 Ballywoodan Road. The Planning Authority are therefore interested to know who currently resides in No 63 Bishopscourt Road to ascertain if any dwellings have been "sold off" the farm.

A land registry check indicates that the ownership of No 63 Bishopscourt Road has changed with the property being registered to Rachel Magee on 17th September 2018. DAERA have advised the Planning Authority that Rachel Magee is not a member of the farm business.

For the purposes of this policy paragraph 5.40 of CTY 10 states that 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a family member.

As such there has been a transfer of dwellings from the farm within 10 years of the application. The proposal therefore fails to meet the requirements of Criteria B of CTY 10 and will be recommended for refusal on this basis.

In assessment of Criteria C, DAERA has advised the Planning Authority that the site is located on lands within the farm business.

The applicant currently resides at No 9 Ballywoodan Road and it is noted from the P1C and the DAS that the farm business is registered to this address and this is where the main farm complex is.

The applicant is proposing to position a new farm dwelling at Bishopscourt Road, 505m west (as the crow flies) from the farm complex at 9 Ballywoodan Road. The applicant states in his design and access statement that the new dwelling will be sited adjacent to existing buildings on the farm, however, as discussed above No 63 Bishopscourt Road and the adjacent garage are not within the applicant's ownership and have been transferred from his holding. These buildings cannot be relied upon for the purposes of Criteria C of CTY10 as they are not on the applicant's farm holding.

Between the proposed site and No 63 Bishopscourt Road lies a derelict building, a small paddock and a stable block which are on the holding. The proposed site would not therefore be sited to cluster with an established group of buildings on the farm as the stable block is the only building on holding.

The proposal therefore fails to comply satisfactorily with the requirements of Criteria C of CTY 10 and will therefore be recommended for refusal on this basis.



CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13

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

A new building will be unacceptable where:

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



As can be seen in the image above, the site is comprised of a relatively flat portion of land which is open to view given the lack of boundary vegetation. It is considered therefore that the site is unable to provide a suitable degree of enclosure for the proposed building to integrate into the landscape. It would rely on the use of new landscaping for integration and therefore it fails to comply with Criteria B and C of CTY 13 and will be recommended for refusal on this basis.

CTY 14

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 assessment of the above, it is considered that a dwelling on the site proposed would, if permitted, add to the ribbon of development present along this section of the Bishopscourt Road. The new dwelling would be read with the derelict structure, the stable block, double garage and No 63 when travelling in both directions along Bishopscourt Road.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Such development is detrimental to the character, appearance and amenity of the countryside and is consistently opposed.

The proposal is therefore contrary to both CTY 8 and 14 of PPS 21 and will be recommended for refusal on this basis also.

PPS 3

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

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

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP 3 Access to Protected Routes

Category A is applicable.

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

Drawings

The drawings considered in this assessment are as follows

- 22511NE – Site Location Plan
- Applicants Farm Maps

Neighbour Notification Checked

Yes

Summary of Recommendation

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

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Criteria B of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the SPPS and Criteria C of Policy CTY 10 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the new dwelling will not be sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to the SPPS and Criteria B and C of Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policies CTY 89 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that, if permitted, the proposed dwelling would add to ribbon development along Bishopscourt Road.

Case Officer Signature: C Cooney

Date: 04 July 2024	
Appointed Officer: A.McAlarney	Date: 05 July 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Committee Schedule of 7th August 2024

Planning reference: LA07/2023/2804/O

Proposal: Farm Dwelling & Garage

Applicant: Mr Stephen Magee

Location: Approx 140m West of 71 Bishops Court Road, Downpatrick

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Criteria B of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the SPPS and Criteria C of Policy CTY 10 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the new dwelling will not be sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to the SPPS and Criteria B and C of Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policies CTY 89 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that, if permitted, the proposed dwelling would add to ribbon development along Bishops Court Road.

Refusal Reason 1 Rebuttal. The development of a dwelling on a farm under Policy CTY10 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is for a dwelling on an active farm and it meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

Refusal Reason 2. Rebuttal. It must be stated that no lands have been sold of the holding, rather the applicant got married and applied for a replacement dwelling which he developed and now resides in while his mother who he lived with at No63 Bishops Court Road inherited the family home following the death of the applicant's father and protracted probate which took several years. Rachel Magee was not a member of the farm business when it operated under the stewardship of her late husband and then the business moved to the current applicant following his father's death in 2013. It should be noted that Rachel Magee would have been joint owner of the dwelling at No 63 Bishops Court Road by virtue of her marriage to the land owner. Thus no property has been 'sold-off'

Refusal Reason 3. Rebuttal. It has to be stated that the contrary to the officer's assessment the proposed dwelling will be sited adjacent to a derelict building and stable block and horse handling facility under the applicants control, not to mention the house and garage at No63., this is clearly shown in the officers site photograph. It has to be noted that the applicant like his late father is a well know horse breeder throughout the country breeding numerous successful race horses and this has all happened from the complex at 63 Bishopscour Road.

Refusal Reason 4. Rebuttal. It has to be argued that the site is in compliance with the requirement of the Criteria B & C of Policy CTY13, the site as stated in the officer's report "the site is comprised of a relatively flat portion of land" bounded along the roadside with hedge and roadside bank and to the East by the existing development, while the site as chosen does not have a defined boundary to the north it does have a backdrop mature vegetation. It should be noted that the rear boundary of the site is moved to allow the remainder of the site to be accessed and not isolated from the field.

It his argued that the site has established boundaries and backdrops and as such the integration of a dwelling onto the site would be acceptable, the applicant is prepared to further integrate the site with post & wire fencing and hawthorn hedging to define it from the remainder of the field similar to such development elsewhere in the countryside.

Refusal Reason 5. Rebuttal. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area, the chosen site is adjacent to existing buildings to the East on the only available site adjacent to the stables and horse handling facilities double garage and dwelling. The site is in compliance with the requirements of the said policy and would not be out of keeping and would not be unduly prominent. In relation to Policy CTY8 the chosen site complies with Policy CTY10 and as such the chosen location is the only option for a farm dwelling and garage, if the proposal was to be moved it would not be in compliance with Policy CTY10 and as such the policies are at variance with each other and as such Policy CTY10 takes preference as the policy on which such an application is submitted, The site is in compliance with the requirements of the said policy and would not be out of keeping and would not be unduly prominent as it clusters with existing development.

The proposed site meets with other considerations by other agencies -

PPS 3 DFI Roads issued a RS1 form, suggesting 2.0m x 45m splays with access to the satisfaction of the Department.

The site as applied for offers an opportunity for a dwelling on a long established and viable farm and horse breeding enterprise, the evidence support the opinion that the site is capable of housing a dwelling and garage under the policy and as such the applicants feel they would want to challenge the officer's recommendation.

Conclusion The site as chosen complies with the requirements of a dwelling and garage under Policy CTY10 as it clusters with a group of existing farm buildings. The chosen site is the only available site on the holding which meets the Policy requirements.

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/2010/O

Date Received: 09/11/2021

Proposal: Farm dwelling and garage

Location: Approx. 100m West of 42 Crawfordstown Road, Downpatrick



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form an irregular shaped site, with a rectangular shaped plot located to the north of the field. The site is comprised of a 0.1-hectare of land comprising agricultural land cut out of a larger field. The site is defined by mature vegetation along the western and northern boundaries with the north eastern and south eastern boundaries undefined. The site is accessed via a private laneway off Crawfordstown Road which serves a number of detached

dwellings. The site is positioned slightly above road level and slopes very gently upwards in a northerly direction.

Characteristics of area: The application site is located outside any settlement development limits as designated within the Ards and Down Area Plan 2015. The area is of typical rural character and predominately agricultural use. A number of detached dwellings are located in close proximity to the subject, each with a varying house type design.

Site History:

LA07/2019/0720/O - Dwelling and garage (Renewal of Planning Approval LA07/2016/0348/O). Approx. 100m West of 42 Crawfordstown Road, Downpatrick. Granted. 09.08.2021

LA07/2016/0348/O – Dwelling @ lands approx. 100m west of No 42 Crawfordstown Road Downpatrick – Granted 02.09.16

R/2013/0264/O – Farm Dwelling - 100m west of No 42 Crawfordstown Road Downpatrick – Granted 11.09.13

R/2010/0490/O – New Dwelling on a farm - 100m west of No 42 Crawfordstown Road Downpatrick – Granted 30.06.2011

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking
AMP 2 - Access to Public Roads

PPS 21 - Sustainable Development in the Countryside
CTY 1 - Development in the Countryside
CTY 10 – Dwellings on Farms
CTY 13 - Integration and Design of Buildings in the Countryside
CTY 14 - Rural Character

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

Consultations:

DAERA – The Business ID number has been in existence for more than 6 years (14/03/2005), however no subsidies have not been claimed any of the last 6 years.

NI Water - Generic response.

DfI Roads - No objections subject to access being constructed in accordance with the RS1.

DfI Rivers – No objections and recommended planning informatives as a precautionary measure.

Objections & Representations:

11 Neighbours within close proximity of the site were notified on 30/11/2021. This application was advertised in the local press on 01/12/2021. To date no objections or representations have been received.

Consideration and Assessment:

The proposed development is seeking outline planning permission for a farm dwelling and detached garage.

Ards and Down Area Plan 2015

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 site is currently within the remit of the Ards and Down Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above plan in open countryside. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

PPS 21 - Sustainable Development in the Countryside

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

The farm business on the P1C form is registered to 42 Crawfordstown Road, with Mrs Anne Jkinson registered as the business owners (Mrs Jkinson is also the applicant of this application).

Criterion (a) require the farm business to be currently active and to have been established for at least 6 years. DAERA advised in a consultation response dated 30/11/2021 that the associated farm has been in existence for 6 years, and the farm business **has not** claimed the Single farm payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment Schemes in any of the last 6 years.

Whilst claiming the single farm payment helps the Council determine if a farm business is currently active, it is possible a farm business may still be active without claiming any single farm payments. The planning department made the agent aware of the comments from DAERA and requested the submission of evidence demonstrating the applicant has been farming continually over the last six years.

In a letter dated 8th March 2022 the acting agent (Tumelty Planning Services) made reference to previous approvals on site and the failure of the applicant to submit the requisite RM in the specified timeframe. The Planning Office acknowledge the past history for approval of a farm dwelling on site back to 2011 but this has now lapsed and no material weight can be attached to this past approval. The agent states that it is the applicant's intention in submitting this application to have it called in and presented to Planning Committee.

As this application is being assessed as a new application against CTY10 of PPS 21 DAERA have confirmed that the farm business is no longer active and no evidence of farming has submitted by the agent despite being requested.

In light of the above, the farm business is not currently active, and the applicant cannot qualify for a farm dwelling under the terms of criterion (a) of the policy. Criteria a) of CTY 10 has therefore not been met.

The farmland as per the submitted farm maps (dated 2009) has been checked for any development opportunities. The Council is content there has been no development opportunities have been sold off from the farm holding within 10 years of this application. This was based on the submitted farm maps which accompanies this application and question Q5 of the P1C form. The application meets policy requirements of CTY10(b).

Criterion CTY10(c) requires that new building is visually linked or sites to cluster with an established group of buildings on the farm and where practical, and access should be obtained through existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the far, or out-farm, and where there are either;

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

The farm is registered to 42 Crawfordstown Road, which is located approximately 80m east to the closest point of the site boundary. From a site visit it was evident that the subject site and lands in blue are absent of any buildings.

Paragraph 5.41 of PPS 21 states that dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The proposed site is an open field that is absent of any established group of buildings on the farm. Therefore, it is concluded that the new building cannot be visually linked or sited to cluster with an established group of buildings on the farm. The proposal fails to meet the requirements of criterion 10(c)

Furthermore, the proposal does not meet the exceptionality clause of criteria CTY 10(c) in that it has not been demonstrated that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm, or that verifiable plans exist to expand the farm business at the existing building groups to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm. The proposal fails to meet the policy requirements of CTY10(c).

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. The area inside the red line takes in a full agricultural field, and no specific site has been pinpointed. As this is an outline application the specific siting and design would be determined at the reserved matters stage. However the proposed site is devoid of any exiting boundaries or enclosure and would require all new boundaries to be defined. Also the proposed dwelling and garage is not sited to visually link or cluster with an established group of buildings on the farm, failing the requirements of CTY 13.

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

The development will be sited approx. 270m from the main Crawfordstown road. Critical views of the site will be fleeting glimpses due to rising landform and intervening development to the south east of the site. Furthermore, through the use of appropriate planning conditions, the proposal is not expected to not cause a detrimental change to or further erode the rural character of the area. The dwelling to the immediate north (no. 47B) has been noted but given the separation distances and existing boundary treatments. The proposal is not considered to offer any negative impact to surrounding neighbours nor will it cause any overlooking or overshadowing. The proposed development meets the requirements of Policy CTY 14.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of development. The proposal appears to conform to Policy CTY 16.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. The site location indicates the dwelling will be served by the existing shared access laneway, then through the field gate opening at the field boundary.

DfI Roads were formally consulted and responded on 09/02/2022 with no objections to this proposal, subject to the provision slays measuring 2.4m x 80m in both directions and the laneway widened to 4.8m for the first 10m, as stipulated in the RS1 form. In view of this officers consider access arrangements to be acceptable.

Recommendation:

Refusal

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 farm business is currently active;
 - the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm; or there are
 - demonstrable reasons to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 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; and
 - 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.

Case Officer: S. Maguire	Date: 27/04/2022
Appointed Officer: A.McAlarney	Date: 27 April 2022

Planning Committee Schedule of 7th August 2024

Please note that this application was presented to Council Planning Committee previously on 22nd June 2022

Planning reference: LA07/2021/2010/O

Proposal: Farm Dwelling & Garage

Applicant: Mrs A Jenkinson

Location Approx 10m West of 42 Crawfordstown Road

Recommendation: Refusal

Reasons

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 farm business is currently active; - the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm; or there are - demonstrable reasons to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 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; and - 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.

Site Description

The site is comprised of approx 0.1-hectare of land comprising agricultural land cut out of a larger field. The site is defined by mature vegetation along the northern & western boundaries with other undefined. The site is accessed via a private laneway off Crawfordstown Road which serves a number of detached dwellings.

Planning Policies & Considerations

Ards and Down Area Plan 2015 SPPS - Strategic Planning Policy Statement for Northern Ireland PPS 3 - Access, Movement and Parking AMP 2 - Access to Public Roads PPS 21 - Sustainable Development in the Countryside CTY 1 - Development in the Countryside CTY 10 - Dwellings on Farms CTY 13 - Integration and Design of Buildings in the Countryside CTY 14 - Rural Character Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

Planning History

LA07/2019/0720/O - Dwelling and garage (Renewal of Planning Approval LA07/2016/0348/O).

Approx. 100m West of 42 Crawfordstown Road, Downpatrick. Granted. 09.08.2021.

LA07/2016/0348/O - Dwelling @ lands approx. 100m west of No 42 Crawfordstown Road Downpatrick - Granted 02.09.16

R/2013/0264/O – Farm Dwelling - 100m west of No 42 Crawfordstown Road Downpatrick – Granted 11.09.13

R/2010/0490/O – New Dwelling on a farm - 100m west of No 42 Crawfordstown Road Downpatrick – Granted 30.06.2011

Objections

No objections or representations have been received.

Assessment of reason for Refusal

1 A dwelling on a farm under Policy CTY10 is an exception to Policy CTY1 of PPS21 and the response from DAERA states the current business has existed for over 6 years however due to the age of the land owner and to her worsening health and the tragic death of her husband in the Loughinisland massacre in 1994 the farm business has been run down and as a result she stopped claiming SFP approx. 8 years ago, however she currently tends to the upkeep of the farm land by maintaining fences and hedging and allows a friend to run horses on the ground in an attempt to maintain the land.

This current proposed site is the exact same site which was granted permission for a dwelling on a farm under LA07/2016/0348 and renewed under LA07/2019/0720/O, this site was acceptable then and had it not been for the onset of Covid 19 it has to be contended that a dwelling would be under construction or completed on this site so it has to be stated that the past planning history is relevant and is of material weight & consideration.

It has to be stated that the previous approvals were for a dwelling on a farm and while the current assessment by officers state that the subject site and lands owned are absent of any buildings a dwelling was previously approved under the same policy.

2 It is argued for reasons previously stated that this site would be developed had it not been for the reduced limit attached to the renewal under application LA07/2019/0720/O for the submission of Reserved Matters and the fact that the applicant was a shielding adult under Covid 19 Rules.

While it was an acceptable site previously it is suggested that the site and the proposed buildings could integrate and that planting would assist in this integration, the situation on the ground has not changed since the first grant of planning approval.

The proposed and previously approved application site does not site to cluster with an established group of farm buildings and as stated the policy under which the previous approval was granted remain the same policy today unchanged.

The same planning authority which rejects this proposal granted the previous approval and no buildings existed at that time.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant planning approval for the proposed development as applied for.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2956/O

Date Received: 12/06/2023

Proposal: Proposed 2No. infill dwellings.

Location: Between 34 and 36 Flagstaff Road Newry.

Site Characteristics & Area Characteristics:

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

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

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

Site History:

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

Planning Policies & Material Considerations:

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

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

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

Consultations:

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

NI Water – No objections raised.

DFI Rivers - No objections raised.

Objections & Representations:

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

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

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Policy Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

Development relying on non-mains sewerage.

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

Planning Policy Statement 2 – Natural Heritage

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

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

Planning Policy Statement 15 – Planning and Flood Risk

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

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

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

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

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

FLD 4 – Artificial Modification of Watercourses - Not applicable.

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

Access and Parking

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

Recommendation: Refusal

Refusal Reasons:

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

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

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for buildings to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

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

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

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

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

Cole Partnership
Architecture and Project Management
 12A Duke Street Warrenpoint
 Co.Down BT34 3JY

Proposed 2 No. Infill dwellings between 34 and 36 Flagstaff Road Newry. Ref: LA07/2023/2956/O

This is a planning application for two infill dwellings between 34 and 36 Flagstaff Road Newry

The planning department are of the opinion that the proposal should be recommended for refusal for a number of reasons:

The proposal is contrary to PPS 21 in that there are no overriding reasons why this development is essential in this rural location, it fails to meet the provisions for an infill dwelling, the site is prominent and unable to integrate into the landscape without new landscaping, would result in suburban style build up and be unsympathetic to the special character of the area.

In relation to the proposed sites meeting the criteria for an infill opportunity the case officer accepts that the proposal is positioned within a substantial and continuously built-up frontage consisting of No.32, No.34, gap site and No.36. The case officer is of the opinion that the proposed site is large enough to consist of three dwellings and not two as required by CTY8.

The case officer notes the distance between buildings is 125m. which the case officer believes could accommodate 3 dwellings, if this is the case, to respect the character of existing plots, the plot width would have to be 44.5m. To propose 3 plots widths at 44.5m, which is the average plot size to respect the existing development pattern, would mean that two of these proposed three dwellings would have to include part of the neighbouring dwellings within their site.

As mentioned previously the building-to-building width is 125m, the actual site width is 92m. When an agricultural access of 5m, required to gain access to the land to the rear of the proposal, is removed it leaves a plot width of 85m. Giving to plot widths of 42m and 45m which would be in keeping with the area.

There have been a number of planning applications for infill dwellings approved by the planning department and the planning committee which have similar or much larger building to building gap. LA07/2022/0799/F was approved with a separation distance of 117m, LA07/2021/2029/O was approved with a separation distance of 118m, LA07/2021/2033/O was approved with a separation distance of 118m, LA07/2016/1689/F was approved with a separation distance of 117m, LA07/2017/0270/O was approved with a separation distance of 130m, LA07/2021/1422/O was approved with a separation distance of 164m, LA07/2022/1178/O was granted with a separation distance of 164m and LA07/2022/1811/F was granted with a separation distance of 167m

CTY 8 states that the plot size should respect the existing pattern of development. The case officer has not noted in the report any surrounding plot sizes or average plot size for the area. The average plot size of the 10 dwellings along this road frontage is 44.5m, the two proposed sites are 42m and 45m, which is well within the range of plots size within the area and would respect the existing development pattern.

Concerns are raised that the proposal will be prominent, not integrate into the landscape and have a reliance on new landscaping. The area for the proposal consists of 14 dwellings and a large number of agricultural buildings and industrial buildings.

In terms of prominence the case officer does not identify where the proposal would be prominent from. Given the layout and rise and fall of the road on approach to the site from both direction the sites would only be visible from the road frontage to the sites and not from anywhere else. All dwellings in this area can be seen from the roadside. The proposal would have the same prominence as any other dwellings in the area from the road frontage to their site.

Dwellings in the area are positioned on the roadside or set back from the road with little to no integration, agricultural and industrial buildings also have little to no integration and are clearly visible from the roadside. Boundaries in the area consist of rendered block walls, timber fencing with new landscaping or Castlewellan gold landscaping which would have

been planted to provide integration. New planting or fencing would not be out of keeping with what has been used to form boundaries and provide integration in the area. In planning approval P/2009//1403/F the case officer states in the report in regard to integration 'I am satisfied this dwelling integrates into the landscape as equally as other dwellings in this locality' the proposals in this application will have the same integration as other dwellings in the locality.

The case officers report raises prominence again and believes that the proposal would result in suburban style build-up of development. As previously mentioned, and detailed the proposal would not be a prominent feature in landscape. The locality of the proposal already has a suburban style development, it consists of 14 dwellings and approximately 16 agricultural or industrial buildings. The proposal is positioned within a cluster of dwellings and other buildings, along an already significantly built-up road frontage. Given that the proposed dwellings are positioned within the cluster of dwellings and other buildings they would not add to suburban style build up. The proposal will not add to ribbon development as there would be no further opportunities for infill dwellings. As the proposals will not be prominent and not result in further ribbon development it would not be possible for the dwellings to further erode the character of the area.

Reason 5 for refusal states the proposal would be unsympathetic to the special character of the area and area of outstanding natural beauty. The character of the area is 14 dwellings of varying type, style and finish, a number of agricultural buildings and industrial buildings. The industrial buildings, which are adjacent to the site consists of K.C hire which hires out a range of machinery to be used on large scale construction projects and DIY projects and Fathom Fuels a wholesale fuel supplier. The special character of the area which consists of this make up will not become unsympathetic to the ANOB with the addition of two dwellings in an already established cluster of dwellings, agricultural buildings and industrial buildings.

From the reasons provided above we feel that the proposal meets the criteria for infill dwellings, will integrate into the existing character of the area and will not have any detrimental effect on the area of outstanding natural beauty.

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carrivekeeny Road Newry Co. Down.	Defer	P Rooney/A Donaldson	Planning Application being held, to enable submission of bat surveys. Bat Survey submitted. Consultation process completed. Application now being finalised.	N
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick	Planning Application being held to enable applicant to be amended to social housing provider	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan	2no. infill dwellings and garages	A McAlarney	In progress	N
PLANNING COMMITTEE MEETING 6 MARCH 2024					
LA07/2023/2331/F	Lands 80m to the West of Moss Road, Ballynahinch	Dwelling on a farm	A McAlarney	Deferred for legal advice	N
PLANNING COMMITTEE MEETING 10 JULY 2024					
LA07/2022/1521/F	Lands at 8 Corcreechy Road Newry (to be accessed from Lisserboy Road)	Erection of new commercial store with packing lines, and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; retention of extended yard area with the relocation of fireworks storage	P Manley	Deferred at request of agent	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		containers; retention of boundary walls and associated landscaping and siteworks. (Amended Plans)			
LA07/2023/2374/F	80 Dublin Road Drumena Newry	2 No glamping pods with associated landscaping	A McAlamey	Deferred at request of agent	N
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	P Rooney	Deferred for a site visit	N