



February 2nd, 2018

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 7th February 2018** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

Members:	Councillor C Casey	Councillor W Clarke
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor J Macauley	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

Committee Business

1.0 Apologies

2.0 Declarations of Interest.

3.0 Declarations in relation to paragraph 19 of Planning Operating Protocol - Members to be present for entire item.

- **Item No. 11 R/2014/0657/F** was previously presented at the Planning Committee Meeting on Wednesday 19 July 2017 - Members present were Councillors Clarke, Hanna, Larkin, Devlin, Ruane, Macauley and Loughran
- **Item No. 12 LA07/2016/0199/O** was previously presented at the Planning Committee Meeting on Wednesday 6 December 2017 - Members present were Craig, Loughran, Clarke, Devlin, Larkin, Macauley, Casey, Ruane, McAteer and Murnin. A site visit was also held on Wednesday 10 January and all above Members were present with the **exception of Councillor Macauley**.
- **Item No. 18 LA07/2017/1322/O** was previously presented at the Planning Committee Meeting on Wednesday 6 December 2017 - Members present were Councillors Craig, Loughran, Clarke, Devlin, Larkin, Macauley, Casey, Ruane, McAteer and Murnin. A site visit was also held on Wednesday 10 January 2018 and all above Members were present with the **exception of Councillor Macauley**
- **Item No. 28 P/2012/0743/F** was previously presented at the Planning Committee Meeting on Thursday 2 February 2017 - Members present were Councillors Clarke, Macauley, Casey, Devlin, Harte, Loughran, Murnin, Craig, Hanna, Larkin, McAteer and Ruane

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 10 January 2018. (Attached).

 *Planning Mins - 10.01.18.pdf*

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For Discussion/Decision

5.0 Addendum list - planning applications with no requests for speaking rights/written submissions. (Attached).

Development Management - Planning Applications for determination

6.0 LA07/2017/0821/0 - Mr C Kane - proposed off-site replacement dwelling and garage - adjacent and east of 196 Dundrum Road,

Dromara. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Hawthorn Associates, agent, in support of the application **(Submission attached)**

📄 *LA07-2017-0821-O Mr C Kane.pdf* *Page 9*

📄 *Item 6 Submission in support - Hawthorn Assoc (Kane).pdf* *Page 15*

7.0 LA07/2017/0909/0 - Mr R Carson - proposed dwelling and garage on a farm - 35m sw of 25 Dromara Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Hawthorn Associates, agent, in support of the application **(Submission attached)**

📄 *LA07-2017-0909-O Mr R Carson.pdf* *Page 21*

📄 *Item 7 Submission in support - Hawthorn Assoc (Carson).pdf* *Page 26*

8.0 LA07/2017/1021/F - Donna Rinnell - 2 storey extension to existing dwelling to accommodate a granny flat - 15 Leitrim Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gerry Tumelty, agent, in support of the application **(Submission attached)**

📄 *LA07-2017-1021-F Donna Rinnell.pdf* *Page 30*

📄 *Item 8 Submission in support - Tumelty (Rinnell).pdf* *Page 35*

9.0 LA07/2017/1369/0 - Mr J McMaster - dwelling and detached garage for private use - opposite 15 Ballymaglave Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr John McCallister, representing the agent, in support of the application. **(Submission attached).**

📄 *LA07-2017-1369-O Mr J McMaster.pdf* *Page 39*

10.0 LA07/2017/1542/F - Arthur O'Kane - proposed erection of new fibre optic street cabinet for superfast broadband, cabinet dimensions 1300mm high x 1430 mm wide x 450mm deep - 40m sw of No. 1 Saul Mills Road, Saul, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

LA07-2017-1542-F Arthur O'Kane BT AONB.pdf

Page 76

11.0 R/2014/0657/F - Bluebuild Developments Ltd - proposed residential development comprising 11 No. dwellings (10 semi-detached and 1 bungalow) (amended proposal and landscaping details) - The Mourne Observer, The Roundabout, Castlewellan Road, Newcastle and lands adjacent to No. 10 Burren Park. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

R-2014-0657-F Bluebuild Developments Ltd.pdf

Page 87

12.0 LA07/2016/0199/0 - Liam and Siobhan Boylan - 15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received) - Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road Warrenpoint. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from P Thornton in objection to the application **(Submission attached)**
- A request for speaking rights has been received from DEA Councillor M Carr in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from B Quinn, agent, in support of the application **(Submission attached)**

LA07-2016-0199-O Liam and Siobhan Boylan.pdf

Page 101

📄 <i>Item 12 Submission in objection (Boylan).pdf</i>	Page 111
📄 <i>Item 12 - submission of objection from M Carr (Boylan).pdf</i>	Page 112
📄 <i>Item 12 Submission in support of (Boylan).pdf</i>	Page 113

13.0 LA07/2016/1069/F - Jim Rocks - Application to vary condition number 2 of planning permission reference P/2006/1110/ RM. Condition 2 states that The dwelling hereby permitted shall be occupied only by Mr B Dooley and his dependants for life, following construction and occupation. The application seeks the variation of this condition to The dwelling hereby permitted shall be occupied only by the owner/ manager or an employee of the adjacent Mountain House public house, following construction and occupation. (

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application **(Submission attached)**

📄 <i>LA07-2016-1069-F Jim Rocks.pdf</i>	Page 119
📄 <i>Item 13 - Mr Jim Rocks.pdf</i>	Page 129

14.0 LA07/2017/0545/0 - Elaine Binks - site for dwelling - No. 2 Belmont Lane, Ballyardle, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Raymond Binks, applicant, in support of the application. **(Submission attached).**

📄 <i>LA07-2017-0545-O Elaine Binks.pdf</i>	Page 143
📄 <i>Item 14 - submission of support (E Binks).pdf</i>	Page 151

15.0 LA07/2017/0976/F - Stephen Campbell - Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works - Lands to the rear of No.26a-28 Water Street Rostrevor. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Stephen Hughes, agent, in

support of the application (**Submission attached**)

📄 *LA07-2017-0976-F Stephen Campbell.pdf*

Page 152

📄 *Item 15 Submission in support - Hughes (Campbell).pdf*

Page 164

16.0 LA07/2017/1144/F - Mr and Mrs Conlon - proposed off site replacement dwelling - lands 150m south of No. 17 Limekiln Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Barry Gray, agent, in support of the application.

(Submission forwarded under separate cover - the agent has requested that some of the information provided be kept private and this item is therefore deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business).

📄 *LA07-2017-1144-F Mr and Mrs Conlon.pdf*

Page 173

17.0 LA07/2017/1186/F - Wolfhill Developments Ltd - Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road - 4 Lurgancanty Road Clontifleece Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the schedule at the request of Planners to consider late information submitted.

📄 *LA07-2017-1186-F Wolfhill Developments Ltd.pdf*

Page 179

18.0 LA07/2017/1322/O - Paul Hourican - infill dwelling, detached garage and associated site works - land 20m se of 24A Oldtown Road, Annalong. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Fletcher Architects, agent, in support of the application (**Submission attached**).

📄 *LA07-2017-1322-O Paul Hourican.pdf*

Page 184

19.0 LA07/2017/1496/F - DFI Roads Southern - construction of new park and ride/share car park facility for 106 spaces - approx 30m nw of 127 Belfast Road, Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Brian & Sharon Henning in objection to the application **(submission attached)**
- A request for speaking rights has been received from DEA Councillor David Taylor in objection to the application **(submission attached)**
- A request for speaking rights has been received from Ciarán McKenna, DFI Roads, in support of the application **(submission attached)**

Item 19 Submission in support -Roads (DFI).pdf Page 205

Item 19 submission in objection - Henning (DFI Roads).pdf Page 214

Item 19 submission in objection Cllr Taylor (DFI Roads).pdf Page 215

Item 19 Submission in support -Roads (DFI).pdf Page 217

20.0 LA07/2017/1503/F - Newry, Mourne and Down District Council - Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road - Newry Town Hall, Bank Parade, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

Item 20 Submission in support -Newry, Mourne and Down District Council.pdf Page 218

21.0 LA07/2017/1504/LBC - Newry, Mourne and Down District Council - retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall, Bank Parade. Newry. (Case Officer report attached).

Rec: CONSENT

- Addendum list

Item 21 Submission in support -Newry, Mourne and Down District Council.pdf Page 227

22.0 R/2014/0627/F - Newry, Mourne and Down District Council - Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include children's multi-play unit, additional on site parking, tree maintenance and perimeter fencing, on lands at 29 Belfast Road, Saintfield. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[R-2014-0627-F Newry, Mourne and Down District Council.pdf](#)

Page 236

23.0 LA07/2017/1720/F - Newry, Mourne and Down District Council - proposed storage building for storage of equipment by disabled users at Cranfield Beach - Ameracam Lane, Cranfield. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2017-1720-F Newry, Mourne and Down District Council.pdf](#)

Page 241

24.0 LA07/2017/1621/F - NIHE South Region - proposed single storey rear extension as well as new ramped access to the front of the dwelling - 47 Bearn Park, Meigh. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-1621-F NIHE South Region.pdf](#)

Page 245

25.0 LA07/2017/1788/O - Louise McKeever - infill site for dwelling and detached garage - Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Karl Sherry, agent, in support of the application. **(Submission attached).**

[LA07-2017-1788-O Louise McKeever.pdf](#)

Page 248

26.0 P/2005/1354/F - Morgan Brothers Ltd - Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units) - Lands at Forth Road Warrenpoint (adjacent and North-East of 12 Forth Road adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road). (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[P-2005-1354-F Morgan Brothers Ltd.pdf](#)

Page 254

27.0 P/2005/1384/F - Rossvale Developments - erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road) - Lands fronting and at Burren Road and Smalls Road, Warrenpoint (opposite Conall Avenue, extending north-eastwards to opposite Woodbrook Park). (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[P-2005-1384-F Rossville Developments.pdf](#)

Page 268

28.0 P/2012/0743/F - Brian Cunningham - part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping - Valley Business Park, 48 Newtown Road, Rostrevor, BT34 3BZ. The site is located 1 mile NE of Rostrevor. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Tom Mulholland in objection to the application **(Submission attached)**

For Noting

**29.0 January 2018 Planning Committee Performance Report.
(Attached).**

**30.0 Record of Meetings between Planning Officers and Public
Representatives. (Attached).**

31.0 January 2018 Appeals and Decisions. (Attached).

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Cllr Declan McAteer	declan.mcateer@nmandd.org
Colette McAteer	colette.mcateer@nmandd.org
Cllr Oksana McMahan	oksana.mcmahan@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
Eileen McParland	eileen.mcparland@nmandd.org
Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@nmandd.org
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr John Rice	john.rice@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Michael Savage	michael.savage@nmandd.org

Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mrs Marie Ward	marie.ward@nmandd.org
Mr Adam Wilkinson	adam.wilkinson@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 January 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance:

(Committee Members)

Councillor W Clarke
Councillor L Devlin
Councillor M Larkin
Councillor C Casey
Councillor V Harte

Councillor M Murnin
Councillor D McAteer
Councillor J Macauley
Councillor G Hanna

(Officials)

Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Mr A Donaldson	Professional Technical Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/001/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillor Ruane. It was noted Councillor Casey was not present for the start of the meeting but would be in attendance later in the morning.

P/002/2018: DECLARATIONS OF INTEREST

No declarations were received.

P/003/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

No declarations were received.

**P/004/2018: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 6 DECEMBER 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 6 December 2017.
(Copy circulated)

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 December 2017 as a true and accurate record.

P/005/2018: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 January 2018. **(Copy circulated)**

AGREED: It was unanimously agreed to remove the following Planning Applications from the Addendum List:-

- **Item 8 - LA07/2017/0545/O** - Elaine Binks – Site for dwelling – No. 2 Belmont Lane, Ballyardle, Kilkeel - **Removed from the addendum list at the request of Councillor McAteer for presentation at next Planning Committee Meeting.**
REFUSAL
- **Item 12 - LA07/2017/1186/F** - Wolfhill Development Ltd. - Change of use and conversion of part of a former school building to provide a single detached dwelling - **Removed from the addendum list at the request of Councillor McAteer for full presentation at next Planning Committee Meeting.**
REFUSAL
- **Item 16 - LA07/2017/1369/O** – Mr J McMaster – Dwelling and detached garage for private use – opposite 15 Ballymaglave Road, Ballynahinch - **Removed from the addendum list at the request of Councillor Macauley for full presentation**
REFUSAL
- **Item 22 – LA07/2017/1788/O** – Louise McKeever – Infill site for dwelling and detached garage – adjacent to and between Nos 3 and 5 Drumboy Road, Culloville be removed for full presentation - **Removed from the addendum list at the request of Councillor Larkin for full presentation**
REFUSAL

With regard to Item 16 – LA07/2017/1369/O, the Chairperson acknowledged that this application had been removed from the December 2017 addendum list but agreed to the request made by Councillor Macauley to extend this by an extra month due to the Applicant's personal circumstances.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Macauley it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications on the Addendum List: -

- **Item 6** - LA07/2017/0082/O - Samuel & Rodney Murphy - Dwelling and domestic garage - approx 90m SW of 12 McClenaghans Hill, Newry.
REFUSAL
- **Item 9** - LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
REFUSAL
- **Item 17** - LA07/2017/1388/O - Michael & Marion Young - Proposed domestic dwelling and garage - Adjacent to No. 24 Grange Road, Kilkeel
REFUSAL
- **Item 19** - LA07/2017/1444/O - Mr P McAleenan - Infill site for 1 detached dwelling and garage - 32m SW of 96 Newry Road, Benagh, Newry
REFUSAL
- **Item 20** - LA07/2017/1627/O - Mr Gerard Donnelly - Proposed 2 No. dwellings on an in-fill site - 20m East of 15 Newry Road and 45m North of 96 Maphoner Road, Mullaghbawn
REFUSAL

P/006/2018: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Principal Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:

- **Item 10 – LA07/2017/0976/F – Stephen Campbell – erection of two semi-detached dwellings with integrated garages, landscaping and associated site works – to the rear of No. 26a-28 Water St., Rostrevor – **withdrawn from the schedule at the request of Planners and to be brought back to a future Planning Committee Meeting****
- **Item 11 – LA07/2017/1033/F – Raymond Reid – Erection of dwelling – to rear of 7a Windmill Road, Newry – **withdrawn at the request of Councillor Ruane to consider new information.****

- **Item 14 – LA07/2017/1353/O – Rob & Paige Jennings – demolition of former dwelling and agriculture shed and erection of new replacement dwelling – 97a Crossgar Road, Saintfield - **Removed from the schedule at the request of Councillor Murnin for full presentation at February 2018 Planning Committee Meeting.****

The following applications were then determined by the Committee:

(1) LA07/2015/0206/F – James McConnell

Location:

173 Head Road, Annalong

Proposal:

Erection of replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Bertie Allen, Agent, in support of the application.

Councillor Hanna proposed and Councillor Larkin seconded to issue an approval in respect of Planning Application LA07/2015/0206/F contrary to officer recommendation on the basis that as indicated in the quotations provided, it would be too costly to refurbish the existing building. It was also proposed that the proposed replacement dwelling be as close to the original building in terms of design, scale and materials used. If Planning Officers were not satisfied with the proposed design and conditions, the application to come back to the Planning Committee Meeting for further discussion.

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

FOR:	6
AGAINST:	4
ABSTENTIONS:	Nil

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2015/0206/F contrary to officer recommendation on the basis that as indicated in the quotations provided, it would be too costly to refurbish the existing building, it was also agreed that the proposed replacement dwelling should be as close to the original building in terms of design, scale and materials used. If Planning Officers were not satisfied with the proposed design and conditions, the application to come back to the Planning Committee Meeting for further discussion.**

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

Councillor Casey joined the meeting at 10.15am but as discussions had already commenced on Application LA07/2015/0206/F, he withdrew from the table for the duration of the discussion on this Application.

(2) LA07/2017/1261/O – Mr Thomas Mageean

Location:

Site abutting 20 Junction Road, Saintfield

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sheila Curtin, Agent, in support of the application

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2017/1261/O to allow for evidence to be provided to Planning Officials that would clarify ownership issues regarding the proposed site.

(3) LA07/2017/1355/F – Sean Murphy

Location:

24 Head Road, Kilkeel

Proposal:

Erect replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Brendan Quinn, Agent, in support of the application

Councillor Larkin proposed and Councillor Clarke seconded to issue an approval contrary to officer recommendation on the basis that the property was unfit for occupation. However, the proposed replacement dwelling plans submitted by the Agent were not acceptable and it was also proposed these should be revised to reflect the design and character of the original dwelling.

During discussion it was established that the applicant was not resident in the property but rather it was occupied by a tenant, thereby making the applicant a landlord. In view of this information, Ms Largey advised it was the responsibility of the Council to determine if the property was habitable and as such the Council's Environmental Health Department would be required to undertake an inspection of the property.

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

FOR: 8
AGAINST: 3
ABSTENTIONS: NIL

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2017/1355/F contrary to officer recommendation subject to the following:

- 1. An inspection of the property to be undertaken by the Council's Environmental Department to determine if the property was fit for occupation.**
- 2. The proposed replacement dwelling should be as close to the original building in terms of design and materials.**
- 3. Planning Officers be granted authority to impose any relevant conditions.**
- 4. If Planners were not satisfied with the proposed design and conditions and continued to recommend refusal, the application be referred back to Committee.**

(4) LA07/2017/1394/F 0 Mr B & Mrs A Gibney

Location:

80m East of 89 Demesne Road, Edendarriff, Ballynahinch

Proposal:

Dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ewart Davis Agent, and Mr Gibney, applicant, in support of the application

Councillor Clarke proposed and Councillor Hanna seconded that an inspection of the site be undertaken by an engineer to establish best location for proposed dwelling and garage. It was also proposed that a Planning Committee site visit take place.

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

FOR: 10
AGAINST: 0
ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed that an inspection of the site be undertaken by an engineer to establish best location for proposed dwelling and garage. It was also agreed that a Planning Committee site visit take place.

(5) LA07/2017/1635/F – Mr and Mrs Brian Dickson

Location:

7 Bannfield Road, Rathfriland

Proposal:

Replacement of non-listed vernacular dwelling with retention of existing dwelling for storage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ewart Davis, Agent, in support of the application

Councillor Casey proposed and Councillor Hanna seconded to issue an approval contrary to officer recommendation on the basis that a precedent had been set and also due to the unfit nature of the current structure, and subject to conditions being attached to ensure that the original dwelling at 7 Bannfield Road would be preserved and not allowed to deteriorate further.

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

FOR: 7
AGAINST: 4
ABSTENTIONS: nil

The proposal was declared carried.

AGREED: On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to issue an approval contrary to officer recommendations with conditions attached to ensure the original dwelling at 7 Bannfield Road, Rathfriland was preserved.

It was also agreed Planning Officers be granted authority to impose any relevant conditions.

FOR NOTING**P/007/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT
DECEMBER 2017**

Read: Planning Committee Performance Report December 2017. **(Copy circulated)**

**AGREED: It was agreed to note the Planning Committee Performance Report
December 2017.**

P/008/2018: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – December. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions December 2017.

Councillor Clarke said it was good to see that Planning Officers were making the correct decisions in relation to those applications subject to appeal, as it was noted all of the appeals taken against the Council had been dismissed.

**P/009/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC
REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives
2017 -2018 **(Copy circulated)**

**AGREED: It was agreed to note the record of Meetings between Planning
Officers and Public Representatives.**

The Meeting concluded at 1.15pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 7 February 2018.

Signed: _____ Chairperson

Signed: _____ Chief Executive

ITEM NO	3			
APPLIC NO	LA07/2017/0821/O	Outline	DATE VALID	30/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr C Kane 101 Ballymacarn Road Ballynahinch BT24 8JS		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA
LOCATION	123 Magherahamlet Road Money nabane Ballynahinch Co Down BT25 2JS to location adjacent and east of 196 Dundrum Road Money nabane Dromara BT25 2JX			
PROPOSAL	Proposed off site replacement dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
	0 0		0 0	

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - 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 building relies primarily on the use of new landscaping for integration



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0821/O

Date Received: 26th May 2017

Proposal: Proposed off-site replacement dwelling and garage

Location: Adjacent and east of 196 Dundrum Road, Dromara



Site Characteristics & Area Characteristics:

The site is comprised of a 0.29 hectare site which contains, within it a one and half storey dwelling and an existing agricultural field which is positioned approximately 200m from the location of the said dwelling.

The dwelling to be replaced is traditional in design and style and is currently located within an existing farm complex, within which there appears to be construction works underway for the erection of broiler houses.

The site within which the replacement dwelling is to be positioned is relatively flat and located slightly below road level. The site is defined at the roadside and along that boundary it shares with No 196 Dundrum Road with mature native species vegetation.

The site is located within the rural area, outside any settlement limit, as designated in the Ards and Down Area Plan 2015.

Site History:

Previous history on this site relates to the following

- LA07/2016/0699/F - Land at 123 Magherahamlet Road, Ballynahinch - Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers) – GRANTED 28.04.2017
- Q/2010/0042/F - Adjacent to 123 Magherahamlet Road, Ballynahinch - Erection of farm dwelling and garage – GRANTED 20.04.2010
- Q/2009/0328/O - 123 Magherahamlet Road, Dunbeg Upper, Ballynahinch - Site for replacement dwelling and garage – GRANTED 20.11.2009

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside Building on Tradition

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

Consultations:

- Transport NI – No objections
- NI Water - No objections
- NIEA: Water Management Unit – No objections, Standard informatives apply

Objections & Representations

The following neighbouring properties were notified on 6th June 2017:

- 196 Dundrum Road, Dromara Road, Minerstown

The application was advertised in the local press on 14th June 2017.

There have been no representations received in relation to this application.

Consideration and Assessment:

The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the proposal. The ADAP offers no policy or guidance in respect of the proposed development. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21). PPS 21 remains applicable to the proposed development.

Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development.

The proposal seeks full planning permission for a replacement dwelling, therefore Policy CTY 3 of PPS 21 is applicable which states that permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The dwelling as shown below complies satisfactorily with this aspect of the policy. A visual inspection shows internal divisions and the presence of a staircase.



In addition, proposals for a replacement dwelling are required to meet the following additional criteria;

- The replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

In assessment of this, the proposal seeks an off-site location, however, it is considered that the curtilage of the existing dwelling, which is defined by the agricultural buildings to the immediate north, south and west and the access lane to the immediate east, is sufficient in size to accommodate a modest dwelling. It is considered therefore that the proposal fails to comply with Criteria A.

The applicant, however, has provided a case for justification for the off site location on the grounds of Biosecurity given the recent approval of 2No broiler poultry sheds see LA07/2016/0699/F. It is noted from the approved drawings that the existing dwelling is shown retained on the plans, therefore, the presence of a dwelling was considered acceptable to the applicant during the processing of the poultry shed application and the justification provided regarding biosecurity and the possibility that the issuing of an IPPC permit would be jeopardised by the presence of a dwelling is not given determining weight. It is considered therefore that the proposal does not comply with Criteria B.

In addition, to the above, new dwellings are required to integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building. It is considered that a dwelling on the off-site location proposed would not integrate into the surrounding landscape due to the open, flat nature of the site, lack of mature vegetation to the east and the likelihood that the road frontage vegetation will be removed for visibility splays (2.4m x 70m).



The proposal is therefore considered to be unsatisfactory in that insufficient justification has been received to allow approval of an off-site replacement. In addition, a dwelling on the site proposed would lack integration and is therefore considered contrary to Policy CTY3 and 13.

Recommendation: REFUSAL

REASONS:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- 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 building relies primarily on the use of new landscaping for integration.

Signed

Date

Signed

Date

Speaking Rights for LA07/2017/0821/O

I write to request speaking rights for Sam Hawthorne of Hawthorne Associates and Mr Colin Kane the applicant on the meeting scheduled for 7th February 2018.

AGENDA

CTY1 – We aim to express our reasons as to why this off-site replacement should be granted as the principle of replacement is not an issue.

CTY3

The Case officer in her report states:

“The applicant, however, has provided a case for justification for the off-site location on the grounds of Biosecurity given the recent approval of 2No broiler poultry sheds see LA07/2016/0699/F.

further

The recent approval of 2No broiler poultry sheds see LA07/2016/0699/F. It is noted from the approved drawings that the existing dwelling is shown retained on the plans, therefore, the presence of a dwelling was considered acceptable to the applicant during the processing of the poultry shed application and the justification provided regarding biosecurity and the possibility that the issuing of an IPPC permit would be jeopardised by the presence of a dwelling is not given determining weight.”

The suggestion/inference by the case officer that the presence of this dwelling was considered by the applicant during that process is purely conjecture as the removal of the dwelling from the plans would in the event of approval negate any opportunity of the dwelling’s replacement.

The Council’s Chief Public Health officer has not been consulted on this application – from experience I can advise that Council Public Health recommend a minimum separation distance of at least 75 metres between dwellings and farm buildings.

In respect of **CTY3** bullet point (1) it is deemed and very evident that the existing curtilage is so restricted (averaging only some 16.5 metres wide in places not withstanding in the middle of a farmyard totally surrounded by farm buildings) that a modest sized dwelling [that as proposed] could not/cannot reasonably be accommodated thereon. In **PAC decision 2013/A0083 the Commissioner deemed that where bullet (a) of CTY 3 is met bullet (b) is not a consideration.**

The case officer’s assertion verbatim that *“ it is considered that the curtilage of the existing dwelling, which is defined by the agricultural buildings to the immediate north, south and west and the access lane to the immediate east, is sufficient in size to accommodate a modest dwelling.”* in the middle of a working farm yard is preposterous given that modern day machinery can just about squeeze past the existing dwelling and surrounding buildings.

With respect to criterion 2 (bullet point 2) the proposed dwelling is to be sited some 60-65 metres back off the Dundrum Road, well screened by the existing western and northern well-established hedgerow. The proposal will read with the existing adjacent dwelling (no. 196) on its western boundary and group nicely with the immediate pattern of development. It will have little detrimental visual impact on this already built up location, the proposal will integrate with the


existing land forms, blending discreetly. It is deemed that the proposal will have a significantly reduced visual impact than that if replaced on site given its very exposed and isolated location when read in conjunction with the open nature and form of the surrounding landscape.

CTY13 – We aim to demonstrate with the use of photographs and policy how this proposal will integrate (conforming also to **CTY3**) into the landform using photographic depiction demonstrating that the proposed building does not primarily rely on the use of new landscaping for integration.

The proposed landscaping consists of a hedge row and some trees which are primarily to demarcate the new curtilage in a traditional manner. The existing landscaping and topography most certainly provide an excellent degree of enclosure, backdrop and screening to ensure that proposal will integrate.




Dundrum Road View

The proposed as figurately illustrated () will not be an unduly prominent feature in the landscape by virtue of grouping and visually linking with the existing dwelling 196 Dundrum Road further fortified by the existing landscape character “back cloth canvas”, strengthened by the fact that this site is not skyline.



Martinpoole Road/
Hillhead Road View.

A filtered winter View.

The proposed as figurately illustrated ( but to the fore of the trees) will not be an unduly prominent feature in the landscape by virtue of grouping and visually linking with the existing dwelling 196 Dundrum Road further fortified by the existing landscape rolling drumlins character “back cloth canvas”, strengthened by the fact that this site is not skyline. The proposed dwelling

Fairness and Equity

When compared against the issue of recently approved off site by some 3.76 km (by road) dwelling LA 07/2016/0854/O followed by approval LA07/2017/1301/RM, the rational/application of fairness and equity and consistent decision making comes into jeopardy and prejudices the applicant.

The above further acerbated by 275 metre off-site approval P/2015/0052/F also granted by this Council.

and further aggravated by approvals: -

LA07/2016/1406/F Approved with the access off main road, the site layout shows a new natural species hedgerow planted along the south western curtilage boundary, with the existing road side hedge to be removed for access purposes and replaced with a new structural hedgerow of native species. The remaining existing boundaries are to be retained and augmented with native species

LA07/2017/0410/F Approved new boundary hedgerows on all 3 of the 4 site's boundaries.

LA07/2017/0949/O Approved with Visibility Splays 2.4m x 70m (130 metres of new hedgerow plus road lay bye plus site boundary fencing and new hedgerows.

LA07/2017/1359/F Approved with 170 metres of new hedgerows, shrubs and trees.

LA07/2017/1529/F 75% of total site boundary new hedgerow/s approved/given

LA07/2017/1181/F New Hedgerow enclosure on 3 of the site's boundaries approved.

Conclusion.

It will be respectfully proposed that Committee grant approval of this application.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2013/A0083
Appeal by:	Mr & Mrs J O'Donnell against the refusal of full planning permission
Development:	Change of house type and the resiting of a replacement dwelling granted under planning permission A/2010/383/F.
Location:	Replacement of No. 23 Clon Road, Eglinton. Off- Site replacement located 35 metres north west of 25 Clon Road, Eglinton.
Application Reference:	A/2012/0321/F
Procedure:	Written Representations with Commissioner's Site Visit on 4 th December 2013.
Decision by:	Commissioner Helen Fitzsimons, dated 10 th December 2013.

Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposed replacement dwelling would have a significantly greater visual impact on the landscape than the existing dwelling and whether it would result in a prominent feature that would fail to integrate into the landscape and result in a detrimental change to rural character.
3. Policy CTY1 of Planning Policy Statement 1 'Sustainable Development in the Countryside states that there is 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. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a replacement dwelling in accordance with policy CTY 3 of PPS 21.
4. There is no dispute that the dwelling to be replaced is suitable in principle for replacement under the first test of Policy CTY 3. Policy CTY 3 also sets out a number of other requirements in respect of replacement dwellings. It states that proposals for a replacement dwelling will only be permitted where all of five listed

criteria are met. The Department's objections to the appeal proposal are based on the first criteria which requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

5. The Department has granted planning permission for an off site replacement dwelling on the appeal site (A/2010/0383/F) which is extant. Notwithstanding this, I must consider the merits of the appellant's amended siting in its own right. The Department accepts that the curtilage of the dwelling to be replaced too restrictive to accommodate a modest sized dwelling. It is therefore an exception under bullet (a) and meets this part of the policy. **Given this I do not need to consider bullet (b).**
6. The Department has also raised objections under the second criterion of this part of Policy CTY 3 which requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and that it would not have a visual impact significantly greater than the existing building.
7. The proposed siting of the replacement dwelling is in the southern corner of a roadside field set back some 130m from the road. The south west boundary is defined by mature and substantial vegetation. The roadside boundary is defined by hedging atop a bank. The access is to be taken from the existing laneway which serves the dwelling to be replaced. Numerous buildings are located to the south, south east and north east of the appeal site. The proposed dwelling would be seen against the backdrop of the vegetation and cluster with the existing buildings when seen from the north west. Travelling from the south east towards the appeal site and because of the incongruous suburban and linear form of development stretching across both sides of the road at Nos.17; 19; 21; 22 28 and the new dwelling at 25 no vestige of rural character remains. Even if the proposed new dwelling were to be seen from this direction it would have little detrimental visual impact on this already built up location. Even taking account of its larger scale and size given these factors it would not have a significantly greater visual impact than the existing dwelling in the specific context of this locality. The proposal meets the requirements of Policy CTY 3 of PPS 21 and is acceptable in principle in the countryside. Given this it also meets Policy CTY 1 and the Department has not sustained its first reason for refusal.
8. I agree with the appellant that the test in Policy CTY 3 is one of integration and visual impact. I do not discern any cross references to Policies CTY 13 'Integration and Design of Buildings in the Countryside' and CTY 14 'Rural Character' within CTY 3. In my mind if a proposal meets the requirements of policy CTY 3 and is acceptable in principle in the countryside Policies CTY 13 and CTY 14 do not apply. The Department has not sustained its second and third reasons for refusal.
9. I note from the background papers that the Department was concerned that the extant permission could be implemented along with the appeal proposal. I find it somewhat strange that it did not suggest a draft condition to prevent this. I also find it strange that it did not put forward a draft condition requiring the demolition of the dwelling to be replaced. In order to accord with Policy CTY 3 and give it

effect it is fundamental that such conditions should be attached to this planning permission. A landscaping condition is necessary in the interests of visual amenity. As the appeal site has no direct access onto the public road and its frontage is to be defined by new planting which can be required by condition it is not necessary to withdraw permitted development rights for gates, walls or fences across its frontage.

Conditions

1. The dwelling shaded green on the attached plan annotated PAC 1 shall be demolished and all resultant rubble removed from the site prior to the commencement of any development.
2. Only one dwelling shall be erected on the appeal site.
3. No development shall take place until there has been submitted to and approved by the Department a landscaping scheme showing the retention and augmentation with native species planting of the vegetation on the south west boundary of the appeal site and new native species planting along its north; northeast and southeast boundaries. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.
4. The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings:-

1:2500 Scale Site Location Plan

Drawing No.SK001 Proposed Floor Plans

Drawing No SK002 Proposed Elevations

Drawing No SK003 Proposed Site Layout

Drawing No SK004 Proposed Site Access; and

Drawing No.SK005 Proposed Garage Plans

COMMISSIONER HELEN FITZSIMONS

ITEM NO	4			
APPLIC NO	LA07/2017/0909/O	Outline	DATE VALID	13/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr R Carson 25 Dromara Road Ballykine Upper Ballynahinch BT24 8JL		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA

LOCATION 35.00 metres SW of 25 Dromara Road
Ballykine Upper
Ballynahinch
Co Down
BT24 8JL

PROPOSAL Proposed outline planning application for a dwelling and garage on a farm

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses		Signatures	
	0	0	0	0

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS, in that the proposed site lacks long established natural boundaries is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0909/O

Date Received: 12th June 2017

Proposal: Outline planning application for a dwelling and garage on a farm.

Location: 35m SW of 25 Dromara Road, Ballynahinch, Co Down.



Site Characteristics & Area Characteristics:

The site in question is located to the south west of the dwelling known as 25 Dromara Road. The site is located in an existing agricultural field with one boundary, the south, south eastern boundary is defined by the field boundary hedge. The site is not level with a rise and fall across the site.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, there are no site specific constraints to note on the site. The area is a rural area of drumlin type topography.

Site History:

There is no relevant site history for the site in question.

Planning history exists on lands on the DAERA farm maps but is not associated with the farm holding this application relates to.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 3, Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

DAERA was consulted on the application and responded stating that the farm business in question has been in existence for more than 6 years and has been in receipt of farm payments.

Transport NI was also consulted and responded with no objections, RS1 details were given in relation to splays to be provided if permission was granted.

NI Water was consulted and responded with no objections to the proposal.

Objections & Representations

No Neighbour notification was required in this instance as the property no 25 is within the ownership/control of the applicant as confirmed on the day of the site visit. The application was advertised in the local press on 28th June 2017 which expired 12th July 2017, to date there have been no representations made in relation to the application.

Consideration and Assessment:

Initial consideration is given to PPS 21 Sustainable Development in the Countryside CTY 10, Dwellings on Farms.

Planning permission will be granted under CTY 10 for a dwelling on a farm where the criterion has been met.

The business in relation to this application has been in existence for six years or more and has claimed single farm payments; this has been confirmed in the response given by DAERA upon consultation.

Having carried out a history search on the lands associated with this business, there does not appear to have been any development opportunities sold off from the farm holding since 25th November 2008.

The site chosen, although in proximity with the dwelling no 25 which sits to the front of the farm buildings does not appear to cluster with the farm buildings. The existing dwelling sits forward of the farm buildings, separated from the main farm buildings though accessed via the same lane. The proximity of the site to the farm buildings and the critical views of the site do not offer a visual linkage or a view of clustering. Given the planting that is required to create the boundaries of a site at this location and the use of a separate access the site will clearly appear separate from the

holding and will not read as a dwelling a farm and also has the potential to create ribboning which is offends policy 8 of PPS 21.

As such the siting chosen does not meet the requirements of CTY 10 point C in that the new building will not visually link or cluster with an existing group of buildings on the farm and does not make use of an existing access.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside.

The site could accommodate and appropriately designed dwelling without becoming a prominent feature in the landscape, conditions to restrict the height etc. of the building would be required.

The site lacks long established boundaries and would not be able to create a suitable degree of enclosure given the chosen site in an exposed agricultural field with only one existing boundary available. The site would result in a uncharacteristic gap between this site and the residential curtilage of no 25 Dromara Road. The site would rely on new boundaries in order to integrate into the landscape.

As this is an outline application the full design has not been submitted for consideration and would be considered at reserved matters stages provided the principle of the application is accepted.

The dwelling has no backdrop to be sited against, the site has differing levels and an appropriate design would be required to accommodate a dwelling.

The site also fails CTY 13 for reasons covered in CTY 10 in that the site does not allow for a building that would allow a visual linkage or clustering of the site.

The application is also considered against CTY 14 Rural Character and as previously stated the siting does have the potential to create a ribbon of development and as such is not in keeping with CTY 14 Rural Character.

The removal of visibility splays will impact on the rural character of the area and leave the site more exposed, this is not however contrary to CTY 14 as splays are listed as an exception.

The application is not considered acceptable, the red line of the site is specific and allows for no negotiation of siting and as the policy requirements of CTY 10 and CTY 13 have not been met this application is not considered acceptable.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
- 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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration 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:

Authorised By:

Date:

Speaking Rights for LA07/2017/0909/O

I write to request speaking rights for Sam Hawthorne of Hawthorne Associates on the meeting scheduled for 7th February 2018.

AGENDA

CTY1 – We aim to express our reasons as to why this dwelling on a farm application should be granted as the principles of CTY 10 a, b, and c have been fully complied with.

It is not mandatory that access must be granted off an existing lane especially given in this instance that due to the vertical and horizontal alignment of the existing road and laneway specific to sightline compliance and forward visibility the arrangement is **totally substandard** (completely blind on the near side) and is a situation which cannot be resolved without the necessity of major vertical **ROAD** alignment. Initial assessment indicates that at least a 3- 4 metres vertical reduction of the existing road would be necessary. This information having been previously related to the case officer.

CTY13 –

We aim to demonstrate with the use of photographs, illustration and policy how this proposal will integrate conforming also to CTY3 into the landform using photographic depiction demonstrating that the proposed building does not primarily rely on the use of new landscaping for integration.

Compliance to CTY 13 necessitates compliance to either visually linked or cluster with the established group of buildings on the farm – NOT BOTH as erroneously decreed by the case officer.

The proposed dwelling has only some 15 ,0 metres of gable separation between it and the existing dwelling on the farm

The existing dwelling is firmly contained within the 28-metre cartogram as centred on the footprint location of the proposed dwelling.

The existing farm buildings are firmly contained within the 60-metre cartogram as centred on the footprint location of the proposed dwelling.

It is strongly contested that this proposed dwelling both clusters and is visually linked to the existing established buildings.

The very close proximity of the adjacent at higher level dwelling and farm buildings provide the background which facilitates the integration.

The proposed landscaping consists of a hedgerow and some trees which are primarily to demarcate the new curtilage in a traditional manner. The existing landscaping and topography most certainly provide an excellent degree of enclosure, backdrop and screening to ensure that proposal will integrate. Given **the convex nature** of the existing site road frontage only a small length of the existing road hedgerows at the point of the proposed entrance will be initially lost to facilitate sightlines.

The proposal will not damage rural character or result in a detrimental change to further erode it.



Main road eastern approach 5 metres positive vertical inclination- existing farm access not visible.

Commencing at 150.08 m Ordnance Datum. The Sag.



Main road eastern approach, approaching crest at 155.7 m O.D



Existing access arrangement is totally substandard (completely blind on the near side) and is a situation which cannot be resolved without the necessity of major vertical ROAD alignment. Initial assessment indicates that at least a 3- 4 metres vertical reduction of the existing road would be necessary



Proposed dwelling (as approximately illustrated by) both visually linking and clustering with the existing farm buildings.



Given the **convex nature** of the existing site road frontage only a small length of the existing road hedge rows at the point of the proposed entrance will be initially lost to facilitate sightlines.



Scale 1:1250

Fairness and Equity

When compared against the issue of the recent approvals the rational/application of fairness and equity and consistent decision making comes into jeopardy and prejudices the applicant when benchmarked against the following Council approvals.

- | | |
|------------------|--|
| LA07/2016/1406/F | Approved with the access off main road, the site layout shows a new natural species hedgerow planted along the south western curtilage boundary, with the existing road side hedge to be removed for access purposes and replaced with a new structural hedgerow of native species. The remaining existing boundaries are to be retained and augmented with native species |
| LA07/2017/0410/F | Approved new boundary hedgerows on all 3 of the 4 of the sites boundaries. |
| LA07/2017/0949/O | Approved with Visibility Splays 2.4m x 70m plus road lay bye plus site boundary fencing and new hedge rows. |
| LA07/2017/1359/F | Approved with 170 metres of new hedgerows, shrubs and trees. |
| LA07/2017/1529/F | 75% new boundary hedgerow/s approved/given. |
| LA07/2017/1181/F | New Hedgerow enclosure on 3 of the site's boundaries approved. |

Conclusion.

It will be respectfully proposed that Committee grant approval of this application.

ITEM NO	6		
APPLIC NO	LA07/2017/1021/F	Full	DATE VALID 05/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Donna Rinnell 15 Leitrim Road Castlewellan		AGENT Mr Sean Gallagher 12 Old Road Upper Clarkhill Castlewellan BT31 9BW

LOCATION 15 Leitrim Road
Castlewellan

PROPOSAL 2 storey extension to existing dwelling to accommodate a granny flat

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	0	0	0	0	0	0	0
	Addresses		Signatures		Addresses		Signatures	
	0		0		0		0	

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.
- 3 The proposal is contrary to NH 6 of Planning Policy Statement 2 Natural Heritage in that the scale of the extension and resulting dwelling is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1021/F

Date Received: 5th July 2017

Proposal: 2 storey extension to existing dwelling to accommodate a granny flat.

Location: 15 Leitrim Road, Castlewellan



Site Characteristics & Area Characteristics:

The site in question is a single storey dwelling with a garage underneath due to the change in levels across the site. The dwelling is set up and back from the road and

has a slight front return. The site has a garden area and planting to the front of the site and a wall as a boundary which is a retaining type wall. There is a good back drop to the rear of the site however the site is highly visible.

The site is not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is in the sphere of influence of a historic site and monument and is also within the Mourne Area of Outstanding Natural Beauty.

Site History:

Q/1976/0213 – Ballymaginaghy, Castlewellan – proposed bungalow – granted – 16-12-1976

Q/2004/0599/ F – adjacent to and south of 15 Leitrim Road – site for dwelling – granted – 7-03-2005

Q/2003/0253/O – adjacent to and south of 15 Leitrim Road – erection of dwelling – 20-06-2014.

Planning Policies & Material Considerations:

The application is considered against the Banbridge, Newry and Mourne Area Plan 2015 and also considered against PPS2, Natural Heritage, PPS6 Planning, Archaeology and the Built Heritage, Addendum to PPS 7 Residential Extensions and Alterations, PPS 21 Sustainable Development in the countryside and SPPS.

Consultations:

Historic Environment Division was consulted given the sites proximity to a monument and it is noted that HED have responded with no objections and are satisfied the application is in compliance with PPS 6.

Objections & Representations

The application was advertised in the local press 26th July 2017 which expired 9th August 2017 and neighbour notification issued on the application 17th July 2017 which expired 31st July 2017, to date no representations have been made in relation to the application.

Consideration and Assessment:

The extension is considered against Addendum to PPS 7 Residential Extensions and Alterations EXT 1.

The application seeks to extend the existing dwelling that has a current main ridge height of 4.5m with the section with a garage under measuring 6m in height and a length of 21.8m to a dwelling 26.2m in length and 6.3m in height of the extended section and also incorporates a balcony opening to the front at ground floor level with a lower ground section beneath.

The resulting dwelling has a considerable frontage which introduces living accommodation to the lower ground where previously there was a garage present.

The additional length and the introduction of windows at the lower ground level and the balcony to the upper ground are not in keeping with the original style and design of what essentially appears as a single storey dwelling with garage below. The length of the building at present is considerable and adequate with the additional extension presenting a dwelling that is extremely long and the scale and rhythm of the existing building being conflicted with the new elements of design. The proposed design is not considered to be sympathetic with the built form and appearance of the existing property and the additional length, and design will detract from the character of the surrounding area on this highly visible plot.

The proposal will not unduly affect the neighbouring properties privacy or amenity area, though it is noted that the number of openings on the side gable and the proximity to the neighbouring property will have a negative impact the extension looks onto amenity space to the front of the adjacent property no 11 Leitrim Road and will not have a demonstrable impact on the private amenity of no 11. The application does not detract or impact on any landscape features and adequate parking will remain within the curtilage of the dwelling for the turning and parking of cars.

The use of the proposed extension and alteration is for a "granny flat" and as such the extensions and alterations seek to provide an attached but clearly separate unit with the ground floor (lower ground area) consisting of three bedrooms and a separate bathroom, hall and storage area and 1st floor accommodation offering a fully appointed kitchen with dining area and separated lounge area. There is no internal link proposed and as such this is a separate unit attached to the existing dwelling and would be able to operate independently of the host dwelling.

Policy states (section 2.9) that ancillary accommodation should be subordinate to the main dwelling and its function supplementary to the main dwelling and internally accessible from the main dwelling.

The proposal is not supplementary to the main dwelling there is no internal link. The proposal can operate almost independently to the main dwelling and offers a level of accommodation that is far greater than what is considered necessary in order to provide accommodation for dependant relatives. The proposal offers no dependency on the main dwelling and does not offer limited accommodation with shared facilities that could later easily be incorporated as required by policy (justification and amplification A49 of Addendum to PPS 7)

There has been no justification put forward to support this application or the level of accommodation offered and given that the level of accommodation is not considered acceptable and also given the impacts visually in relation to character and appearance it is not considered that the proposal is acceptable and does not meet with policy provisions.

The application is also considered against PPS 2 Natural Heritage given that the application site is located within the Mourne Area of Outstanding Natural Beauty. Policy NH 6 advises of acceptable development within the AONB.

The proposal, as indicated above, is considered to offer a negative impact on the visual appearance of the area due the visual appearance of the resulting building, the introduction of the large lower ground area and the introduction of the balcony to

the front, as such it is considered that scale of the proposal is not appropriate development within the AONB.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (part a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property and detract from the appearance of the surrounding area.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.
- The proposal is contrary to NH 6 of Planning Policy Statement 2 Natural Heritage in that the scale of the extension and resulting dwelling is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty.

Case officer:

Authorised by:

Date:

Planning Committee Schedule of 7th February 2018

Planning reference: **LA07/2017/1021/F**

Proposal: **2 Storey extension to existing dwelling to accommodate a granny flat.**

Applicant: **Donna Rinnell**

Location: **15 Leitrim road, Castlewellan.**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

3 The proposal is contrary to NH 6 of Planning Policy Statement 2 Natural Heritage in that the scale of the extension and resulting dwelling is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty.

Site Description

The application site located in the Countryside as defined in the Local Area Plan and is located between the Town of Castlewellan and the settlement of Letrim within the Mourne Area of Outstanding Natural Beauty.

Planning Policies & Considerations

RDS

SPPS

PPS21

PPS2

PPS6

PPS7 & Addendum

Banbridge, Newry & Mourne Area Plan 2015

Consultations and Representations

The following consultation was carried out

HED

Response from HED - **No Objections** and HED were satisfied that the proposal is in compliance with PPS6

No public representations have been received in relation to the proposal.

Assessment of reasons for Refusal

Reason 1

This reason argues that the proposal is unsympathetic with scale, massing &, design of the existing property which is an existing split level dwelling similar to many such buildings in the countryside

The Submitted plans show the ridge height running through at the level of the existing dwelling but the developer is prepared to reduce the ridge height of the extension to be subordinate to

the main house and this could be done by negotiations with the Planning Department

Reason 2

The level of accommodation is what is require by the applicant to provide accommodation for her father who is the intended occupant of the proposed extension and who is in need of daily care but also need a degree of independence.

An internal link can be accommodated by the agent and by reducing the ridge height the proposal could be classed as subordinate to the main dwelling.

These matters could have been resolved by discussion with the case office.

Reason 3

This reason for the proposed extension is to provide accommodation for an elderly relative and the conversion and extension provide the required accommodation needs and it is argued that there are numerous so call elongated building found not only in the local are but in the area but within Mourne Area of Outstanding Natural Beauty.

Overview

The agent is prepare to discuss the suggested amendments with the Planning authority in an attempt to resolve the issues of concern and the needs of the family member who it is hoped will benefit from the proposal which in my opinion can be amended to everyone's satisfaction

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling as applied for.

ITEM NO	9			
APPLIC NO	LA07/2017/1369/O	Outline	DATE VALID	05/09/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr J McMaster 165 Belfast Road Ballynahinch BT24 8UR		AGENT	C R Design 25 Glennor Crescent Carryduff Belfast BT8 8HW

LOCATION Opposite 15 Ballymaglave Road
Ballynahinch
BT24 8LX

PROPOSAL Dwelling and detached garage for private use

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
	Addresses		Signatures	
	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 3 The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1369/O

Date Received: 05.09.2017

Proposal: The application is for outline planning permission for a dwelling and detached garage.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is a triangular roadside plot located just off the Ballymaglave Road. The NE boundary is comprised of a laneway which serves another existing property and is bounded by well maintained hedging. The site is cut from a larger agricultural field and hence the SE boundary remains undefined. The western boundary is the roadside boundary and consists of roadside hedging. There is a field gate into the site to the northern portion of the site. The land falls in a north to south direction and the land rises from west to east (from roadside towards the laneway).



Site History:

R/1984/0835 NEAR TO 18 Ballymaglave Road, Ballynahinch. Bungalow And Garage.
Application Withdrawn.

History of immediate area

R/2003/0431/F Adj 18 Ballymaglave Road, Ballymaglave South, Ballynahinch, Storage
shed. PERMISSION GRANTED 27.01.2004

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

DAERA – Yes farm is established for 6 years or more, applicant claims SFP or equivalent

Objections & Representations

In line with statutory requirements four neighbours have been notified on 15.09.2017. The application was advertised in the Mourne Observer and the Down Recorder on

17.02.2016. One letter of objection has been received from the occupants of No 18 Ballymaglave Road, I that they deem the application to be contrary to SPPS and CTY 1 of PPS 21 and CTY 8 as the dwelling does not link with any buildings on the farm.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals. Other than an update in the definition of what constitutes "*agricultural activity*" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

PPS 21 - Sustainable Development in the Countryside

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

Policy CTY 10 - Dwellings on farms

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

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

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant has had a business ID number for more than 6 years, and single farm payment or similar has been claimed within the last 6 years.

The policy, however, allows for other evidence to prove active farming over the required period. No other evidence in terms of receipts/invoices etc were presented. The total area of land is 14.70 ha. This land is located at Ballymaglave South and Glasdrumman.

On the basis of the above information it has been demonstrated that the farm business has been active and established for 6 years.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10. The applicant has confirmed this under Q5 of P1C form.

Criterion (c) of CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)".



Aerial view showing buildings at 165 Belfast Road

There are no buildings on the land at Ballymaglave South where the site is proposed to be located, and no other supporting information has been submitted as to why the dwelling requires to be sited at this location, therefore the proposal offends PPS 21 CTY 10 (c), in that there are no buildings to visually link or cluster with.

There do appear to be buildings associated with this farm business and these are located at 165 Belfast Road.(see above photograph taken from Spatial NI).

Accordingly on the basis of the information provided to date for the application site and adjoining fields, this proposal does not appear to comply with point (c) of CTY10.

Policy CTY 13 considers whether the proposal will achieve a suitable degree of integration. The plot is a roadside one and as mentioned previously is cut from a larger agricultural field. Once the roadside hedge is removed to accommodate the access and the lack of defined SE boundary, the only remaining boundary would be the one along the laneway, this, however, would not be sufficient to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition, as this is a 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.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. A dwelling on the site would result cause a detrimental change to a further erode the rural character of the area by resulting in suburban style build up of development when viewed with existing buildings.

Policy CTY16 - In order to comply with this policy the applicant must demonstrate a means of sewerage disposal that will not create or add to a pollution problem. It is considered the site is large enough to accommodate septic tanks and soakaways for a dwelling.

Conclusion

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the proposal does not meet with policy.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.

Case

Date

Appoin

Date

Land Mobility Manager
C/O YFCU 475 Antrim Rd
Belfast
BT15 3BD

Area Planning Office
FAO Catherine Moore
Newry, Mourne and Down District Council
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

26th January 2018

Planning Ref: LA07/2017/1369/O

Dear Ms Moore,

I am writing to you re the above planning application in the name of Mrs Janice McMaster. I will set out the reasons why I believe the planning application for outline planning permission for a dwelling house and detached garage should be granted.

Firstly, I would like to deal with the active farm business that Mrs McMaster runs and clarify any incorrect or inaccurate conclusions on this by the Council's planning service. There is overwhelming evidence to back up Mrs McMaster's assertion that she is currently and indeed has been for many years an active farmer in her own right and completely separate from Mr McMaster's business. She should be congratulated and encouraged in this farm enterprise not penalised and restricted. The fact that Mrs McMaster has been registered for VAT (Value Added Tax) from 2004, some 14 years ago and that the classification is 'mixed farming' and that VAT returns are still completed should be enough evidence. It is also the case that Mrs McMaster completes a tax return as a farmer. Mrs McMaster does currently and has for many years received farm subsidy payments. The very Department, DAERA, that Councils look to for guidance and confirmation of active farm status has confirmed the Mrs McMaster is indeed an active farmer. It may also be worth noting that during the last reform of our farm support system in 2015, there was a concerted effort to ensure that the new Basic Farm Payment was paid to active farmers such as Mrs McMaster. There were thousands of inactive farmers removed and ruled ineligible but not Mrs McMaster. With Mrs McMaster completing VAT and tax returns as the owner and manager of a farm business, with Mrs McMaster having a Herd number and livestock in that herd number and Mrs McMaster being in receipt of Basic farm payment and previous farm supports dating back 12 maybe 15 years. there is no doubt that Mrs McMaster is and has been an active farmer for probably more than twice the six-year qualifying period contained in CTY10. During the last 15 years Mrs McMaster has twice successfully applied to the National Reserve to get an increase in farm support payments. Mrs McMaster has had to go further than many to prove that she is an active farmer, which I think is unfortunate and somewhat unfair, but this should now be accepted by the Council.

Secondly, I would like to address the issue of clustering with other farm buildings. The policy makes no reference to the farm holding having no farm buildings to cluster with.

CTY10 permits a dwelling on an active farm business which has been established more than six years. Therefore, there is a well-established right by Mrs McMaster to have a site passed on her farm. This will help her grow her farm business and ease many of the management tasks and improve animal welfare. At almost 50 acres this is a good farm business and Mrs McMaster will require housing facilities.

As someone who works in agriculture and is charged with trying to encourage the next generation into farming, I strongly support this application. It is where Mrs McMaster's farm business is based, and she has been an active farmer for many years and with the correct application of CTY10, I hope will be an active farmer for many years to come so that both her and the next generation can make an important contribution to our farming industry.

Yours sincerely

John McCallister

Written submission in respect of Planning Application LA07/2017/1369/0
on behalf of Mrs J McMaster

In response to the planning department decision to refuse the application.

The Planning Application was made by Mrs J McMaster and NOT Mr J McMaster. See Original Planning Application P1 form.

Policy CTY10 – Dwellings on farms

Criterion (a):- Planning department have concluded in their response that the business has not shown itself to be established or active for the last 6 years.

Response :- It was already confirmed to the planning department that the business has been established for 6 years by DAERA which confirmed that a Business ID has existed during the required time. It also confirmed that Single Farm Payment has been claimed and paid by DAERA over this time. (Indeed, DAERA subsidies have been successfully claimed and paid by DAERA and can be traced back to 2004 for the business.)

Mrs McMaster has supplied a copy of her VAT registration certificate (enc 1) showing this to have been established in 2004 as a mixed farming business. Mrs McMaster has made VAT returns to HMRC from 2004 as part of the farm business.

Mrs McMaster has now supplied a statement from her accountant (enc 2) showing that the farm business has been active for the last 6 years. It also confirms that the business has returned HMRC accounts dating back to 2004.

Mrs McMaster has supplied a Point in Time herd record for each of the years from 2004 to 2017 (enc 5 to 18) showing livestock numbers as confirmation of actively farming several livestock including breeding stock during this time.

Criterion (c):- Planning have quoted PPS21 CTY 10 Part c as a reason for refusal in that the proposed application does not cluster to an existing group of buildings. The department goes on to say that exceptionally consideration is to be given to an alternative site provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building groups.

Response:- Mrs McMaster would ask that this application is considered under CTY 10 (c), as an exceptional case as outlined below and supporting documentation as provided.

The planning department has also said that there appears to be buildings associated with this business located at Belfast Road. This is incorrect. Mrs McMaster resides at this address, but her farm business is based at Ballymaglave Road as shown by her single application. She has the use of 1 small field at the Belfast Road address which is used to hold animals for testing or isolation if they require veterinary or special attention. The buildings at Belfast Road are owned by Mr McMaster, Mrs McMaster's husband. He has a separate farm business ID and claims separate DAERA SFP subsidies (enc 3). The total amount of land at Belfast Road is 8.076 hectares (19.95 acres). The A24 / Belfast Road is a Protected Route.

Written submission in respect of Planning Application LA07/2017/1369/0
on behalf of Mrs J McMaster

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The land area at Ballymaglave Road is in total 19.72 hectares (48.72 acres). There are no dwellings nor agricultural buildings located at Ballymaglave Road at present. There are very basic handling facilities.

Originally the land at Ballymaglave Road was purchased by Mr McMaster and a third party however over recent years Mrs McMaster has invested extensively in the purchase of this land and is currently in the process of further investment to buy outright the land owned by the third party. This has been and continues to be an expanding business at this location. This is confirmed by letter (enc 4) provided by W.G Maginess & Sons solicitors. As the business expands at this location it requires the proposed buildings as requested on the application to provide a permanent presence on the land. This will then service the total land area of 19.72 hectares located at Ballymaglave Road, continue to provide a sustainable farm business therefore allowing for further future expansion.

While there are very basic handling facilities at Ballymaglave Road the future expansion would allow for improved health and safety by updating the current facilities and building agricultural housing to accommodate cattle, feedstuffs and machinery.

The current process involves transportation of livestock, fodder and concentrates, fertiliser and machinery to and from the Ballymaglave Road. This is inefficient adding daily to the manhours required to operate the farm, increased expenses and machinery depreciation. It is also increasing the risk of stress to animals and the health and safety of handlers due to increased loading, unloading and transportation. See veterinary practice letters (enc 19& 20).

The proposal would allow the removal of heavy and slow moving agricultural vehicles entering and leaving the busy A24 protected route and removal of the same through a very traffic congested town centre will have much needed health and safety advantages. The removal of traffic from the A24 Belfast Road will also reduce the risk of serious accidents along this hazardous stretch of road where there have been a number of fatal accidents close to the Belfast Road entrance. Another site which could have been considered on the land at Ballymaglave would have been a natural in-fill site as outlined in green (enc 25), however this also would exit onto the A24 protected route and therefore the Ballymaglave Road was deemed to be much safer and better located being central to the land area associated with a farm cottage. With a presence on the land Mrs McMaster can then address the agricultural housing and livestock handling facilities to enable further farm business expansion and secure the future of a sustainable farm business for the next generation.

Mrs McMaster has relied on her husband in the past for help but due to his worsening health issues she needs to focus on the most efficient way to operate her business solely. She has seen how working between 2 sites has contributed to Mr McMaster's health issues, as a result he can no longer provide as much support. Medical evidence can be provided on request as this is sensitive material. Mrs McMaster has had to make the decision to concentrate her agricultural business on a single self-contained site.

Written submission in respect of Planning Application LA07/2017/1369/0
on behalf of Mrs J McMaster

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Transportation of livestock between Belfast Road and Ballymaglave Road is carried out using a car or tractor and trailer. With up to 50 cattle being at the Ballymaglave Road site at any one time it means extensive round trips to transport the livestock between the two locations. The Department of Agriculture imposes mandatory Tuberculosis and Brucellosis health checks, resulting in a high number of transport journeys between the two sites. Additionally, two round trips of 10 miles per day must be completed to transport feedstuff and to check on animal health. This results in considerable time due to the often very congested traffic conditions in Ballynahinch as borne out by the support of several departments including roads service, planning, councillors, MP's and local community groups to build a by-pass for the town.

This is a very stressful journey.

Some of the other activities to be carried out at Ballymaglave Road include spreading fertilizer or harvesting of winter fodder. If Mr McMaster is involved there needs to be immediate access to proper sanitation and hygienic conditions as any injury including small cuts could have serious consequences to his health due to his conditions and medication. He also requires rest and dietary needs and somewhere to carry these out effectively.

Recent statistics have shown that children and lone workers are at most risk of being involved in a farm accident. A dwelling on the Ballymaglave farm would help to reduce this risk as there will be a safe place for the children to stay instead of sitting in a vehicle on the road side and most field work would be in the nearby vicinity of the dwelling house. This is supported by (enc 21) letter from Terence Chambers Agriculture Health and Safety Adviser.

Policy CTY13 – Integration and Design of Buildings in the Countryside

It is not accepted that the proposed buildings will be prominent in the landscape as the site is fronted by a well-established 2.5-3m native high hedge interspersed with a few mature trees. With the existing verge that exists along the frontage of the site it will only be necessary to remove approximately 20m of the hedgerow to provide sight lines required by the Roads service. This amounts to less than 15% of the original hedge being removed. There is also a long established native hedge to the rear of the proposed dwelling. Where possible it is Mrs McMaster's intention to replant any hedge along the roadside with a mix of native species further back from the road to aid integration. It is also the intention to plant a mixed native hedge to the south side of the dwelling to enclose and integrate the dwelling further.

It has been stated that the site rises from the front to the back but to establish foundations and new floor levels the existing field level will be reduced not raised up and therefore less visible from the road. The site will not rise away from the road on completion and any new build will not be prominent in the landscape as it will be a rural cottage of a single storey with appropriate exterior which will be used as a farm dwelling on an existing working farm.

Written submission in respect of Planning Application LA07/2017/1369/0
on behalf of Mrs J McMaster

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These measures will prevent the dwelling being visible from any road and will keep an active established farm business in the countryside and enable succession planning. (enc 23 &24)

Policy CTY14 – Rural Character

The proposed dwelling will not further erode the rural character of the area as the proposal is to build a rural cottage on an established farm. It is the intention to build a simple country dwelling with a small working farmyard that will serve as a functional farm house to 50 acres of land. This will fit into the surrounding countryside sympathetically with minimal disturbance to the original landscape.

It would be the case that rather than being detrimental to the rural character of the area the proposed farm dwelling and its occupants would add to the rural character of the area by providing the means for a farmer to have the required access and permanent presence to continue to maintain and care for a considerable area of land positioned in a very important part of the County Down Drumlin countryside.

This would be in keeping with the character of the countryside and not of a suburban style building, whether viewed with the existing buildings in the area or on its own.

This proposal could be deemed to be an “infill” site as there exists a gap, within the applicant’s ownership, capable of taking two dwellings along the frontage between 10 Ballymaglave Road on the North side and 18 & 20 on the South side of the application site.

The applicant will abide by any restrictions by planners on the style and pattern of any new building works.

General Comments

- (1) The objection raised by the owner of 18 Ballymaglave Road has no substance as he would not be adversely affected by the proposal and has made no such claim.
- (2) In Minister Atwood’s written Ministerial Statement of 16th July 2013 (review of PPS21) he advanced an approach “ that there should be greater flexibility in the requirements for clustering and visual linkage in respect of siting new buildings on a farm”.
- (3) No dwellings have been built or sold off at any time on any of Mr & Mrs McMasters holdings.



HM Customs
and Excise

JANICE MCMASTER
165 BELFAST ROAD
BALLYNAHINCH
CO DOWN
BT24 8UR

CERTIFICATE OF REGISTRATION FOR VALUE ADDED TAX

REGISTRATION NUMBER **840 1760 51**

EFFECTIVE DATE **01 SEPTEMBER 2004**

CERTIFICATE ISSUED ON **07 OCTOBER 2004**

RETURNS TO BE MADE IN RESPECT OF
PERIOD ENDING **30 NOVEMBER 2004**
AND **THREE MONTHLY THEREAFTER**

BANK CODE NO: **98-03-30**

BANK A/C NO: **49728052**

LEGAL ENTITY **SOLE PROPRIETOR**

TRADE CLASSIFICATION **01300 -**
MIXED FARMING

Please check the above details are correct. It is particularly important that your bank details are accurate as they will be used to make any repayment of tax that may be due to you.

You should inform the National Registration Service of any error or change in these details. Please refer to the supplement of notice 700/1 *Should I be registered for VAT?* or refer to the Customs and Excise website at www.hmce.gov.uk, to find out which of the registration sites you should contact.

If you need further advice and help please ring Customs and Excise National Advice Service on 0845 010 9000 between 8.00am and 8.00pm, Monday to Friday. If you have hearing difficulties, please ring the Textphone service on 0845 000 0200.

If you would like to speak to someone in Welsh, please ring 0845 010 0300, between 8.00am and 6.00pm, Monday to Friday.

Heanen Stanfield & McKee Ltd
Accountants & Tax Consultants

30 Bachelors Walk
Lisburn BT28 1XN

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Telephone: Lisburn (028) 9267 5836
Fax: Lisburn (028) 9266 6260

To whom it may concern

13 December 2017

Dear Sir

Mrs Janice McMaster

We confirm that we have acted as Mrs McMasters accountants from 2012 but she had commenced trade as farming from 2004.

From preparing the accounts from 2012 to present we confirm that we have seen receipts for the purchase of fertiliser, feedstuff, contract work and other costs associated with a trading farm business. There is also evidence of regular purchasing and selling livestock.

If you require any further information please contact us.

Yours faithfully

Heanen Stanfield & McKee
Heanen Stanfield & McKee

Heanen Stanfield & McKee Ltd
Accountants & Tax Consultants

30 Bachelors Walk
Lisburn BT28 1XN

Telephone: Lisburn (028) 9267 5836
Fax: Lisburn (028) 9266 6260

To whom it may concern

13 December 2017

Dear Sir

Mr Arthur McMaster

We confirm that we have acted as Mr McMasters accountants from 2012 but he had commenced trade as farming from 1993.

From preparing the accounts from 2012 to present we confirm that we have seen receipts for the purchase of fertiliser, feedstuff, contract work and other costs associated with a trading farm business. There is also evidence of regular purchasing and selling livestock.

If you require any further information please contact us.

Yours faithfully

Hean Stanfield McKee
Heanen Stanfield & McKee

W. G. MAGINESS & SON | Solicitors

ALAN JAMES LEETCH

JULIE MILLIKEN JANE WATSON

J. OLIVER GREER (Consultant)

68 Bow Street, Lisburn,
Co Antrim, BT28 1AL

T: (028) 9267 2161

F: (028) 9267 0997

Dx: 3380 Nr Lisburn

E: law@wgmagineess.com

55

Your Ref:

Our Ref:

JW/CMcM

Date:

18 December 2017

TO WHOM IT MAY CONCERN

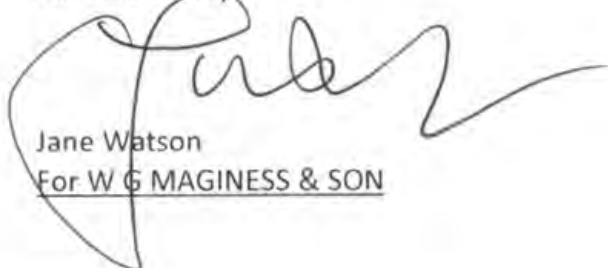
Dear Sirs

We confirm that William Arthur McMaster and Janice Ann McMaster both of 165 Belfast Road, Ballynahinch, Co Down are long standing clients of W G Maginess & Son, Solicitors.

We can further confirm that in 1996 Arthur McMaster and another party jointly purchased land amounting to approximately 19.639 hectares (48.52 acres) on the Ballymaglave Road, Ballynahinch which is outlined in red on the Map attached hereto. This land is comprised in Folio DN35671 Co Down. Subsequent to this Mrs Janice McMaster invested a large sum of money to purchase the third party's share of the land and has recently agreed to purchase the last 2.833 hectares (7 acres) to complete the current planned expansion. This would leave Mr & Mrs McMaster owning all of the land within the Folio outright.

We can confirm that both Mr & Mrs McMaster have individual farm businesses with their own Farm Business ID's. They both complete HMRC Tax and VAT Returns. Both receive individual Single Farm Payments from DAERA.

Yours faithfully,



Jane Watson
For W G MAGINESS & SON

Enc



APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2005

Total Animals : 13

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 400496 0168 1	<u>DW</u>	<u>BB</u>	F	28/12/2002	15488-570-A	
UK 9 272870 224 7	<u>D</u>	<u>CH</u>	F	13/07/2000	272870-76-U	
UK 9 392631 0499 1	<u>R</u>	<u>LIM</u>	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	<u>R</u>	<u>LIM</u>	F	30/06/2003	UK 392631-282-T	
UK 9 39134 757 1	<u>R</u>	<u>LIM</u>	F	02/08/2001	39134-450-W	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 390278 1456 2	<u>B</u>	<u>SAL</u>	F	15/09/2001	3010-4113-H	
UK 9 39107 1988 4	<u>B</u>	<u>AA</u>	F	04/02/2002	33354-6451-L	
UK 9 390107 1998 7	<u>B</u>	<u>AA</u>	F	14/03/2002	UK 9 390107 1996 5	
UK 9 30386 3151 4	<u>R</u>	<u>LIM</u>	M	20/06/2004	UK 9 30386 2975 3	
UK 9 37170 3398 3	<u>D</u>	<u>DAQ</u>	M	15/07/2004	UK 9 33812 614 3	
UK 9 370048 4183 6	<u>B</u>	<u>LIM</u>	F	27/01/2003	UK 9 3748 3996 1	
HCD92022	<u>R</u>	<u>LIM</u>	B	12/04/1992		UHCD92022

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2006

Total Animals : 15

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 4 5	<u>B</u>	<u>LIM</u>	F	09/08/2005	UK 9 370048 4183 6	
UK 9 392915 5 6	<u>R</u>	<u>LIM</u>	F	09/08/2005	UK 9 39107 1988 4	
UK 9 392915 6 7	<u>R</u>	<u>LIM</u>	F	23/08/2005	UK 9 390527 1444 6	
UK 9 392915 7 1	<u>RW</u>	<u>LIM</u>	M	24/08/2005	UK 9 39134 757 1	
UK 9 392915 0008 2	<u>R</u>	<u>LIM</u>	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0009 3	<u>R</u>	<u>LIM</u>	B	26/08/2005	UK 9 392631 0500 2	
UK 9 392915 10 4	<u>D</u>	<u>LIM</u>	M	16/11/2005	UK 9 400496 0168 1	
UK 9 392631 0499 1	<u>R</u>	<u>LIM</u>	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	<u>R</u>	<u>LIM</u>	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1	<u>R</u>	<u>LIM</u>	F	18/04/2005	272833-8-W	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 39107 1988 4	<u>B</u>	<u>AA</u>	F	04/02/2002	33354-6451-L	
UK 9 390107 1998 7	<u>B</u>	<u>AA</u>	F	14/03/2002	UK 9 390107 1996 5	
UK 9 370048 4183 6	<u>B</u>	<u>LIM</u>	F	27/01/2003	UK 9 3748 3996 1	
HCD92022	<u>R</u>	<u>LIM</u>	B	12/04/1992		UHCD92022

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2007

Total Animals : 13

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2	<u>R</u>	<u>LIM</u>	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0009 3	<u>R</u>	<u>LIM</u>	B	26/08/2005	UK 9 392631 0500 2	
UK 9 392915 0011 5	<u>B</u>	<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 13 7	<u>R</u>	<u>LIM</u>	B	13/08/2006	UK 9 392631 0499 1	
UK 9 392915 0014 1	<u>R</u>	<u>LIM</u>	B	25/08/2006	UK 9 392631 0500 2	
UK 9 392915 0015 2	<u>B</u>	<u>LIM</u>	F	25/08/2006	UK 9 370048 4183 6	
UK 9 392631 0499 1	<u>R</u>	<u>LIM</u>	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	<u>R</u>	<u>LIM</u>	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1	<u>R</u>	<u>LIM</u>	F	18/04/2005	272833-8-W	
UK 9 331823 1304 5	<u>R</u>	<u>LIM</u>	F	15/03/2000	UK 331823 1141 E	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 39107 1988 4	<u>B</u>	<u>AA</u>	F	04/02/2002	33354-6451-L	
UK 9 370048 4183 6	<u>B</u>	<u>LIM</u>	F	27/01/2003	UK 9 3748 3996 1	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2008

Total Animals : 16

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2	R	LIM	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0011 5	B	LIM	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 13 7	R	LIM	B	13/08/2006	UK 9 392631 0499 1	
UK 9 392915 0014 1	R	LIM	B	25/08/2006	UK 9 392631 0500 2	
UK 9 392915 0015 2	B	LIM	F	25/08/2006	UK 9 370048 4183 6	
UK 9 392915 0017 4	R	LIM	F	21/05/2007	UK 9 390527 1444 6	
UK 9 392915 0018 5	R	LIM	F	24/07/2007	UK 9 392631 0499 1	
UK 9 392915 0019 6	R	LIM	F	25/07/2007	UK 9 392631 0500 2	
UK 9 392915 20 7	R	LIM	M	13/08/2007	UK 9 370048 4183 6	
UK 9 392631 0499 1	R	LIM	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	R	LIM	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1	R	LIM	F	18/04/2005	272833-8-W	
UK 9 392319 1018 7	R	LIM	B	20/01/2006	UK 9 392319 797 3	
UK 9 331823 1304 5	R	LIM	F	15/03/2000	UK 331823 1141 E	
UK 9 390527 1444 6	B	AA	F	20/04/2002	UK 390527 1243 X	
UK 9 370048 4183 6	B	LIM	F	27/01/2003	UK 9 3748 3996 1	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2009

Total Animals : 20

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2	R	LIM	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0011 5	B	LIM	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0015 2	B	LIM	F	25/08/2006	UK 9 370048 4183 6	
UK 9 392915 0017 4	R	LIM	F	21/05/2007	UK 9 390527 1444 6	
UK 9 392915 0018 5	R	LIM	F	24/07/2007	UK 9 392631 0499 1	
UK 9 392915 0019 6	R	LIM	F	25/07/2007	UK 9 392631 0500 2	
UK 9 392915 0021 1	R	LIM	M	03/09/2008	UK 9 392631 0562 1	
UK 9 392915 0022 2	R	LIM	M	04/09/2008	UK 9 392915 0008 2	
UK 9 392915 0023 3	R	LIM	F	05/09/2008	UK 9 392631 0499 1	
UK 9 392915 0024 4	R	LIM	F	07/09/2008	UK 9 392631 0500 2	
UK 9 392915 0025 5	R	LIM	M	27/09/2008	UK 9 392915 0011 5	
UK 9 392915 0026 6	R	LIM	M	21/03/2009	UK 9 331823 1304 5	
UK 9 392915 0027 7	R	LIM	M	30/03/2009	UK 9 390527 1444 6	
UK 9 392631 0499 1	R	LIM	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	R	LIM	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1	R	LIM	F	18/04/2005	272833-8-W	
UK 9 392319 1018 7	R	LIM	B	20/01/2006	UK 9 392319 797 3	
UK 9 331823 1304 5	R	LIM	F	15/03/2000	UK 331823 1141 E	
UK 9 390527 1444 6	B	AA	F	20/04/2002	UK 390527 1243 X	
UK 9 370048 4183 6	B	LIM	F	27/01/2003	UK 9 3748 3996 1	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2010

Total Animals : 26

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2 R		LIM	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0011 5 B		LIM	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0015 2 B		LIM	F	25/08/2006	UK 9 370048 4183 6	
UK 9 392915 0017 4 R		LIM	F	21/05/2007	UK 9 390527 1444 6	
UK 9 392915 0018 5 R		LIM	F	24/07/2007	UK 9 392631 0499 1	
UK 9 392915 0019 6 R		LIM	F	25/07/2007	UK 9 392631 0500 2	
UK 9 392915 0023 3 R		LIM	F	05/09/2008	UK 9 392631 0499 1	
UK 9 392915 0024 4 R		LIM	F	07/09/2008	UK 9 392631 0500 2	
UK 9 392915 0029 2 R		LIM	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0032 5 B		LIM	M	14/10/2009	UK 9 392915 0015 2	
UK 9 392915 0033 6 R		LIM	F	27/10/2009	UK 9 392915 0017 4	
UK 9 392915 0034 7 R		LIM	M	28/10/2009	UK 9 392915 0011 5	
UK 9 392915 0035 1 R		LIM	M	09/02/2010	UK 9 392915 0019 6	
UK 9 392915 0036 2 B		LIM	M	21/03/2010	UK 9 390527 1444 6	
UK 9 392915 0037 3 R		LIM	M	23/03/2010	UK 9 331823 1304 5	
UK 9 392915 0038 4 R		LIM	M	25/03/2010	UK 9 392915 0018 5	
UK 9 392915 0039 5 R		LIM	F	23/04/2010	UK 9 392631 0562 1	
UK 9 392915 0040 6 R		LIM	M	25/04/2010	UK 9 392631 0499 1	
UK 9 392915 0041 7 R		LIM	M	29/04/2010	UK 9 392631 0500 2	
UK 9 392915 0042 1 R		LIM	F	30/04/2010	UK 9 392915 0008 2	
UK 9 392631 0499 1 R		LIM	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2 R		LIM	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1 R		LIM	F	18/04/2005	272833-8-W	
UK 9 392319 1018 7 R		LIM	B	20/01/2006	UK 9 392319 797 3	
UK 9 331823 1304 5 R		LIM	F	15/03/2000	UK 331823 1141 E	
UK 9 390527 1444 6 B		AA	F	20/04/2002	UK 390527 1243 X	



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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2011

Total Animals : 28

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2 <u>R</u>		<u>LIM</u>	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0011 5 <u>B</u>		<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0015 2 <u>B</u>		<u>LIM</u>	F	25/08/2006	UK 9 370048 4183 6	
UK 9 392915 0017 4 <u>R</u>		<u>LIM</u>	F	21/05/2007	UK 9 390527 1444 6	
UK 9 392915 0018 5 <u>R</u>		<u>LIM</u>	F	24/07/2007	UK 9 392631 0499 1	
UK 9 392915 0019 6 <u>R</u>		<u>LIM</u>	F	25/07/2007	UK 9 392631 0500 2	
UK 9 392915 0023 3 <u>R</u>		<u>LIM</u>	F	05/09/2008	UK 9 392631 0499 1	
UK 9 392915 0024 4 <u>R</u>		<u>LIM</u>	F	07/09/2008	UK 9 392631 0500 2	
UK 9 392915 0029 2 <u>R</u>		<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0035 1 <u>R</u>		<u>LIM</u>	M	09/02/2010	UK 9 392915 0019 6	
UK 9 392915 0038 4 <u>R</u>		<u>LIM</u>	M	25/03/2010	UK 9 392915 0018 5	
UK 9 392915 0039 5 <u>R</u>		<u>LIM</u>	F	23/04/2010	UK 9 392631 0562 1	
UK 9 392915 0040 6 <u>R</u>		<u>LIM</u>	M	25/04/2010	UK 9 392631 0499 1	
UK 9 392915 0041 7 <u>R</u>		<u>LIM</u>	M	29/04/2010	UK 9 392631 0500 2	
UK 9 392915 0042 1 <u>R</u>		<u>LIM</u>	F	30/04/2010	UK 9 392915 0008 2	
UK 9 392915 0043 2 <u>R</u>		<u>LIM</u>	M	04/09/2010	UK 9 392915 0023 3	
UK 9 392915 0044 3 <u>R</u>		<u>LIM</u>	M	27/10/2010	UK 9 392915 0015 2	
UK 9 392915 0045 4 <u>R</u>		<u>LIM</u>	B	29/12/2010	UK 9 392915 0011 5	
UK 9 392915 0046 5 <u>R</u>		<u>LIM</u>	M	14/01/2011	UK 9 392915 0019 6	
UK 9 392915 0047 6 <u>R</u>		<u>LIM</u>	M	18/03/2011	UK 9 392915 0017 4	
UK 9 392915 0048 7 <u>R</u>		<u>LIM</u>	M	19/03/2011	UK 9 392915 0008 2	
UK 9 392915 0049 1 <u>R</u>		<u>LIM</u>	F	21/03/2011	UK 9 390527 1444 6	
UK 9 392915 0050 2 <u>R</u>		<u>LIM</u>	F	22/03/2011	UK 9 392631 0500 2	
UK 9 392631 0499 1 <u>R</u>		<u>LIM</u>	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2 <u>R</u>		<u>LIM</u>	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1 <u>R</u>		<u>LIM</u>	F	18/04/2005	272833-8-W	
UK 9 392319 1018 7 <u>R</u>		<u>LIM</u>	B	20/01/2006	UK 9 392319 797 3	
UK 9 390527 1444 6 <u>B</u>		<u>AA</u>	F	20/04/2002	UK 390527 1243 X	

APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2012

Total Animals : 19

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0008 2 <u>R</u>		<u>LIM</u>	F	26/08/2005	UK 9 392631 0499 1	
UK 9 392915 0011 5 <u>B</u>		<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0023 3 <u>R</u>		<u>LIM</u>	F	05/09/2008	UK 9 392631 0499 1	
UK 9 392915 0029 2 <u>R</u>		<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0045 4 <u>R</u>		<u>LIM</u>	B	29/12/2010	UK 9 392915 0011 5	
UK 9 392915 0047 6 <u>R</u>		<u>LIM</u>	M	18/03/2011	UK 9 392915 0017 4	
UK 9 392915 0053 5 <u>R</u>		<u>LIM</u>	F	25/07/2011	UK 9 392915 0023 3	
UK 9 392915 0056 1 <u>R</u>		<u>LIM</u>	F	01/11/2011	UK 9 392631 0562 1	
UK 9 392915 0057 2 <u>R</u>		<u>LIM</u>	B	17/11/2011	UK 9 392915 0011 5	
UK 9 392915 0059 4 <u>R</u>		<u>LIM</u>	M	07/02/2012	UK 9 392915 0024 4	
UK 9 392915 0061 6 <u>D</u>		<u>LIM</u>	M	01/03/2012	UK 9 390527 1444 6	
UK 9 392915 0062 7 <u>R</u>		<u>LIM</u>	M	01/03/2012	UK 9 392631 0500 2	
UK 9 392915 0063 1 <u>R</u>		<u>LIM</u>	M	25/03/2012	UK 9 392631 0499 1	
UK 9 392915 0064 2 <u>R</u>		<u>LIM</u>	F	27/04/2012	UK 9 392915 0029 2	
UK 9 392631 0499 1 <u>R</u>		<u>LIM</u>	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2 <u>R</u>		<u>LIM</u>	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1 <u>R</u>		<u>LIM</u>	F	18/04/2005	272833-8-W	
UK 9 392319 1018 7 <u>R</u>		<u>LIM</u>	B	20/01/2006	UK 9 392319 797 3	
UK 9 390527 1444 6 <u>B</u>		<u>AA</u>	F	20/04/2002	UK 390527 1243 X	

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Department of
Agriculture, Environment
and Rural Affairs

www.daera.ni.gov.uk

APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2013

Total Animals : 14

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0011 5	B	LIM	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0029 2	R	LIM	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0045 4	R	LIM	B	29/12/2010	UK 9 392915 0011 5	
UK 9 392915 0053 5	R	LIM	F	25/07/2011	UK 9 392915 0023 3	
UK 9 392915 0057 2	R	LIM	B	17/11/2011	UK 9 392915 0011 5	
UK 9 392915 0065 3	R	LIM	M	04/06/2012	UK 9 392915 0023 3	
UK 9 392915 0066 4	B	LIM	M	02/11/2012	UK 9 392915 0011 5	
UK 9 392915 0067 5	R	LIM	F	02/11/2012	UK 9 392631 0562 1	
UK 9 392915 0068 6	R	LIM	M	07/03/2013	UK 9 392631 0499 1	
UK 9 392915 0069 7	R	LIM	F	07/03/2013	UK 9 392631 0500 2	
UK 9 392631 0499 1	R	LIM	F	28/06/2003	272833-8-W	
UK 9 392631 0500 2	R	LIM	F	30/06/2003	UK 392631-282-T	
UK 9 392631 0562 1	R	LIM	F	18/04/2005	272833-8-W	
UK 9 390527 1444 6	B	AA	F	20/04/2002	UK 390527 1243 X	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2014

Total Animals : 13

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0011 5	<u>B</u>	<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0029 2	<u>R</u>	<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0057 2	<u>R</u>	<u>LIM</u>	B	17/11/2011	UK 9 392915 0011 5	
UK 9 392915 0070 1	<u>R</u>	<u>LIM</u>	F	01/06/2013	UK 9 392915 0029 2	
UK 9 392915 0072 3	<u>B</u>	<u>LIM</u>	F	14/09/2013	UK 9 392915 0011 5	
UK 9 392915 0073 4	<u>R</u>	<u>LIM</u>	F	14/04/2014	UK 9 392915 0029 2	
UK 9 392915 0074 5	<u>B</u>	<u>BB</u>	M	15/04/2014	UK 9 370091 1770 5	
UK 9 392915 0075 6	<u>B</u>	<u>LIM</u>	M	01/05/2014	UK 9 390527 1444 6	
UK 9 392915 0076 7	<u>B</u>	<u>LIM</u>	F	01/05/2014	UK 9 390527 1444 6	
UK 9 392854 0303 4	<u>BW</u>	<u>HER</u>	F	07/05/2008	UK 9 392854 0178 5	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 370091 1769 4	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 370091 1347 2	
UK 9 370091 1770 5	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 3791 1222 3	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2015

Total Animals : 17

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0011 5	<u>B</u>	<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0029 2	<u>R</u>	<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0057 2	<u>R</u>	<u>LIM</u>	B	17/11/2011	UK 9 392915 0011 5	
UK 9 392915 0070 1	<u>R</u>	<u>LIM</u>	F	01/06/2013	UK 9 392915 0029 2	
UK 9 392915 0072 3	<u>B</u>	<u>LIM</u>	F	14/09/2013	UK 9 392915 0011 5	
UK 9 392915 0073 4	<u>R</u>	<u>LIM</u>	F	14/04/2014	UK 9 392915 0029 2	
UK 9 392915 0076 7	<u>B</u>	<u>LIM</u>	F	01/05/2014	UK 9 390527 1444 6	
UK 9 392915 0077 1	<u>BW</u>	<u>HER</u>	F	15/05/2014	UK 9 392854 0303 4	
UK 9 392915 0078 2	<u>B</u>	<u>LIM</u>	F	02/09/2014	UK 9 392915 0011 5	
UK 9 392915 0079 3	<u>B</u>	<u>LIM</u>	F	05/11/2014	UK 9 370091 1769 4	
UK 9 392915 0080 4	<u>R</u>	<u>LIM</u>	M	06/04/2015	UK 9 392915 0029 2	
UK 9 392915 0081 5	<u>B</u>	<u>LIM</u>	M	28/04/2015	UK 9 370091 1770 5	
UK 9 392915 0082 6	<u>R</u>	<u>LIM</u>	F	01/05/2015	UK 9 392854 0303 4	
UK 9 392854 0303 4	<u>BW</u>	<u>HER</u>	F	07/05/2008	UK 9 392854 0178 5	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 370091 1769 4	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 370091 1347 2	
UK 9 370091 1770 5	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 3791 1222 3	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2016

Total Animals : 21

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0011 5	<u>B</u>	<u>LIM</u>	F	01/07/2006	UK 9 390527 1444 6	
UK 9 392915 0029 2	<u>R</u>	<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0057 2	<u>R</u>	<u>LIM</u>	B	17/11/2011	UK 9 392915 0011 5	
UK 9 392915 0070 1	<u>R</u>	<u>LIM</u>	F	01/06/2013	UK 9 392915 0029 2	
UK 9 392915 0072 3	<u>B</u>	<u>LIM</u>	F	14/09/2013	UK 9 392915 0011 5	
UK 9 392915 0073 4	<u>R</u>	<u>LIM</u>	F	14/04/2014	UK 9 392915 0029 2	
UK 9 392915 0077 1	<u>BW</u>	<u>HER</u>	F	15/05/2014	UK 9 392854 0303 4	
UK 9 392915 0078 2	<u>B</u>	<u>LIM</u>	F	02/09/2014	UK 9 392915 0011 5	
UK 9 392915 0079 3	<u>B</u>	<u>LIM</u>	F	05/11/2014	UK 9 370091 1769 4	
UK 9 392915 0080 4	<u>R</u>	<u>LIM</u>	M	06/04/2015	UK 9 392915 0029 2	
UK 9 392915 0081 5	<u>B</u>	<u>LIM</u>	M	28/04/2015	UK 9 370091 1770 5	
UK 9 392915 0082 6	<u>R</u>	<u>LIM</u>	F	01/05/2015	UK 9 392854 0303 4	
UK 9 392915 0083 7	<u>R</u>	<u>LIM</u>	F	02/05/2015	UK 9 390527 1444 6	
UK 9 392915 0084 1	<u>B</u>	<u>LIM</u>	F	02/05/2015	UK 9 390527 1444 6	
UK 9 392915 0085 2	<u>B</u>	<u>LIM</u>	F	24/07/2015	UK 9 392915 0011 5	
UK 9 392915 0086 3	<u>R</u>	<u>LIM</u>	M	24/07/2015	UK 9 392915 0011 5	
UK 9 392915 0088 5	<u>R</u>	<u>SHB</u>	B	23/12/2015	UK 9 392915 0070 1	
UK 9 392915 0089 6	<u>B</u>	<u>LIM</u>	M	01/05/2016	UK 9 392854 0303 4	
UK 9 392854 0303 4	<u>BW</u>	<u>HER</u>	F	07/05/2008	UK 9 392854 0178 5	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 370091 1770 5	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 3791 1222 3	

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APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/05/2017

Total Animals : 25

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0029 2	<u>R</u>	<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0070 1	<u>R</u>	<u>LIM</u>	F	01/06/2013	UK 9 392915 0029 2	
UK 9 392915 0077 1	<u>BW</u>	<u>HER</u>	F	15/05/2014	UK 9 392854 0303 4	
UK 9 392915 0078 2	<u>B</u>	<u>LIM</u>	F	02/09/2014	UK 9 392915 0011 5	
UK 9 392915 0079 3	<u>B</u>	<u>LIM</u>	F	05/11/2014	UK 9 370091 1769 4	
UK 9 392915 0080 4	<u>R</u>	<u>LIM</u>	M	06/04/2015	UK 9 392915 0029 2	
UK 9 392915 0081 5	<u>B</u>	<u>LIM</u>	M	28/04/2015	UK 9 370091 1770 5	
UK 9 392915 0082 6	<u>R</u>	<u>LIM</u>	F	01/05/2015	UK 9 392854 0303 4	
UK 9 392915 0083 7	<u>R</u>	<u>LIM</u>	F	02/05/2015	UK 9 390527 1444 6	
UK 9 392915 0084 1	<u>B</u>	<u>LIM</u>	F	02/05/2015	UK 9 390527 1444 6	
UK 9 392915 0085 2	<u>B</u>	<u>LIM</u>	F	24/07/2015	UK 9 392915 0011 5	
UK 9 392915 0086 3	<u>R</u>	<u>LIM</u>	M	24/07/2015	UK 9 392915 0011 5	
UK 9 392915 0088 5	<u>R</u>	<u>SHB</u>	B	23/12/2015	UK 9 392915 0070 1	
UK 9 392915 0089 6	<u>B</u>	<u>LIM</u>	M	01/05/2016	UK 9 392854 0303 4	
UK 9 392915 0090 7	<u>BLW</u>	<u>LIM</u>	F	04/05/2016	UK 9 370091 1770 5	
UK 9 392915 0091 1	<u>R</u>	<u>LIM</u>	M	06/05/2016	UK 9 392915 0029 2	
UK 9 392915 0092 2	<u>BW</u>	<u>LIM</u>	M	07/05/2016	UK 9 392915 0077 1	
UK 9 392915 0093 3	<u>R</u>	<u>LIM</u>	M	02/01/2017	UK 9 390527 1444 6	
UK 9 392915 0094 4	<u>R</u>	<u>LIM</u>	M	11/03/2017	UK 9 392915 0070 1	
UK 9 392915 0095 5	<u>BW</u>	<u>LIM</u>	M	23/03/2017	UK 9 392854 0303 4	
UK 9 392915 0096 6	<u>R</u>	<u>LIM</u>	M	25/03/2017	UK 9 392915 0029 2	
UK 9 392915 0097 7	<u>BW</u>	<u>LIM</u>	F	25/03/2017	UK 9 392915 0077 1	
UK 9 392854 0303 4	<u>BW</u>	<u>HER</u>	F	07/05/2008	UK 9 392854 0178 5	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 370091 1770 5	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 3791 1222 3	

APHIS Point In Time Herd List

Herd Number : 392915

PIT Date: 01/12/2017

Total Animals : 25

Animal Number	Colour	Breed	Sex	Date of Birth	Dam Number	Previous Tag
UK 9 392915 0029 2	<u>R</u>	<u>LIM</u>	F	13/06/2009	UK 9 392631 0499 1	
UK 9 392915 0070 1	<u>R</u>	<u>LIM</u>	F	01/06/2013	UK 9 392915 0029 2	
UK 9 392915 0077 1	<u>BW</u>	<u>HER</u>	F	15/05/2014	UK 9 392854 0303 4	
UK 9 392915 0078 2	<u>B</u>	<u>LIM</u>	F	02/09/2014	UK 9 392915 0011 5	
UK 9 392915 0079 3	<u>B</u>	<u>LIM</u>	F	05/11/2014	UK 9 370091 1769 4	
UK 9 392915 0082 6	<u>R</u>	<u>LIM</u>	F	01/05/2015	UK 9 392854 0303 4	
UK 9 392915 0083 7	<u>R</u>	<u>LIM</u>	F	02/05/2015	UK 9 390527 1444 6	
UK 9 392915 0089 6	<u>B</u>	<u>LIM</u>	M	01/05/2016	UK 9 392854 0303 4	
UK 9 392915 0090 7	<u>BLW</u>	<u>LIM</u>	F	04/05/2016	UK 9 370091 1770 5	
UK 9 392915 0091 1	<u>R</u>	<u>LIM</u>	M	06/05/2016	UK 9 392915 0029 2	
UK 9 392915 0092 2	<u>BW</u>	<u>LIM</u>	M	07/05/2016	UK 9 392915 0077 1	
UK 9 392915 0093 3	<u>R</u>	<u>LIM</u>	M	02/01/2017	UK 9 390527 1444 6	
UK 9 392915 0094 4	<u>R</u>	<u>LIM</u>	M	11/03/2017	UK 9 392915 0070 1	
UK 9 392915 0095 5	<u>BW</u>	<u>LIM</u>	M	23/03/2017	UK 9 392854 0303 4	
UK 9 392915 0096 6	<u>R</u>	<u>LIM</u>	M	25/03/2017	UK 9 392915 0029 2	
UK 9 392915 0097 7	<u>BW</u>	<u>LIM</u>	F	25/03/2017	UK 9 392915 0077 1	
UK 9 392915 0098 1	<u>R</u>	<u>LIM</u>	F	19/05/2017	UK 9 392915 0083 7	
UK 9 392915 0099 2	<u>B</u>	<u>AA</u>	F	25/08/2017	UK 9 392915 0079 3	
UK 9 392915 0100 3	<u>BLW</u>	<u>SHB</u>	F	15/09/2017	UK 9 370091 1770 5	
UK 9 392854 0303 4	<u>BW</u>	<u>HER</u>	F	07/05/2008	UK 9 392854 0178 5	
UK 9 390527 1444 6	<u>B</u>	<u>AA</u>	F	20/04/2002	UK 390527 1243 X	
UK 9 370091 1770 5	<u>BLW</u>	<u>BB</u>	F	09/05/2010	UK 9 3791 1222 3	
UK 9 330087 2426 7	<u>BW</u>	<u>BB</u>	M	14/03/2017	UK 9 330087 2153 7	
UK 9 330087 2429 3	<u>BW</u>	<u>BB</u>	M	02/04/2017	UK 9 330087 2232 2	
UK 9 390723 3337 2	<u>BLW</u>	<u>SH</u>	F	24/04/2017	UK 9 390723 3051 3	

Jubilee

veterinary centre

3 Jubilee Road, Newtownards, Co. Down, BT23 4YH
Tel: 028 9181 2226 Fax: 028 9181 2040 Email: reception@jubileevetcentre.co.uk
www.jubileevetcentre.co.uk

08th January 2018

To Whom It May Concern,

I have carried out TB testing for a number of years on the herd of Mrs Janice McMaster 165 Belfast Road Ballynahinch. The herd requires transportation to a TB testing facility. This is an unsatisfactory arrangement.

I would suggest a permanent arrangement should be provided of a house and handling facilities at Ballymaglave Road where the animals graze. This will reduce animals being stressed and unnecessary transportation.

*specific facilities
for the poor HERDS*

RAYMOND THOMPSON

Loyburn Vet Clinic
49 Sloan St
Loyburn

To whom it may concern,

This is to confirm that Mrs J McMaster and Mr A McMaster have land located at Ballymaglave Road and Belfast Road, Ballynahinch. There can be 50 animals at Ballymaglave Road at one time. Animal welfare and the risk of spreading disease should be of utmost priority at all times. All animals suffer some form of stress and risk of injury during transportation. It is extremely important that transport is kept to a minimum. It is vital to reduce the spread of disease between different locations. TB in particular can be spread by cattle movement, with currently 1 in 10 herds infected and a cost to the local economy of £40 million this year. This disease uses up vital veterinary and Department of Agriculture time and removes resources away from other animal welfare issues.

Reducing the amount of movement between Belfast Road and Ballymaglave Road will reduce the risk of the spread of this disease and would be highly recommended by veterinary practice. In particular animals identified as being infected with TB or Brucellosis should be placed in isolation away from contact with other animals and not transported to any other area. Mrs McMaster and Mr McMaster both have individual herds so it is vital to keep the contact between these two herds to a minimum to prevent cross contamination of any infectious diseases. Separate units at Belfast Road and Ballymaglave Road where the two herds can be separated on a permanent basis would be very beneficial in preventing the spread of disease.

Animal handling would be kept to a minimum which as well as being beneficial to animal welfare would also reduce the risk of injury to the people carrying out the handling.

A permanent presence established at Ballymaglave Road where the largest area of land is located and where the greatest number of livestock are located would allow the animals to have constant health and welfare checks available to them. Infected animals could be isolated at source to prevent spread of the infection. Animal checks should be carried out at least twice daily to ensure fast and effective diagnosis of animal welfare issues. A presence at this location would ensure treatment is available to any animals when required and minimise suffering and provide the best possible chance of recovery.

Suckler cows form part of this herd and it is vital for a permanent presence to exist particularly during the calving season when calving difficulties can occur unexpectedly and it is only swift human intervention which will prevent the death of calf and cow if a difficult birth occurs.

Stephen P. Smith MVB, MRCVS

Loyburn Vet Clinic
49 Sloan St
Loyburn

To whom it may concern regarding the proposal for an on-farm dwelling adjacent to Ballymaglave Road, Ballynahinch, Co Down

I visited both the farm base of Mrs Janice and Mr Arthur McMaster at 165 Belfast Road, Ballynahinch and their holding at Ballymaglave Road, Ballynahinch on 22nd December 2017.

Mr. and Mrs. McMaster are seeking planning permission for a dwelling at the latter which, at 48 acres, has the most land area of their farming enterprise. Having a base there would improve efficiency and aid co-ordination of family support during the unique operational circumstances of this livestock farm business.

Cattle farming

The main enterprise is grassland based cattle farming with a breeding suckler herd. The herd (total livestock numbers around 60 head) is housed and fed at 165 Belfast Road, Ballynahinch during the winter period. The area available for grazing there is limited to just 18 acres. Most of the summer grazing and grass based fodder harvesting is provided from within the 48 acre block, 5 miles away, at Ballymaglave Road. The winter forage is transported back to the yard at 165 Belfast Road for storage and subsequent feeding of the cattle. Although the units are 5 miles apart the logistics of travel between them are much complicated by the fact that the route is through the centre of Ballynahinch. This is part of the main commuter road from South Down to Belfast as well as the busy holiday route to and from Newcastle.

Farm traffic logistics

Ballynahinch town is notorious for being an overloaded traffic bottle neck especially difficult during peak commuting traffic times and at holiday periods. For this reason, farm traffic between the 2 locations is very slow and difficult compared to most other rural locations. It is common for the round trip by tractor to take 1 hour or more. As there is no current operational base at Ballymaglave Road all of the harvested fodder has to be transported through the traffic to 165 Belfast Road. It has often been necessary to concentrate this work during early mornings (from 4.30 am) and late at night to reduce traffic delay problems.

The need to minimise the number of loads limits the feasible grass fodder harvesting system options. Where possible, hay making (a very weather dependent and labour intensive field drying process) is preferred to reduce the weight and number of bales (currently up to around 300) to be carried. The option of plastic wrapping the grass bales for silage is also available and used when weather conditions do not suit hay making. The alternative on most farms would be to hire a contractor's harvesting team, filling trailers with fresh grass for direct transport to a bulk silo. There is no bulk silo located at Belfast Road as the land area at this address is insufficient to justify its construction. Road traffic density and delays between the sites would greatly add to the cost of tractor / trailer hire for such an operation. This means that the only alternative is to bale the silage at Ballymaglave and transport it to Belfast Road for wrapping and storage.

The current absence of any secure covered yard storage at Ballymaglave Road means that field jobs like fertiliser spreading (or spraying) require multiple road tractor trips between the 2 sites to refill the spreader.

Animal husbandry aspects

As a beef breeding herd farm a lot of, often extended, time is spent on animal supervision especially during calving and weaning. Most of this takes place at the Ballymaglave Road during the grazing season. The current lack of a permanent shelter building there mitigates against access to basic comforts during longer work periods and having the support of other family members there to assist with the work and learn the necessary husbandry skills. There is no provision for basic human health and welfare facilities of :-

A toilet.

Warm running water as necessary for washing to maintain adequate hygiene and protect human health.
Storage for dry clothing and somewhere to change.

Rest and eating facilities.

Somewhere to sleep overnight.

The current necessity to work only from a parked road vehicle is unsatisfactory and very limited in scope.

Safety aspects of using and maintaining machinery.

There is no flat concrete surface on which a machine can be securely jacked to remove and change components or wheels. Machines with breakages have to be transported back through the town centre to Belfast Road for repair.

The use of basic power tools such as a grinder or air compressor would require mains electrical power. There is no secure building to accommodate short term storage of animal medicines or pesticides.

Apart from a gated cattle pen there are no specific handling facilities to adequately restrain animals during treatment or health testing. When testing of the herd is needed during the grazing season it is necessary to transport cows and their calves together in small groups back to the Belfast Road site by trailer. This requires additional handling and segregation with all its associated risks to personal health and safety. For animal welfare reasons, mixing the herd for transport within a larger vehicle is not a viable option.

There is also a bull in the herd.

All of the basic health and safety aspects of running this farm enterprise would be greatly assisted by the provision of a fixed dwelling / building on the Ballymaglave Road site. It would ease the current stress around organising and running the enterprise between the 2 sites as well as reducing the amount of time that Mr. or Mrs. McMaster currently have to spend working or travelling alone.

Please contact me if any further information is required around any of the aspects referred to above.

Yours sincerely

Terence Chambers 2/11/2018

Terence Chambers

B Agr, N D Agr E, DBA, MI Agr E

Agriculture Health and Safety Adviser

Tel 028 4483 0663

e-mail terence.chambers@hotmail.com



476 Antim Road T: 028 9037 0222
 Belfast Fr: 028 9037 1231
 BT15 3DA E: info@ufuhq.com
 W: www.ufuni.org

Area Planning Office
 FAO Catherine Moore
 Newry, Mourne and Down District Council
 Downshire Civic Centre
 Downshire Estate
 Ardglass Road
 Downpatrick
 BT30 6GQ

15th January 2018

Planning Ref: LAO7/2017/1369/O

Dear Ms Moore,

Re: Proposed outlining planning permission for a dwelling and detached garage

The Ulster Farmers' Union is writing in support of our member, Mrs J McMaster, in relation to the above planning application for the erection of a domestic dwelling on her farm holding. It is our understanding that the Department of Agriculture, Environment and Rural Affairs (DAERA) has already confirmed that this business is both an active and established farm business, and should therefore be taken as active by the Planning department.

The Ulster Farmers' Union would ask that the following is taken into consideration:

- Our member, Mrs. McMaster farms a total of 48 acres at Ballymaglave road, there is no domestic property attached to this farm Business. Mrs. McMaster's husband farms separately at lands located on the Belfast Road Ballynahinch with a separate herd number and farm business ID Number,. Mr. McMasters holding and farm business should not be taken into account when assessing the needs for a new dwelling on Mrs. McMasters lands and existing farm business.
- Mrs McMaster is extending her farm business and is in the process of purchasing additional lands at Ballymaglave Road Ballynahinch, another reason which warrants the need for a domestic property at this address.
- Mrs McMaster has basic handling facilities/ structure beside the proposed application, and in the future will also intend to erect an agricultural shed at this address. Mrs. McMaster currently rents housing for her @ 30 head of animals of a neighboring farmer at Blacks Lane Ballynahinch, however it has been brought to her attention that this arrangement has soon to end, and she will require new cattle housing in 2019.
- With any farming enterprise the emphasis is to ensure that animals are healthy and free from disease at all times. Beef farming involves a range of animal husbandry procedures to maintain and enhance animal health, welfare and production and ultimately the profitability of the enterprise. Mrs McMaster must every day carry out routine general health inspections of her stock, and continually throughout the year needs to carry out essential routine treatments.

This ranges from lameness monitoring and foot care, administering of prescribed medicines such as external and internal parasite control, vaccinations, lungworm control, ear tagging etc. It is not efficient or practical for Mrs McMaster to continue to travel from her current home address Belfast Road Ballynahinch, to her stock kept at the lands at Ballymaglave Road. Efficient cattle management requires both experience and the observance of high standards of care. Unless management and handling are done well, the welfare of the cattle cannot be adequately protected. Under the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 a person responsible for a farmed animal is responsible for meeting the legal obligations for animal welfare. Our member must, under the welfare legislation, take all reasonable steps to ensure that he/she does not cause any unnecessary pain, suffering, injury or distress to their animals. It is imperative that she is able to reside on site to ensure her compliance with basic animal welfare.


- CTY10 states that planning permission will be granted for a dwelling in a farm where the farm business has been established for at least 6 years. The Department of Agriculture has confirmed that the farm belonging to Mrs McMaster has been active for 6 years or more. The applicant has therefore satisfied the policy requirement and therefore the application is acceptable in principle as a dwelling on a farm. The policy also states that the new building should be visually linked or sited to cluster with an established group of buildings in the farm; the substantial piece of agricultural land does not yet contain any agricultural buildings apart from the current cattle handling structure and the new dwelling would in fact be visually linked to these existing facilities.

PPS21 does not make any reference to cases where the farm holding has no farm buildings to cluster with, and there appear to be no references made to this situation in the final PPS21 document. The UFU are aware of cases where planning under CTY10 has been granted for existing farm business where there were no existing farm buildings to cluster with.

The Ulster Farmers' Union believes that there is a real need to provide for a domestic dwelling at the address for the efficient use of the agricultural holding given that Mrs. McMaster currently has no living accommodation at Ballymaglave road to service this active and viable farm business.

Should Planning Department require further information, then please do not hesitate to get in touch.

Yours sincerely



Gillian Cheatley
Senior Technical Officer

ITEM NO	13			
APPLIC NO	LA07/2017/1542/F	Full	DATE VALID	06/10/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Arthur O'Kane BT AONB Planning Dept BT Waterside Tel. Exch. (DP PCP34) Irish Street Altnagelvin Derry BT47 2JA		AGENT	
LOCATION	40m south west of 1 Saul Mills Road Saul Downpatrick Co Down BT30 7JE			
PROPOSAL	Erection of new Fibre Optic Street Cabinet for Superfast Broadband. Cabinet Dimensions 1300mm high X 1430mm wide X 450mm deep			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
	0	0	0	0

Application Reference: LA07/2017/1542/F

Date Received: 10.10.17

Date of site visit: 12.10.17



Proposal:

The Council has received an application seeking planning approval for proposed erection of for Superfast Broadband.



Location: 40m SW of No.1 Saul Mills Road, Saul, Downpatrick

Characteristics of site:

The site is located on the grass verge along the side of the Mearne Road at the staggered cross roads junction where the Saul Road meets the Mearne Road and directly opposite the junction with the Saul Mills Road. There are several private dwellings in the immediate vicinity and the site location contains some existing street furniture including road signs, timber telegraph poles, etc.

Characteristics of area:

The site is located in the countryside just outside of and bordering the settlement limit of the small rural hamlet of Saul, just outside Downpatrick. The site is also within a designated Area of Outstanding Natural Beauty and near to a Local Landscape Policy Area as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/039.

Site History:

LA07/2017/1096/F 30m SW of No.1 Saul Mills Road, Saul, Downpatrick

New Fibre Optic Street Cabinet for Superfast Broadband

Permission granted - 31.08.2017

LA07/2017/0170/F Adj to 4 Saul Mills Road Downpatrick BT30 7JE

Proposed 2 No new detached Dwellings with Garage.

Consultations Issued.

R/2007/1011/RM Adjacent to 5 Saul Mills Road & 30 Mearne Road, Saul

Proposed new dwelling and garage

Permission granted - 13.02.2008

R/2005/1000/O Adjacent To 4 Saul Mills Road, Saul, Downpatrick, BT30

Renewal of previous outline permission R/2002/0458/O which gave outline planning permission for a detached dwelling.

Permission granted - 12.11.2005

R/2004/1751/O Site next to 5 Saul Mills Road and 30 Mearne Road, Saul.

1 house and garage

Permission granted - 09.05.2006

R/2002/1259/F 5 Saul Mills Road, Downpatrick.

Proposed alterations and extension.

Permission granted - 04.12.2002

R/2002/0458/O Adj to 4 Saul Mills Road, Saul, Downpatrick.

Site for dwelling (renewal of R/98/0671).

Permission granted - 22.07.2002

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 3: Access, Movement and Parking

This Planning Policy Statement sets out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to road safety.

Planning Policy Statement 10: Telecommunications

Policy TEL 1 sets out the main considerations that the Council will take into account in assessing proposals for erection of Telecommunications infrastructure. The provisions of this policy will prevail unless there are other overriding policies or material considerations that outweigh it and justify a contrary decision.

Consultations:

Transport NI were consulted in respect of this proposal on 12.10.17 due to site locations proximity to public road and road junction and responded on 09.11.17 with no objections.

Historic Environment Division were consulted on 12.10.17 in respect of this proposal due to it's proximity to a nearby archaeological site and monument. HED Historic Buildings (HED:HB) has

considered the impacts of the proposal on the building and on the basis of the information provided, advise it has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Historic Monuments Unit responded on 24.11.17 and advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Objections & Representations:

2 No. neighbouring properties within proximity to this site (No. 1 Saul Mills Road and No. 30 Mearne Road) were notified on 13.10.17. This application was advertised in the local press on 25.10.17 and to date no objections or representations have been received.

Consideration of the proposal:

The Council has received an application for the erection of a new Fibre Optic Street Cabinet to facilitate the provision of the new Superfast Broadband infrastructure across the BT network. This submitted application proposes to provide a new BT Street Cabinet placed to the inner side of wide verge along the Mearne Road directly opposite the staggered junction with the Saul Road and the Saul Mills Road.

The location of proposed cabinet is to back onto existing 1.2m timber post and stock proof fence with 1.2m high mature hedge to the boundary of the adjacent agricultural field which will act as a backdrop. Proposed location is set back approximately 4.0m from roadside along the Mearne Road, 20.0m to the R.H.S of junction with Saul Road, 2.0m to the R.H.S of concrete corner fence post. This cabinet is to be dug down into the bank which will reduce its profile.

The proposed cabinet is 1300mm (height) x 1430mm (length) x 450mm (width) and will sit on a concrete base/plinth. Cabinet is to be made from 2.0mm thick stainless steel, coloured green and constantly kept locked. This proposal is typical of what is seen throughout the district and is necessary to facilitate the enhancement of BT services.

With regard to PPS3 – Access, Movement and Parking it is my assessment that this proposal will cause no risk or hazard to vehicular or pedestrian traffic. With regard to policy TEL 1 as set out in PPS 10 Telecommunications the Council is satisfied that this application has been sited and designed to minimise any visual and environmental impact nor will it cause any negative impact on the surrounding properties.

Recommendation:

After consideration of all relevant planning policies and other material considerations this proposal satisfies the requirements of the policies and it is therefore recommended that this application is approved.

Signed:

Date: 17.01.2018

Date: 17-01-2018



Department for
Communities
www.communities-ni.gov.uk

Historic Environment Division
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Tel: 028 9082 3100
Email:
HEDPlanning.General@communities-
ni.gov.uk

Date: 24 November 2017

Dear Sir/Madam

Planning Application Ref.: LA07/2017/1542/F
Location: 40m south west of 1 Saul Mills Road
Saul
Downpatrick
Co Down
BT30 7JE
Proposal: Erection of new Fibre Optic Street Cabinet for Superfast
Broadband. Cabinet Dimensions 1300mm high X 1430mm
wide X 450mm deep

The Planning (General Development Procedure) Order (NI) 2015

As amended by The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016

Thank you for your consultation on the above application, received by DfC on 12/10/2017

Historic Environment Division (HED) has reviewed the details of the application and provides summary comments as follows:

Archaeology and Built Heritage

HED Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise it has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM have concerns regarding the potential impact of the development upon critical views of Saul Abbey when approaching from the west on Mearne Road. When approaching from the west this is one of the remaining open public views of the monument for visitors to appreciate Saul Abbey and its setting.

HED: HM consider that this proposal could be made acceptable should the proposed cabinet be relocated to the western end of the application site. This will minimise any potential impact upon public views of Saul Abbey.

Should an acceptable site layout be submitted HED: HM would advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Should you seek further clarification on any of the issues raised in this response, please do not

hesitate to contact the HED Planning Team.

Kind Regards

Historic Environment Division

Issued on behalf of Department for Communities

Archaeology & Built Heritage

Section Reference SM11/1 DOW 031:042

Considerations

The proposed development site is located a short distance north-west of Saul Abbey, an early medieval ecclesiastical site scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 refers in this case.

Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM have concerns regarding the potential impact of the development upon critical views of Saul Abbey when approaching from the west on Mearne Road. When approaching from the west this is one of the remaining open public views of the monument for visitors to appreciate Saul Abbey and its setting.

HED: HM consider that this proposal could be made acceptable should the proposed cabinet be relocated to the western end of the application site. This will minimise any potential impact upon public views of Saul Abbey.

Should an acceptable site layout be submitted HED: HM would advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Explanatory note

The proposed development site is located in close proximity to Saul Abbey, an early medieval ecclesiastical site scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 refers in this case.

Saul is said to have been the landing place of St. Patrick. The site includes the gable end of a medieval building west of the modern church, a medieval graveyard and a small gabled mortuary building.

Archaeology & Built Heritage

Section Reference: HB18 08 130

Considerations

The application for 'Erection of new Fibre Optic Street Cabinet for Superfast Broadband. Cabinet Dimensions 1300mm high X 1430mm wide X 450mm deep', 40m south west of 1 Saul Mills Road Saul Downpatrick Co Down (LA07 2017 1542 F) is in proximity to St Patricks Memorial C of I Church (Grade B+) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise:

- It has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Explanatory note

The proposal is sufficiently removed in situation and scale from the listed building as to have no impact.

Informatives

Additional information/advice (e.g. on legislation, guidance, contacts, etc.) for planning officer and applicant's awareness:

Legislation & policy

1. The Planning Act (NI) 2011
2. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
3. Strategic Planning Policy Statement for Northern Ireland (SPPS NI) – Planning for Sustainable Development.

Guidance

4. Consultation Guide - A guide to consulting HED on development management applications- <https://www.communities-ni.gov.uk/publications/guide-consulting-hed-development-management-applications>
5. Please also see new HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planning-services-and-standards-framework.pdf>
6. Technical Notes - <https://www.communities-ni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical>
7. British Standard - BS 7913:2013 Guide to the conservation of historic buildings

HED:HB response: 31 10 2017
HPRM container: CO1-17-23028

Archaeology & Built Heritage

Other informatives

8. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting).

ITEM NO	20			
APPLIC NO	R/2014/0657/F	Full	DATE VALID	12/12/2014
COUNCIL OPINION	APPROVAL			
APPLICANT	Bluebuild Developments ltd C/O 91 Main Street Bangor BT20 4AF		AGENT	LIKE Architects Like Architects 3 Linenhall Street West Belfast BT2 8DY
LOCATION	The Mourne Observer The Roundabout Castlewellan Road Newcastle and Lands Adjacent No 10 Burren Park BT33 0JX			
PROPOSAL	Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	18	0	0	0
	Addresses		Signatures	
	0	0	0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2014/0657/F
Date Received:	12.12.2014
Proposal:	Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)
Location:	The Mourne Observer The Roundabout Castlewellan Road Newcastle and Lands Adjacent No 10 Burren Park

Consideration following Committee

The application was presented to the July 2017 meeting of NMD Planning Committee with a recommendation to approve. The following is an extract from the minutes of that meeting

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application, as per the Development Management Officer Report, subject to Planning Department imposing relevant conditions and carrying out the following:

(a) To re-engage with Rivers Agency regarding the drainage assessment which was carried out for this application, to ensure drainage issues raised by Councillor Devlin and Councillor Clarke, had been adequately addressed.

The Chief Planning Officer to update Councillor Devlin and Councillor Clarke on progress regarding this issue.

(b) To investigate issues relating to a boundary wall at No. 10 Burren Park.

(c) To carry out necessary consultations regarding a review of landscaping arrangements for amenity at No 9 Burren Park.

(d) Conditions to be fulfilled prior to commencement of development.

A meeting was convened with the agent on the 03/08/2017.

In relation to drainage issues on site the site does not lie within a Flood Plain. Therefore Policy FLD3 of PPS15 is relevant and a Drainage Assessment was submitted in November 2016 the content of which was agreed by Rivers Agency in February 2017. Contact was made with a rep in Rivers Agency who maintain their position in accepting the contents of drainage assessment as submitted. In terms of the Flood defences on the Burren River, they advised that there was no proposal for any works to the existing Flood defences on the Burren River. On the basis of discussion with Rivers Agency there do not appear to be any drainage related issues affecting the site.

In terms of the boundary wall with No.10 Burren Park. This was discussed with the agent, who advised that in order to construct a wall along this boundary with the necessary foundations; they would not have the space available to do this. Also they did not have the authority to remove No.10 existing boundary fencing to replace with a wall. This matter is considered outside the control and remit of planning to negotiate on.

The agent therefore suggested the construction of a 1.8m close board fence with landscaping running alongside the existing fence with No.10, I consider this to be a suitable solution in the circumstances.

In relation to No.9 and its amenity and landscaping arrangements. It was acknowledged that it would not be possible to include landscaping along this boundary given the distance between the proposed gable of Site 11 and no.9 rear boundary of 1.2m.

In order to allow for access to the rear of Site 11, to facilitate servicing arrangements landscaping was not possible. The Planning Office in making its recommendation to the PC had no concerns with regard amenity impacts on No.9 as a result of the proposal. The agent suggested an alternative was to provide a solid boundary of a 2m close board fence which may afford comfort to the PC and No.9 in terms of amenity.

The proposed dwelling at site 11, the gable elevation contains a 1st floor ensuite obscure window. This does not present an overlooking issue. Creating Places is silent on recommended distances between side gables of dwellings to rear boundaries of neighbouring properties in terms of residential amenity. It is acknowledged that the distance between side gable of Site 11 and the boundary with No.9 rear is small at approx. 1.2m, however the distance of the gable to the rear of the dwelling at No.9 is 17.4m which is a sufficient separation distance to ward against any unacceptable amenity impacts.

For this reason I am content given the restrictive nature of the site at No.11, that landscaping cannot be accommodated along the boundary with No.9 while allowing for servicing arrangements at the same time, that a solid boundary fence with hedging is sufficient to create a boundary with the residential properties of No.9/10/8/7 Burren Park.

The drawings submitted 25 August 2017 show a 1.8m high fence along the boundary with a hedge along the inside.

Neighbour notification has been carried out on the amended drawings of 26 August 2017. At the date of writing no representations have been received.

In light of the above I am recommending that the drawing of 25 August 2017 showing boundary fencing and hedging treatments be accepted and conditioned as part of this approval.

Recommendation: Approval

Signed



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0657/F

Date Received: 12th December 2014

Proposal: Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)

Location: The Mourne Observer, The Roundabout, Castlewellan Road, Newcastle and Lands Adjacent No 10 Burren Park

This site is located in Newcastle Town within the Mid-East coastal portion of the District.

Site detailed below, note red line is approximate and is a visual aid, see plans for accurate details.



Site Characteristics & Area Characteristics:

The site is a roadside site located within Newcastle. The site is relatively flat and unprofiled and divided into 2 portions consisting of an open greenfield site within the smaller northern section and the larger rectangular southern portion which houses a large building which is the site of the Mourne Observer office with parking and a security fence. The site fronts onto the roundabout and Castlewellan Road and

situated between 2 storey detached dwelling of 10 Castlewellan Road and the single storey dwellings of Burren Park. The site can be viewed from the Dundrum Road and Castlewellan Road.



View from adj to
10 Castlewellan Road



View from adj to 12 Burren Park

The area has a mixed use with a heavy residential influence within the immediate vicinity of the site.

Site History:

R/1975/0008, Erection of steel frame single storey storey for paper and generator at Castlewellan Rd, Newcastle, Approval 11.3.1975

R/1980/0885, extension to printing works at Castlewellan Road, Newcastle, Approval 14.05.1981

R/1993/1064, 2 pairs semi-detached dwellings (amended plans) site at junction of Burren Park and Castlewellan Road, Newcastle Granted 21.12.1994

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking, PPS12 Housing in Settlements, PPS15 Planning and Flood Risk as well as guides to include Parking Standards, Creating Places, Living Spaces and DCAN 15 Vehicular Access Standards. The site is within the settlement limits of Annsborough village however it is also within the AONB and therefore PPS2 Natural Heritage will also be considered.

Consultations:

NI Water, public water sewer, foul sewer and surface water sewer available within 20m of the proposal and the Waste Water Treatment Works has available capacity. Information for the applicant is included within their response

Transport NI, layout considered unsatisfactory and amended plans sought in comments returned 15th January 2015. Plans amended and re-consultation with Transport NI returned comments 29th February 2016 to request an amended layout. Amended plans submitted 17th November were acceptable in terms of layout for Transport NI and drawings to facilitate Private Streets Determination (PSD's) were requested within their response dated 16.1.2017.

NIEA Water Management Unit, no objection as the sewage element disposal terminates at Newcastle Waste Water Treatment Works and provides information for the applicant.

DAERA Rivers agency – 24.12.2014 requested a Drainage Assessment as site is for more than 10 units and surface water run-off may have an impact on other development. Drainage Assessment provided 17.11.2016. Response received 18.1.2017 which advised the site does not lie within the 1 in 100year fluvial plain, and accept the details of the Drainage Assessment provided which advises of a 22% decrease in surface water run-off from the site post development. Rivers Agency did request more information due to Policy FLD5 in that the Development is in close proximity to reservoirs. However this was discussed with Senior Officers and as this refers to Lough Island Reeve in Kilcoo, a considerable distance from the site (Approx 6 miles) it was set aside due to low risk of impact on the site.

Objections & Representations

The site was originally advertised in Mourne Observer and Down Recorder on 07.01.2015 for total of 13 units (6 semi-detached and 7 townhouses).

Amended plans were received and the scheme was readvertised in the MNourne Observer on the

The scheme was reduced to 11 units (10 semi-detached and 1 detached dwelling) on the 17th of November 2016 and the application was readvertised in the Mourne Observer on the 30.11.2016.

A total of 36 neighbouring dwellings were notified.

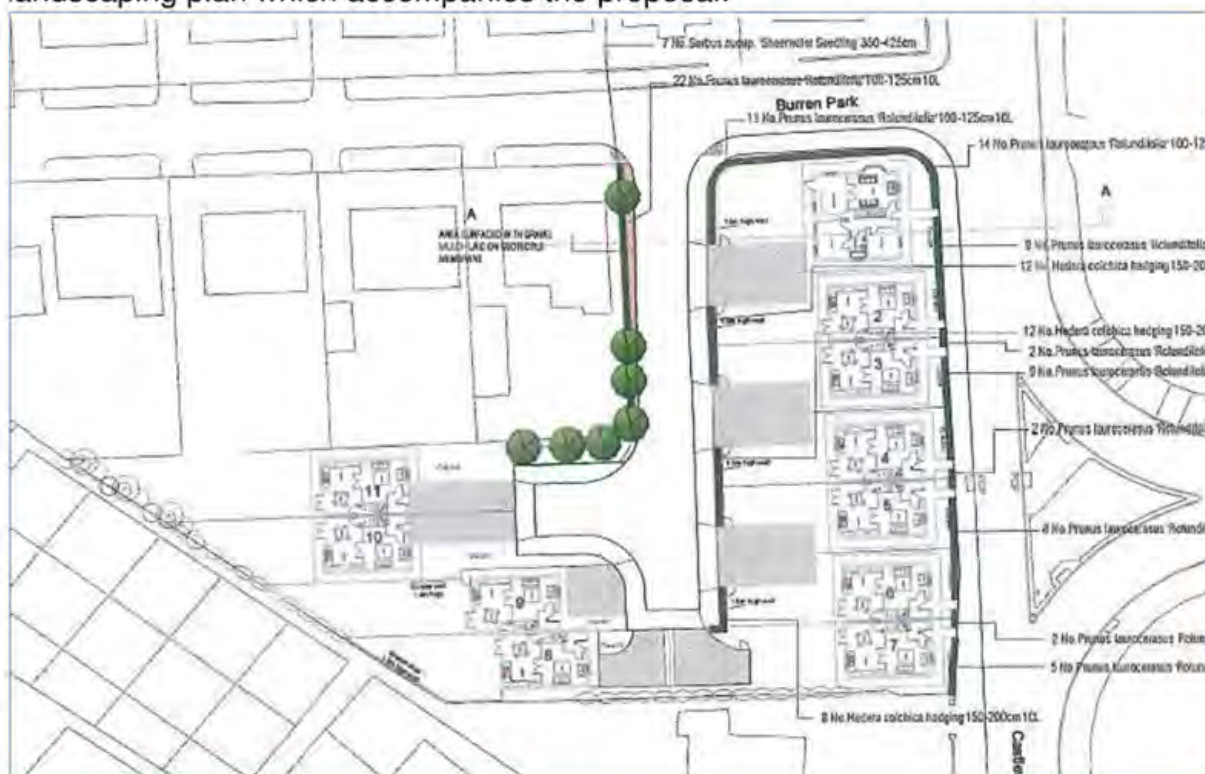
A number of representations have been received – total 18. The following is a brief overview of the objections raised concerning planning matters:

- Concern relating to the access proposed and available sight lines
- The development would result in increased traffic at this busy roundabout adjacent to the site
- Impact on the character of the area and reference to the proposed 2 storey semi-detached nature of the dwellings proposed as they neighbour single storey detached dwellings of Burren Park

- Impact the proposal has in terms of loss of light and overlooking of the dwellings of Burren Park
- Impact on the character of the area in terms of density for 13 units on the site
- Impact of proposal in terms of flooding and response from NI Water

Consideration and Assessment:

The proposal has been amended during the processing of the application. It has been reduced from 13 units to 11 units. The layout details 10 semi-detached dwellings and a detached dwelling. The following impact is taken from the proposed landscaping plan which accompanies the proposal:



The semi-detached dwellings on sites 2 to and including 11 are 2 storey with a height of approx. 8.6m. The corner site opposite 12 Burren Park is site 1 within the application, this is a storey and a half hipped roof dwelling with roof dormers on the front and rear elevation. It stands at approx. 5.6m high and the elevation facing Burren Park is finished with a projecting bay window.

The proposal includes a mix of finishes with red brick, reflecting the finishes of No 10 Castlwellan Road, and render which reflects the finishes of Burren Park.



The proposal has railings along the elevation fronting onto Castlwellan Road with pedestrian access only. The proposal will have a central access to the public road through Burren Park and each unit can accommodate 2 car parking spaces within their curtilage.

The principle for development is largely acceptable as the site is within the settlement limits of Newcastle. The site is the current Mourne Observer site therefore the proposal would potential result in re-development of a Brownfield site within Newcastle. Both the SPPS and PPS7 support sustainable development. Housing will only be granted where it would create a quality and sustainable residential environment.

Considering the proposal in relation to the surrounding context of the site. This is a roadside site which will front onto the Castlwellan Road. The site neighbours established housing to the side and rear. The site will share access, onto the Castlwellan Road, through Burren Park. This is an established residential development of single storey dwellings with a density of approx. 19 units per hectare (12 units within 0.64Ha). The site shares its southern boundary with the detached 2 storey dwelling of 10 Castlwellan Road which has a large plot and the dwelling itself is set back behind a 1.8m high red brick wall. To the rear of the site is the high density development of Dunwellan Park which consist of a mix of terrace dwellings . This has a density of 49 units per hectare which is 70 units within 1.44Ha.

The proposal will create an attractive front onto the Castlwellan Road. The proposal also addresses frontage onto Burren Park as the unit proposed within site 1 is storey and a half with a hipped roof. This will create a step in height from the 2 storey proposed dwellings to the single storey Burren Park dwellings. This unit will also have 3 public frontages (Castlwellan Rd, Burren Park and the internal layout itself) which has been reflected in the design of the dwelling proposed.

While the development has a higher density than the neighbouring Burren Park, the density is balanced between the high density development of Dunwellan Park and the lower density development of Burren Park, not forgetting No 10 Castlwellan Road. On balance, the development proposed reflects the surrounding context and would be appropriate to the character and topography of the site. The proposal is in keeping with Policy QD1 (a) of PPS7 and LC1 of PPS7 Addendum safeguarding the character of established residential areas.

The site is a brownfield site and therefore while it contains the Mourne Observer, a local newspaper, it does not contain features of archaeological or built heritage. The proposed layout includes a detailed landscape plan which will soften the appearance of the development. There are no landscape features within the current site that would be necessary to protect or accommodate within the proposal. Each dwelling has a suitable amount of amenity space and while sites 2-6 average 56sqm of amenity space this does not highlight that the dwellings will also accommodate in-curtilage car parking and a small front garden. The front garden of unts on sites 1-7 provide a set back from Castlwellan Road. The set back from 12 Burren Park from Castlwellan Road is the side gable wall, while the proposal provides a frontage onto Castlwellan Road, as well as the dwelling of site one accommodating a frontage onto Burren Park. The dwellings on sites 1-6 share their rear boundaries with the internal access road of the development which presents difficulties for ensuring the

rear amenity space remains private. The units accommodate this through the use of a 1.8m hi wall with planting to soften the appearance. The landscaping plan and details will be conditioned. This is in keeping with Policy QD1 (b) and (c).

The proposal has a legible site layout and there are no public rights of way within or affecting the site. The site layout also accommodates 2 parking spaces within the curtilage of each of the 11 units proposed. This is in keeping with parking standards and planning policy. Policy QD1 also requires that new development is designed to deter crime and promote personal safety. The proposal includes an internal footpath which accommodates safety for pedestrians.

Transport NI initially had some difficulties with the scheme in its original form. However the applicants planning agent addressed the concerns and as a result Transport NI is content to provide Private Streets Determination on the scheme. Concerns have been expressed in representations relating to road safety. These concerns can be eased through the favourable response to the application, in its current form, has from Transport NI.

In relation to the impact on neighbouring residents representations have been received. The proposal would create no conflict with No 10 Castlwellan Road or the dwellings within Dunwellan Park. This is visible through the landscaping details proposed. Unit 8 shares its rear boundary with Dunwellan Park which will be protected by 1.8m high screen wall. The boundary of No 7 and No 8 as shared with No 10 Castlwellan road is defined by a hedge and the car parking between the units divided by a hedge.

The proposal is accessed through Burren Park. The side boundary of No 10 Burren Park will be shared with the internal access of the proposal. This boundary is currently defined by a close board fence which appears to be within the ownership of No 10 Burren Park. To soften this boundary the applicants propose a hedge and planting. This continues around the turning area adjacent to unit 11. The established dwellings of No 7, 8, 9 and 10 Burren park share their rear boundary with the side boundary of the proposed site and unit 11. The dwelling proposed on site 11 is a 2 storey semi-detached dwelling and its side gable will be approx. 1.5m from the boundary shared with no 8 and 9 Burren Park. This side gable has a 1st floor ensuite window however due to the generous rear amenity space of Nos 8-10 Burren Park with average rear garden depth of 16m the potential for overlooking is minimised. The 1st floor rear gable wall includes master bedroom window and bathrooms, however due to the orientation and separation distance the proposal would not result in overlooking of the rear amenity space of No 7 and 8 Burren Park. Planting along the shared boundary will also protect the privacy of the established dwellings. The distance between the proposed units and the existing dwellings of Burren Park will also ensure there would be no loss of light to the private amenity of the dwellings.

It must be noted that while the dwelling at No 10 Burren Park sought a solid wall definition along the boundary shared with the site. Council would note that this boundary is currently defined within No 10 Burren Park with a 1.8m high close board fence. The applicant proposes hedges and heavy tree planting along the boundary shared with No 10 Burren Park.

Rivers Agency raised the issue of Lough Island Reeve Reservoir in Kilcoo, however, this is 6 miles from the site and it is not considered necessary for the applicant to amend the Drainage Assessment to reflect this distant reservoir. Rivers Agency accepted the details of the Drainage Assessment and noted the proposal would result in a reduction of surface water. The proposal is in keeping with PPS15.

Recommendation:

Approval - The proposal is in keeping with planning policy.

Refusal Reasons/ Conditions:

Conditions as recommended by case officer and consultees, can be subject to change prior to issuing decision;

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.

All planting indicated on site layout plan R/2014/0657/13 bearing the date stamp 321 DEC 2016, shall be carried out during the first available planting season following the commencement of the development.

REASON: To ensure the development integrates into the countryside.

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

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

CONDITIONS RECOMMENDED BY NI WATER

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

REASON: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

All services within the development should be laid underground.

REASON: In the interests of visual amenity.

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Council.

REASON: In the interests of public health.

Development, hereby permitted, shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Council.

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

RECOMMENDED TRANSPORT NI CONDITIONS

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017.

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of the public road have been completed in accordance with the details outlines blue on Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017. The Department hereby attaches the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

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

The visibility splays of 2.0metres by 33metres at the junction of the proposed access with the public road shall be provided in accordance with Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017, prior to the commencement of any other works or development.

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

No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

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

Notwithstanding the provisions of the Planning (General Development Procedure) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, (in verges/service strips) determined for adoption.

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

Notwithstanding the provisions of the Planning (General Development Procedure) Order (Northern Ireland) 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in (verges/service strips) determined for adoption.

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

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

REASON: To ensure there is a suitable provision of car parking for each dwelling.

The development hereby permitted shall not be commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Rivers Agency will require to be consulted regarding the discharge of any storm water into an existing water course prior to commencement of building works on site.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Any telegraph poles/ street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of Transport NI.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

REASON: Road safety and convenience of traffic and pedestrians.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section.

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

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

All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

REASON: In the interest of road safety and traffic progression.

The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

REASON: In the interest of Road Safety.

The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department of Regional Development Transport NI for agreement in writing.

REASON: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

The developer/applicant will contact Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

REASON: In the interests of road safety and traffic progression.

Case Officer DATE

Appointed Officer DATE

ITEM NO	1			
APPLIC NO	LA07/2016/0199/O	Outline	DATE VALID	11/02/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Liam and Siobhan Boylan and family 10 Avoca Lawns Warrenpoint BT34 2RJ		AGENT	Quinn Design and Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3YP
LOCATION	Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road Warrenpoint			
PROPOSAL	15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received)			
REPRESENTATIONS	Obj Letters	SUP Letters	Obj Petitions	SUP Petitions
	35	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0199/O

Date Received: 16th February 2016

Proposal: 15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands

Location: Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road, Warrenpoint

Site Characteristics & Area Characteristics:

The site occupies a steeply sloping vacant plot of land within the development limits of Warrenpoint. It overlooks the harbour and the Cooley Mountains and is surrounded by residential dwellings. The land is currently overgrown grassland with ferns, scrub and some mature trees along the boundaries. The site is located adjacent to the Woodlands development which is also has a steep topography. A narrow overgrown access to the site is also adjacent to 132 Lower Dromore Road.



Site History:

P/2009/1064/F – Residential Development of 17 dwellings and site works - Lands to the rear and East of 46-132 Lower Dromore Road, Warrenpoint – Withdrawn

WB 18 Housing – Banbridge Newry & Mourne Area Plan 2015 – 1.37 hectares (key site requirements include gross density of 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn land on Lower Dromore Road junction with A2 however these works have already been carried out).

Planning Policies & Material Considerations:

Regional Development Strategy 2035

SPPS – Strategic Planning Policy Statement

PPS 2 – Natural Heritage – NH 6 – AONBs

PPS 3 – Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

PPS 8 – Open Space, Sport and Outdoor Recreation

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

Supplementary Guidance:

DCAN 8 – Housing in existing urban areas

Creating Places

Consultations:

Transport NI – No objections in principle – subject to conditions.

NIW – informatives supplied including early predevelopment enquiry to NIW to determine how proposal may be served. WWTW at Warrenpoint are presently available to serve this proposal.

Environmental Health – No objections providing proposal is connected to public sewerage system as stated in application.

HED: Historic Monuments – content with location of site away from inauguration stone of the Clan McGuinness.

Rivers Agency – accepted the logic of the drainage assessment. Implementation of this assessment and flood risk measures lies with the developer and his/her professional advisors.

DAERA Drainage and Water – content subject to conditions;

DAERA Natural Heritage and Conservation Areas (NED) – refers to standing advice in relation to badger activity and if found a survey is required. Standing advice is also provided for wild birds.

Loughs Agency – Condition attached re discharge of storm water.

Objections & Representations

64 neighbours notified and the proposal advertised in 5 local papers on the 1st, 3rd and 4th March 2016. Vast amounts of objection letters were received. The main issues referred to road safety and the safety of residents within The Woodlands due to its existing construction and the proposed increase in traffic. Other objections raised included safeness of existing retaining walls and proposed ones; disruption/loss of wildlife including birds, bats.

Consideration and Assessment:

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies inside the town of Warrenpoint and also within a designated Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP). It also zoned in the area plan under WB18 for housing. The requirements of the plan state:

1.37 hectares (key site requirements include gross density of minimum 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn lane on Lower Dromore Road junction with A2 however these works have already been carried out as part of a different scheme).



The zoning of land provides a basis for rational and consistent decision on planning applications and provides a measure of certainty about which types of development will and will not be permitted.

The current statutory development plan refers to policy for the control of development on zoned sites being contained in Policy SMT2 in Volume 1 of the plan. Policy SMT2 – Development on Zoned Land

Planning permission on zoned sites will be granted for the specified uses as well as any range of uses included in the key site requirements and any specified complementary uses.

The development proposals will also be considered in the context of all prevailing regional planning policy and any relevant plan policies and proposal, including, where specified, key site requirements.

PPS 7 – Policy QD1 – Quality in New Residential Development

Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. This policy lists 9 criterions to comply with:

- (a) A concept layout has been provided showing 15 dwellings including 3 detached and 6 pairs of semis however, these are only indicative and full details will be provided at any Reserved Matters/Full stage. Housing on the concept plan is however shown towards the upper parts of the site with woodland planting towards the lower slopes. The site has been included with the Area Plan as land zoned for housing, and through suitable and skilful design due to the site's steepness, housing on this land could respect and the surrounding context as well as being appropriate to the character and topography.



- (b) The site lies within an AAP and NED:HM were consulted and responded that they are content with location of site away from inauguration stone of the Clan McGuinness. No archaeological mitigation is therefore required. New landscaping is proposed and existing vegetation can be conditioned to be retained and augmented.
- (c) 15 dwellings are proposed which although is the minimum per hectare (site measures 1.37 hectares) it is 6 houses short of what the development plan is suggesting in the key site requirements. However I believe given the gradient of the site and the proposal to plant trees is an acceptable proposal for this site. Through careful design there should be sufficient space to each dwelling for private amenity space. The number of dwellings proposed falls short of the open space requirement as per PPS 8 Policy OS 2 (Open Space in New

Residential Development). Taking into account the steepness of the site, land remains towards the lower slope/south west and it is here that a woodland area is proposed as per the concept plans which would assist in the 'greening' of the area. Any approval would be conditioned to provide high quality landscaping to be maintained and retained in perpetuity.

- (d) Due to the scale of the proposal, and the site's location within an existing and well established residential area, no local neighbourhood facilities are required.
- (e) Any RM/Full application would have to design a scheme that would support walking, cycling and meet the needs of people whose mobility is impaired and this would include traffic calming measures, ensuring access to public transport is achievable and no rights of way are disrupted. This is possible on this site through careful design.
- (f) Due to the size of the site and the number of dwellings proposed, there should be ample space within the curtilage of each dwelling for the parking of private cars of at least 2 per dwelling. Any RM/Full application would have to ensure this is presented at the design stage.
- (g) Partial details of the house types have been supplied however this is an outline application and applicable conditions relevant to this site and locality will be imposed regarding design, form and material finish on any approval notice.
- (h) The housing density on this site is acceptable even if it's under the minimum key site requirements due to the site's steepness. Although the gradient of the site could pose tricky, a quality residential environment is achievable through careful design and landscaping that would also minimise any issues regarding overlooking, loss of light, overshadowing, noise or other disturbance.
- (i) Through careful design and siting, the development could deter crime and promote personal safety.

PPS 12 – Policy Planning Control Principle (PCP) 1 – Increased Housing Density without Town Cramming.

This policy supports an increase in density of housing development within town and city centres and other locations which benefit from high accessibility to public transport facilities without eroding local character, environmental quality and amenity. New design should also respect adjacent housing and safeguard their privacy. The proposed site lies within the development limits of Warrenpoint and contains land zoned within the statutory development plan for housing under WB18.

PCP 2– Good Design

Any RM/Full application would have to ensure good design is proposed.

PCP 3– Sustainable Forms of Development

The proposed site would be a sustainable form of development in that it is located within an existing well established residential area, involves the completeness of the residential area and is within land zoned for housing in the area plan.

PPS 3 – Access, Movement and Parking

A vast number of objections were received regarding the access arrangements and TNI initially responded stating that the road network within The Woodlands could cope with the extra traffic that the development would bring; that the horizontal and

vertical alignment of the road (Woodlands) was not untypical of the area and that the proposal will complete housing on the zone.

A final consultation was issued to DFI Roads on 11th October 2017 and the response was the considered professional opinion on the proposal from the Principal Roads Engineer/Network Planning Manager and included:

- Site and surrounding area was inspected/site history and area plan zoning considered as well as acquaintance with appeal history on nearby planning application site at Warrenhill (a separate matter);
- Housing density is less than the minimum yield stipulated in current area plan zoning therefore comments apply to the limited development proposed;
- Geometry, gradient and alignment of the existing public road which whilst steep, is not atypical of the topography of the area;
- Would not be unreasonable to construct a further 15 dwellings and aware of residents views but any possible significant disruption will be during the house building process – which it is hoped will be of limited duration. The present housing road is lightly trafficked and no expectation there to be any traffic progression or safety issues once the houses are occupied, assuming normal courteous driving;
- Satisfied that the proposed 15 dwellings is, on balance, acceptable in terms of the existing adjacent roads infrastructure.



PPS 2 – Natural Heritage

A biodiversity checklist was completed and indicated no concerns however NED referred to standing advice and the need for surveys to be completed should badgers or wild birds be found. As part of any approval notice, an informative will be attached to highlight the legislation of protected species and need for survey should

badgers be found on site. The planting of native trees will however assist the areas biodiversity.

PPS 2 – NH 6 – Areas of Outstanding Natural Beauty

In terms of the site's location within the AONB, careful design and respectfulness of the locality, its architectural and environmental characteristics and qualities as well as historical features and assets, a suitably designed housing layout could be accommodated on this site without causing detriment to the area.

PPS 15

Rivers agency accepted the logic and no reason to disagree with the conclusion of the drainage assessment prepared for this site under policy FLD 3. Rivers Agency have indicated that the responsibility for justifying the drainage assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (paragraph 5.1 of revised PPS 15).

Recommendation:

Approval

The chosen site has been zoned in the Banbridge Newry & Mourne Area Plan 2015 as land identified for housing. The number of houses proposed is acceptable to the key site requirements and the access road involved is through The Woodlands which is also identified within the plan. The plan refers to access through the small adjacent site however this smaller site has been fully developed. Although a vast number of objections have been received with the majority relating to the site's access via The Woodlands, and its ability to cater for increased traffic, senior management in Transport NI has assessed the proposal, and in accordance with current planning policy, deem the access suitable to accommodate a further 15 dwellings which in their words would '*complete housing in the zone*'.

This is an outline application, therefore in principle, the proposal for 15 dwellings and landscaping including the planting of native trees is acceptable on land zoned for housing.

Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of

access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

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

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

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

5. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed ground levels, the finished floor levels of the proposed buildings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

6. At the Reserved Matters stage a plan indicating full details of all proposed tree and shrub planting and a programme of works, shall be submitted to and approved by the Council. All tree and shrub planting shall be carried out in accordance with those details and at those times.

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

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

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

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

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

Informative:

The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the Badger. It is also an offence to disturb these animals or obstruct access to their place of refuge, or destroy or damage anything which conceals or protects their place of refuge. If there is evidence of badgers found, a survey is required which should comply with British Standard 42020:2013, which came into effect on 31st August 2013. The British standard provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or enhancement of biodiversity.

Standing Advice Badgers:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_8_badgers.pdf

Standing Advice Wild Birds

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_17_wild_birds_issue_01_may_2015.pdf

Case Officer Signature:
Date:
Authorised Officer Signature:
Date:

Submission from P Thornton in objection to LA07/2016/0199/O

This application should be refused permission because the access proposed is unsafe.

Both TransportNI and planning have previously rejected use of The Woodlands as an access to develop this site due to the fact that it is substandard and unsafe.

The gradient is almost 40% greater than the maximum permitted in the safety standards published by the department.

There can be no justification for ignoring these safety standards and they must be respected to avoid adverse incidents with respect to public safety.

The Area plan can never be used to support unsafe development. If this site is to be developed then it must be done safely not in a convenient but unsafe way.

The current application is unsafe and I would ask the committee to protect the safety of the public and refuse permission for it.

I wish to request speaking rights at the Planning Committee on Wed 7th February 2018 in support of the objectors, and to oppose planning application LA07/2016/0199/0.

I wish to primarily challenge two representations made by (1) Pat Quinn from RTPI and (2) Reynold Nicholson Principal Chartered Engineer and Network Planning Manager for transportNI, whose submissions appear to have swayed our planners to recommend approval for this application which has been refused previously on a number of occasions.

Mr Quinn has wilfully misinterpreted the Key Site Requirement for WB18 "Access may be from Woodlands" to what he describes as more than a proposal but a requirement. Meaning this will be the only access allowed. It is a preposterous interpretation and quite frankly disgraceful that he has not been challenged by our planners.

Mr Nicholson is governed by the Civil Service values within the "NORTHERN IRELAND CIVIL SERVICE CODE OF ETHICS"

Which reads:

As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.

In this Code:

'objectivity' is basing your advice and decisions on rigorous analysis of the evidence;

Mr Nicholson's short submission is not based on objectivity, nor is it a rigorous analysis. The geometry, gradient and alignment measurements he took on that day "must" be produced to overturn previous professional opinion and recordings which clearly show the access would "prejudice the safety and convenience of road users".

Cllr Michael Carr

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Statement in support of planning application
LA07/2016/0199/O

Proposal: 15 new dwellings, 4750 square metres
(1.1 acres) of native tree planting, landscaping
walls, new estate road and ancillary
development including regrading, with access from
The Woodlands

Location: Land zoned for housing to the rear of
numbers 68 to 132 Lower Dromore Road,
Warrenpoint

Applicant: Liam, Siobhan Boylan and family

This application has been considered by the Planning Department. During their consideration, the Planning Department has sought advice from a wide range of government bodies including Transport NI (TNI)

After a lengthy consideration, the Planning Department has decided that the application should be approved.

The Site

The entire site is enclosed by housing. To the North is The Woodlands, a development of detached dwellings. On the eastern side and above the site is Carrickree which comprises mostly semi-detached houses. Along the Lower Dromore Road frontage there is a line of two storey terraced properties which are mostly dwellings.

The Banbridge, Newry and Mourne Area Plan (the Plan) was adopted as the statutory plan for the area in October 2013. It zones the site for housing. The Key Site Requirements stipulate a minimum gross density of 15 dwellings per hectare. The only access proposed is through The Woodlands.

The Site's Planning History

In August 2009 a planning application (reference P/2009/1064/F) sought full planning permission for 35 dwellings and 8 apartments on the site. The number of units proposed was reduced while the proposal was being considered. However, the proposal was found to be unacceptable and the application was eventually withdrawn.

The Proposal.

This application seeks permission in principle for 15 dwellings with access via The Woodlands. The application also proposes to plant 1.1 acres of native trees.

The houses will be sited on the upper section of the site with the planted areas located behind the houses at Lower Dromore Road.

The plan-led system

The 2011 Planning Act, and the devolving of planning powers to the 11 new Councils in April 2015, introduced a new '*Plan-led System*'.

Section 45 of the 2011 Act requires regard to be had to the Plan and to all other material considerations.

Section 6 states, that where regard is to be had to the Plan, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.

In short, under the '*Plan-led System*', **the Plan is the primary consideration in the determination of planning applications.**

The Objectors Concerns

33 objections were received from 22 individual addresses with some objectors writing to the Planning Department on at least 3 separate occasions.

The main issues referred to are road safety and the safety of residents within The Woodlands due to construction and the proposed increase in traffic.

Other objections raised included stability of existing retaining walls and proposed walls; disruption/loss of wildlife including birds, bats.

TNI were consulted on 20th April 2016. On 23rd June 2016 TNI were invited to comment on a specific objection which was dated 26th May 2016.

After a lengthy consideration of the proposal TNI replied with no objection on 4th October 2016.

Notably only 2 objection letters were received by the planning department prior to 4th October 2016.

TNI were asked to explain their decision to support this application on 22 February 2017. TNI clarified their position in a letter dated 13th March 2017.

The objectors met recently with TNI and senior planning officers. On 11th October 2017 TNI were invited to comment once again on this application.

On 1st November 2017 Reynold Nicholson, a Network Planning Manager within TNI provided a very comprehensive analysis of the proposal in relation to access.

Mr Nicholson is a very experienced Chartered Engineer. His last paragraph advises

“On this basis I can confirm that I am satisfied that the proposed development of 15 dwellings is, on balance, acceptable in terms of the existing adjacent roads infrastructure. This is my considered professional opinion on this proposal”.

To summarise TNI have on 3 separate occasions explained in great detail that the proposed access via The Woodlands is acceptable, it is capable of safely serving 15 houses and that it will not prejudice the safety and convenience of road users.

TNI could not have been any more specific in relation to this application.

Regarding the stability of existing and proposed retaining walls, this application seeks only permission in principle and if approved would be followed by a more detailed application. Such matters would be considered during the design of the second application.

NIEA were consulted and have no objection to development on this site.

The objector’s presentation to the Planning Committee during the December meeting.

Mr Thornton presented the objector’s concerns to the Committee on 6th December past. Mr Thornton informed the Committee that TNI had been consulted 3 times and each time had advised that the application should be refused on grounds of road safety.

Mr Thornton was incorrect in his assertions. I attempted to clarify this point for the Committee, however, I was not afforded the time to do so.

Mr Thornton was actually referring to the consultation replies made by Roads Service in relation to the 2009 application for full planning permission which sought permission for 35 dwellings and 8 apartments.

The applicants, who attended the December meeting, strongly contend that Mr Thornton's presentation on behalf of the objectors was misleading.

Furthermore, the negative consultation replies provided by Roads Service and referred to by Mr Thornton were in relation to a proposal for 43 units, 28 more than are proposed through this application.

No one objected to the proposed zoning in the area plan.

During my presentation to the Committee at the December meeting, I pointed out that the Draft Area Plan was published on 22nd August 2006 and that its publication was widely reported in the press.

I further advised that the local press regularly included articles related to the area plan.

In 2006, the application site was surrounded by housing as it is now. The developer who constructed The Woodlands did so in a way which would allow the estate road in The Woodlands to provide access to the application site.

The plan publication on August 22nd commenced a 12 week objection period during which the residents in The Woodlands had ample time to inspect the relevant documents/maps and object to the zoning or at least object to the proposed access via The Woodlands.

Objection letters have been received from 19 separate addresses in The Woodlands. At least 12 of the objections have been submitted by people who were living in the Woodlands in August 2006 when Planning Service published the plan

When the applicants consider these circumstances, they find it ever increasingly difficult to understand why the objectors, who are so opposed to this application for 15 houses, did not object to the proposed zoning in 2006.

What Happens If This Application Is Refused?

If the Planning Committee decide to refuse this application, there will be a planning appeal. At the appeal TNI will confirm they have no objections.

The Council's own planning department after considering this application since February 2016 are already on record as having no objections, hence the recommendation for approval.

Given these circumstances an award of costs is bound to be made against the Council.

Conclusion

The role of an area plan is to guide applicants as to how they should present their proposal and to guide the Council as to how they should consider them.

The importance of this role has been recognised in the 2011 Planning Act which created the **Plan Led System**. This simply means applications are decided in accordance with the plan.

In short, under the '*Plan-led System*', **the Plan is the primary consideration in the determination of planning applications.**

Respectfully, I would contend that the Planning Department's recommendation to approve this application should be upheld by the Committee.

I would like to thank the Council in advance for the opportunity to speak in support of the application.

Brendan Quinn
BSc Hon's
ICIOB

ITEM NO	1			
APPLIC NO	LA07/2016/1069/F	Full	DATE VALID	11/08/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Jim Rocks 8 Sturgan Road Camlough Newry		AGENT	Quinn Design and Engineering Services 36 Carrogs Road Burren BT34 3PY
LOCATION	Mountain House Drumilly 37 Newry Road Belleeks Newry.			
PROPOSAL	Application to vary condition number 2 of planning permission reference P/2006/1110/RM. Condition 2 states that The dwelling hereby permitted shall be occupied only by Mr B Dooley and his dependants for life, following construction and occupation. The application seeks the variation of this condition to The dwelling hereby permitted shall be occupied only by the owner/ manager or an employee of the adjacent Mountain House public house, following construction and occupation. (Amended description)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and and policy CTY 1 of PPS 21 in that it has not been demonstrated that the development, as approved under P/2002/1865/O and P/2006/1110/RM, has lawfully commenced within the prescribed statutory period and there are no overriding reasons why the proposal is essential in this rural location.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1069/F

Date Received: 11 August 2016

1.0. Proposal:

- 1.1. To vary condition 3 on P/2002/1865/O and Condition No 2 on P/2006/1110/RM.

2.0. Location:

- 2.1. Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry.

3.0. Site Characteristics & Area Characteristics:

- 3.1. The site is in the open countryside adjacent to an existing public house.

4.0. Site History:

P/2002/1865/O: Site for dwelling for manager of adjacent premises. Outline Approval, 12 May 2003.

P/2006/1110/RM: Erection of Dwelling. Reserved Matters Approval, 12 February 2007.

LA07/2016/1070/LDE: An application for a Certificate of lawfulness for an Existing Use or Development (CLUD) confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the prescribed timeframe.

5.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement; Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 21, Sustainable Development in the Countryside.

6.0. Consultations:

None

7.0. Objections & Representations

- 7.1. Details of the application were advertised in the local press on 26 August 2016 and neighbourhood notifications letters were issued on 17 August 2016. No objections were received.

8.0. Consideration and Assessment:

- 8.1. The application initially sought the removal of a planning condition attached to the previous outline and reserved matter approvals referred to above. The planning permission, referred to, was granted at outline stage on 12 May 2013 and at Reserved Matters stage on 12 February 2007. The application was subsequently amended to vary the wording of the planning condition.

- 8.2. There are 2 issues to be considered:
- is it appropriate to amend the planning condition attached to the previous planning approvals; and secondly,
 - does the planning application, the subject of this application remain extant or has it expired. i.e. is there a valid approval to vary.

- 8.3. I will deal with proposed variation of the planning condition initially. The planning condition read,

The dwelling hereby permitted shall be occupied only by Mr Dooley and his dependents for life, following construction and occupation.

Reason: The site is located within a Countryside Policy Area where it is the policy of the Department to restrict development and the consent hereby permitted is granted solely because of the applicant's special circumstances.

- 8.4. In support of the application, the applicant states that Mr Dooley, the then applicant, no longer owns the public house or the adjacent building site and therefore can no longer comply with the planning condition. Similarly the new owner, Mr Rocks, cannot comply with the planning condition which restricts occupancy to Mr Dooley.
- 8.5. The agent initially sought the removal of the planning conditions on both previous approvals. He subsequently amended the application from removal of the planning conditions to a variation of Condition No 3 on the OPP and Condition No 2 on the RM approval in a manner which restricts the occupancy of the dwelling to the owner /manager or an employee of the public house.
- 8.6. The planning conditions referred to was imposed in the context of the previous rural planning policy contained within 'A Planning Strategy for Rural NI'. Policy HOU 11 of that document permitted a dwelling house in the countryside required for the essential needs of an established commercial enterprise. Such approvals were subject to a condition restricting occupation to an employee of the firm. The prevailing policy for the rural area is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside'. Policy CTY 7 of PPS 21 allows for dwellings for non-agricultural business enterprises located beside the boundaries of the enterprise. Such

approvals are also subject to an occupancy condition restricting occupation of the dwelling for the use of the business.

- 8.7.** Within the terms of this changing policy context, it is appropriate to retain the occupancy condition. It is also considered appropriate to vary the wording of the condition along the lines suggested by the applicant. This would link the condition to the business, the basis for the approval, and not a named individual. The new condition would read,

The dwelling hereby permitted shall be occupied only by the owner of the adjacent licensed premises, currently known as The Mountain House or to any employee of that business, following construction and occupation.

Reason: It is the policy of the Planning Authority to restrict development and the consent hereby permitted is granted solely because of the applicant's special circumstances.

- 8.8.** As stated above, the Planning Department must also consider the status of the previous planning approvals on the site. In this context, this application is also related to a parallel application for a Certificate of Lawfulness for an Existing Use or Development (CLUD), also received on 11 August 2016, Ref No LA07/2016/1070/LDE, (see appendix a, Case officer Report, attached).
- 8.9.** This application seeks a CLUD confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the statutory timeframes of those approvals.
- 8.10.** In summary, outline planning approval, for the dwelling, was granted on 12 May 2003. Reserved Matters approval was subsequently granted on 12 February 2007. The pre-commencement conditions attached to those approvals and other related development should have been carried out by 12 February 2009 to ensure that the planning approval had lawfully commenced.
- 8.11.** The Planning Department has completed its assessment of this application, see Appendix A, and has concluded that while the works carried out on site related to those previous approvals, i.e. site levelling and clearance, is lawful in that it was carried out more than 5 years ago, the overall development, approved under planning reference P/2002/1865/O & P/2006/1110/RM, has not lawfully commenced within the statutory period of the approvals on site. This is due to the fact that pre-commencement conditions have not been complied with within the prescribed period. This follows from the fact that Transport NI has confirmed, in its response, dated 4 November 2017, that the access details, currently on site, have not been provided in accordance with approval issued in P/2006/1110/RM.
- 8.12.** On this basis while it may be appropriate to vary the terms of the planning condition, as requested, the fact remains that since the development, as approved, has not been commenced on site, the approval has lapsed. There is no valid approval in place, to attach or to vary a planning condition.

9.0. Recommendation

- 9.1.** Refusal of the variation of the previous planning conditions. The proposal is contrary to SPPS and CTY 1 of PPS 21 in that it has not been demonstrated that the development, as approved under P/2002/1865/O and P/2006/1110/RM, has lawfully commenced within the prescribed statutory period and there are no overriding reasons why the proposal is essential in this rural location.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Appendix



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1070/LDE.

Date Received: 11 August 2016

1.0. Proposal:

- 1.1. This application seeks a Certificate of lawfulness for an Existing Use or Development (CLUD) confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the prescribed timeframe.

2.0. Location:

- 2.1. Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry.

3.0. Site Characteristics & Area Characteristics:

- 3.1. The site is in the open countryside adjacent to an existing public house.

4.0. Site History:

P/2002/1865/O: Site for dwelling for manager of adjacent premises. Outline Approval, 12 May 2003.

P/2006/1110/RM: Erection of Dwelling. Reserved Matters Approval, 12 February 2007.

LA07/2016/0691/F: To remove condition 3 on P/2002/1865/O and Condition No 2 on P/2006/1110/RM.

5.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement; Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 21, Sustainable Development in the Countryside.

6.0. Consultations:

DFI Transport NI: 4 November 2017: No objections in principle to this proposal. It should be noted that the access has not been constructed in accordance with approval issued in P/2006/1110/RM.

7.0. Objections & Representations - None.

8.0. Consideration and Assessment:

8.1. Section 169 of the Planning Act (NI) 2011 provides for a 'Certificate for an Existing Use or Development' (CLUD) and Section 170 provides for a 'Certificate of lawfulness of proposed use or development (CLOPUD). This application has been lodged as an application for a 'Certificate for an Existing Use or Development'.

8.2. This wording of the application description seeks a CLUD confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the statutory timeframes of those approvals. The certificate is sought on the grounds that the use, operation or activity benefitted from planning permission granted under the Planning (NI) Order 1991.

8.3. The application therefore relates to the lawfulness of the works undertaken and also with the lawfulness of future development in respect of the proposal to complete the dwelling approved in accordance with P/2002/1865/O and P/2006/1110/RM. The Planning Appeals Commission (PAC) has previously taken the view that the lawfulness of future development in respect of a proposal to complete an approved dwelling should be considered in the context of Section 170 relating to a Certificate of Lawfulness of proposed use or development (Appeal Reference 2016/E0045). In this context this proposal cannot be considered under the terms of this application. That said, for the purposes of completion I will consider both the lawfulness of the existing works on the site and the issue of whether the dwelling, as approved, can lawfully continue on the basis that it has commenced within the statutory prescribed timeframe.

8.4. I will deal, initially, with the lawfulness of the existing works on the site. The purpose of this type of CLUD application is to establish if works, carried out,

are lawful by virtue of the fact that they have been carried out more than 5 years ago and are immune from enforcement action.

- 8.5.** In support of the application, the applicant has included: details of the previous approvals; a copy of a letter, dated 5 January 2007, addressed to the previous planning authority DoE Planning Marlborough House, accompanied by photographs showing works related to these approvals carried out on site. Google maps, dated January 2009, also appear to show that the frontage of the site had been cleared to provide the visibility splays and that works had been carried out to clear and level the site.
- 8.6.** In this context it is accepted that the works, on site, have been carried out more than 5 years ago, are immune from enforcement action and are therefore lawful.
- 8.7.** I will now deal with the alleged lawfulness of future development on the site in respect of the proposal to complete the dwelling approved in accordance with P/2002/1865/O and P/2006/1110/RM.
- 8.8.** Article 34 of the Planning NI Order, (as repeated in Section 61 of the Planning (NI) Act 2011), relates to the duration of a planning permission. Its purpose is to limit the life of permissions to a specified period in order to prevent an accumulation of unimplemented permissions and to allow proposals to be reviewed periodically in the light of changing circumstances. In line with Article 34, development, on site, should take place, in accordance with the formal approval, within 5 years from the date of the outline approval or 2 years after the granting of the reserved matters application. Article 36 of the Order, (as repeated in Section 63 of the Planning (NI) Act 2011), set out how Article 34 was to be interpreted. In accordance with Article 36 (1) development was taken to have begun on the earliest date on which any one of four specified operations began to be carried out. One such operation was specified in sub section (a) of Article 36 (1), which stated that development is begun 'where the development consists of or includes the erection of a building, any work of construction in the course of the erection of a building.
- 8.9.** As required by the prevailing legislation, Article 34 of the Planning (NI) Order 1991 and Condition No1 of Planning permission P/2002/1865/O and Condition No 2 of P/2006/1110/RM, development on site should have commenced before the expiration of 5 years from the date of the outline approval or 2 years after the granting of the reserved matters application, whichever is the latest. In the case of this application, in order to have lawfully commenced, the development should have commenced on site by 12 February 2009, 2 years after the granting of the reserved matters application.
- 8.10.** As stated above, in support of the application, the applicant has included: details of the previous approvals; a letter, dated 5 January 2007 to the

Divisional Planning Office, accompanied by photographs showing works related to these approvals carried out on site; and a letter from an Officer in the previous planning authority, dated 11 February 2009, which states that 'the provision of visibility splays in accordance with those specified in the approval would constitute the commencement of development'.

- 8.11.** Google maps, dated January 2009, also appear to show that the frontage of the site had been cleared to provide the visibility splays and that works had been carried out to clear and level the site.
- 8.12.** I will deal firstly with the provision of the visibility splays on the site. On a general point, pre-commencement conditions frequently form part of a planning approval and until pre-commencement conditions have been fully complied with, a planning permission cannot be implemented. In this instance conditions attached to both the outline approval and reserved matters approval required that the provision of visibility splays, in accordance with details specified by DRD Roads Service and on detailed approved plans, prior to the commencement of any other works approved on the site. The agent has also stated that the provision of the visibility splays were a pre-commencement requirement of both the outline and RM approvals on the site. Under the terms of the approval, the visibility splays should have been in place prior to the commencement of any other works approved by those previous approvals to ensure that the development, as approved, had lawfully commenced. In this context, the opinion expressed in the letter from an Officer in the previous planning authority, dated 11 February 2009, as referred to by the agent in support of the application, is therefore incorrect in that compliance with a pre-commencement planning condition does not constitute the commencement of development. In addition, other works, directly related to the approval, should also have been carried out, within the stipulated time scales of the approval, to ensure that the development had commenced.
- 8.13.** In this instance outline planning approval, for the dwelling, was granted on 12 May 2003. Reserved Matters approval was granted on 12 February 2007. The pre-commencement conditions and other related development should have been carried out by 12 February 2009 to ensure that the planning approval had lawfully commenced.
- 8.14.** The letter, with accompanying photographs, dated 5 January 2007, suggests that the splays, together with other works on site, have been carried out within the prescribed periods. Images on google maps, dated January 2009, would also support this.
- 8.15.** Transport NI has been consulted to establish if the sight splays, as provided, comply with the previous approvals. In its response, dated 4 November 2017, it has confirmed no objections in principle to this proposal. However, critical to this application, it also stated that the access has not been constructed in accordance with approval issued in P/2006/1110/RM.

- 8.16.** In the light of these comments, the access details have not been provided in accordance with the approved plan and prior to the commencement of other approved works.
- 8.17.** Turning to the other development carried out on site, as described by the agent and shown in accompanying photographs. This relates to the levelling and clearance of the site. While the works on site are partially overgrown, due to the passage of time, it is still evident that clearance and levelling operations have been carried out on the site. It is also reasonable to assume that this work would have been carried out in line with previous approvals on the site and would constitute 'work of construction in the course of the erection of a building' as specified in Article 36 (1) of the Planning Order.
- 8.18.** Accordingly, notwithstanding the fact that other related works appear to have been carried out within the prescribed time period, the development has not been lawfully commenced as the access details have not been provided, in accordance with the terms of the approval, prior to the commencement of development.
- 8.19.** It must also follow that the application proposal, as described, must fail in that the construction of the dwelling approved under planning reference /2002/1865/O & P/2006/1110/RM cannot lawfully continue because a material start was not made within the prescribed timeframe.

9.0. Recommendation

9.1. Refusal of the CLUD Application, as proposed

It has not been demonstrated that the works on site have been lawfully carried out, in accordance with the approved plans and the construction of the dwelling approved under planning reference /2002/1865/O & P/2006/1110/RM cannot lawfully continue because a material start was not made within the prescribed timeframe.

Quinn Design and Engineering Services

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Statement in support of planning application

LA07/2016/1069/F

Proposal: Vary occupancy condition on approval
granted under P/2006/1110/RM

Location: Newry Road, Belleeks, Newry

Applicant: Jim Rocks

Introduction & Planning History

The application site is located along the Newry Road between Camlough and Belleeks, adjacent to the Mountain House public house which is owned by the applicant, Jim Rocks.

On 12th May 2003, Planning Service granted Outline Planning Permission (OPP) for a “*Site for dwelling for manager of adjacent premises*”. Condition no 3 on the OPP restricted the occupancy of the proposed dwelling to Mr B Dooley, (the previous owner of the public house) and his dependants for life.

The reason for the imposition of the condition was

“The site is located within a Countryside Policy Area where it is the policy of the Department to restrict development and the consent hereby permitted is granted solely because of the applicant’s special circumstances”

On 12th February 2007, Planning Service granted Reserved Matters for the “*Erection of dwelling*”. Condition no 2 on the RM approval and the reason for its imposition was exactly as per condition no 3 on the OPP decision.

Both approvals imposed a pre-condition which required that the access and sight splays be provided before the commencement of any other work.

During the first week of January 2009, and within the timeframe set out in condition 1 on both the OPP and RM decisions, the sight splays were provided, an access (all be it a temporary field gate) was formed before top soil was removed from the site and stored in a soil heap along the rear of the site. This work is shown in the Google Street View photo overleaf dated January 2009.



Annex A contains a letter from the agent who prepared and submitted the RM application to Planning Service. The letter was accompanied with 4 before and after photographs showing the sight splays provided, the access formed and the top soil removed and stored along the rear of the site.

The letter, which was dated 5th January 2009, simply sought confirmation from Planning Service that the work shown in the photographs constituted the implementation of the approvals granted under P/2002/1865/O & P/2006/1110/RM.

Annex B is a reply from Malcolm Black of Planning Service dated 11th February 2009 to the agent referring to the letter in Annex A. The letter advises

“I can confirm that the provision of visibility splays in accordance with those specified in the approval would constitute the commencement of development”.

It should be noted that Malcolm Black was a very experienced, senior planning officer. More importantly, it should be recognised that Malcolm was an authorised officer, which meant he was permitted to speak to or correspond with applicants or agents on behalf of Planning Service.

Notably, Mr Black informed Mr Rocks’ former agent that the provision of visibility splays in accordance with those specified would commence

development. Mr Black never mentioned a requirement to provide an access or carry out any building work.

Upon receipt of the letter in Annex B, the applicant ceased work on site safe in the knowledge that the approvals had been successfully implemented.

The Proposal

The occupancy conditions imposed on both approvals restricted the occupancy of the dwelling to Mr Dooley, the previous owner of the public house. As Mr Dooley no longer owns the public house nor the adjacent building site, he can not comply with the occupancy conditions once the new dwelling has been completed.

Similarly, Mr Rocks can not comply with existing occupancy conditions as they restrict the occupancy of the dwelling to Mr Dooley.

Against this background and before construction work continues, the applicant has submitted this application which seeks the variation of the occupancy conditions imposed on P/2002/1865/O & P/2006/1110/RM.

This application requests that Condition no 3 on the OPP and Condition 2 on the RM approval are re-worded in a manner which restricts the occupancy of the dwelling to the owner/manager or an employee of the public house which is situated adjacent to and immediately south east of the application site.

The Councils Consideration to date.

Mr Rocks has submitted an application for a Certificate Of Lawfulness or Development (CLUD) on this same site. The officer's report for the CLUD file is attached to the officer's report for this application as Appendix 1.

From reading the officer's report for the application to vary the conditions, it is very clear that the Planning Department is quite content to re-word the conditions, however, the planning department has taken the view that the approvals granted under P/2002/1865/O & P/2006/1110/RM were not implemented and as such have expired.

Because they have taken this view, the conditions can't be re-worded.

The Council has consulted TNI in relation to the access. The reply provided by Liam Trainor advises

“DFI Roads has no objections in principle to this proposal. However it should be noted that the access has not been constructed in accordance with approval issued in P/2006/1110/RM”.

I spoke to Mr Trainor. He informs me that his negative comments are based upon the fact that the galvanised gate which provides a temporary construction access to the site isn't located “*exactly*” where the access point is shown on the approved drawing. Mr Trainor is quite content that the removal of the previous roadside hedge/bank did however provide the sight splays as per the drawings approved under P/2006/1110/RM.

Setting the precise location of the access aside, the report for the CLUD application accepts at paragraph 8.14 that the visibility splays **were provided** in January 2009.

The report continues at paragraph 8.17 to accept that removing the top soil from the site and storing it amounted to

“work of construction in the course of the erection of a building as specified in Article 36 (1) of the planning order”.

To summarise, TNI and the Planning Department accept that the removal of the roadside hedge/bank in January 2009 and lowering the verge provided the visibility splays as required by the approved drawings. The Planning Department accepts that stripping the soil from the site constituted work in the course of constructing a building.

The only matter standing in the way of this application being approved is the fact that the applicant has not built the access (ie built pillars and laid kerbs) as per the approved siteplan and that the galvanised gate through which temporary access for construction vehicles was proposed has not been located “*exactly*” at the location of the access on the approved siteplan.

What differences exist between the approved access and the existing temporary access?

The approved access was to be 4m wide, its centre was to be 25m from the western boundary and the new gates were to be 5m from the edge of the road.

The temporary construction access which was provided is 7m closer to the western boundary. It is 4.5m wide and it is 4.5m from road edge.

The requirements on the approved drawings are 2.4 x 100m. Moving the access 7m closer to the western boundary could have shortened the available sight splay, however, the temporary access achieves a 2.4 x 114m sight splay towards Newtownhamilton. Finally, the temporary access is 7m further away from the junction with Tullyah Road which if anything should be seen as a planning gain.

The Council's Principle planning officer has intimated to me that the provision of an access such as that approved under P/2006/1110/RM would require the construction of block pillars and the laying of kerbs as shown on the siteplan.

I would contend that building pillars and laying kerbs before construction work even begins would bring about a situation which might prevent and would defiantly delay large delivery lorries accessing the site. Such a situation if it were to arise would most definitely prejudice the safety and convenience of road users on what is a very busy, fast stretch of road.

Notably, TNI raised **No objections** in relation to the current access.

Was there any guidance or advice in relation to commencement of development available in January 2009?

DPPS14 was published in March 2006. Soon after, land owners with planning permission on rural sites became acutely aware that their approvals would need to be implemented as a great percentage of rural approvals would not/could not be renewed under dPPS14.

As such, countless land owners began to "*do a wee bit*" to preserve their approvals. I myself contacted Planning Service on several occasions in an attempt to obtain advice on what type of work was required on site to implement rural approvals. In all cases the standard reply from Planning

Service was to give no specific advice other than to say something such as

“the applicant should satisfy his or herself that he or she has correctly implement the approval”.

After they became inundated with requests for advice on commencement of development from applicants, agents, and elected representatives, Planning Service published a document on their web site which was entitled *“Guidance on Renewing Planning Permission and Starting Development”*.

Specifically in relation to commencement of development, the document advised

“the following are useful examples of when Planning Service would accept that development has commenced in accordance with the approval”

The first bullet point advises

“Where an applicant has complied with conditions relating to works to be carried out before the commencement of other work”.

To summarise, the first document that Planning Service published in relation to commencement of development advised that compliance with a pre-condition would commence or implement an approval.

A short time later the guidance was revised in the inclusion of the infamous **“and”** added. The word **“and”** required a developer/land owner to comply with pre-conditions **“and”** carry out some

“work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works”.

Very notably, the first piece of advice was published by Planning Service on 12th June 2009, just over 5 months **AFTER** my client commenced work at the application site.

My client provided his visibility splays. TNI and the planning department accept this to be the case. He also provided a temporary access which achieves greater visibility splays than that required by TNI. He followed this with the removal of soil from the site which the officer

confirms is considered “*work of construction in the course of the erection of a building*”.

Finally and most importantly, he documented this to Planning Service and received a reply from a senior, authorised officer who advised that

“the provision of visibility splays in accordance with those specified in the approval would constitute the commencement of development”

I trust the Committee members will see that my client did indeed implement his approvals in January 2009. Furthermore, I trust the Committee would recognise that he did so at a time when there was **no useful advice available** from Planning Service which would have been of assistance to him.

Finally, given the advice received from a senior, authorised planning officer, I would trust the Committee will understand Mr Rocks’ frustration with the planning department who have taken a very draconian view on his situation.

Is there any relevant case law?

The case of *Thayer v Secretary of State for the Environment* and another was decided in 1991 in very similar circumstances.

This case was taken to the Court of appeal by a Mrs Thayer. The background is as follows.

In 1960, outline planning permission was granted to Mrs Thayer’s mother to build a house on land at Gray’s Lane, Ibstone, Buckinghamshire.

Approval of detailed drawings (Reserved Matters) was not sought until 1972. In November 1973 a Change of house type was granted subject to a condition that the development should be begun within five years.

The 1973 permission indicated that the proposal involved the construction of a new access to the public road.

In February 1974 some 12 ft of boundary hedge was re-moved by a JCB excavator to provide an opening. The opening in the hedge was not located at the precise point shown by the detailed plan, and an amount of surface earth inside the field was removed in preparation for a driveway. No hardcore was placed on the new driveway.

The appellant's mother then fell ill and no further work was done. In 1984 her mother died and the land was inherited by her three children, one of which was the appellant, Mrs Thayer.

In 1987 Mrs Thayer applied to Wycombe District Council, for a Certificate Of Lawfulness to confirm that she could continue to build the house which had been approved in 1973. The application was refused and a subsequent appeal was dismissed.

Mrs Thayer submitted a fresh application in 1988 which was also refused and her subsequent appeal was dismissed.

In each appeal case the Council and the Inspector (Commissioner) took the view that *not enough* work had been carried out to implement the planning permission.

Mrs Thayer reviewed her second appeal decision in the High Court. The High Court judge agreed with the Planning Inspector that the work carried out by her mother in February 1974 was *not enough* to implement the approval. Her High Court case was dismissed.

Mrs Thayer proceeded to the Court Of Appeal (COA) and her case was presided over by Lord Chief Justices Purchas, Stocker and Farquharson.

The COA allowed the appeal and found that the removal of the hedge and the excavation of the soil was done with the intention of executing the planning permission to build a dwelling and therefore constituted the commencement of development.

The judgement was critical of both the High Court Judge and the Inspector for introducing a test of "*quantum*" ie how much or how little was actually done on site within the prescribed timeframe.

The Thayer case established the question which must be asked when considering if development has commenced. In keeping with Thayer the focus must be on, not how little or how great the work is; the test must ask if the work is "**referable**" to the relevant approval.

Conclusion

In the subject case we know that the sightlines were formed to the satisfaction of both TNI and the Planning Department before the planning permission expired. The Planning Department has also accepted that the removal of soil from the area which would be occupied by the dwelling is considered *work of construction in the course of the erection of a building*. The formation of sight splays and the removal of soil from the site is work which is directly “**referable**” to the approval.

Similar to the Thayer case, Mr Rocks hasn’t located his access in the exact position as it was shown on his siteplan, however the access which has been formed is safer than that which was approved.

These factors must make Thayer a highly material consideration when deliberating on this case. Furthermore, there is no other logical reason for the access works other than to serve the approved dwelling.

In short, provided the works carried out related to the relevant approval and are not de-minimis they constitute the commencement of development.

At a time when Planning Service was not in the habit of providing advice on commencement of development, my client obtained a letter from a senior, authorised planning officer who confirmed that he had implemented his approval

Respectfully, I contend that the Councils decision to recommend the application for refusal is poorly founded. As such I would ask the members of the planning committee to confirm that Mr Rock’s did indeed implement his permission in January 2009. This in turn would allow the conditions to be re-worded as requested.

I would like to thank the Council in advance for the opportunity to speak in support of this application.

Brendan Quinn
BSc Hon’s
ICIOB

Amex A



design 3
architectural consultants

1 edward street, newry, co. down. bt35 6an. t: 028 30835815 f: 028 30268070 e: info@design3.info www.design3.info

139

Divisional Planning Office
Marlborough House
Central Way
Craigavon
BT64 1AD

LINE

Our Ref: 0801
Your Ref: P/2006/1110/RM
Date: 05.01.07

Dear Mr Marrion,

Location: Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry

Proposal: Erection of dwelling

With the respect to the above please find enclosed photographs showing that the visibility splays are now currently in place. These splays have been in place from 5th Jan 2009. I would be grateful if you could confirm to us that this job has now commenced and that planning will now remain in place

I hope that all is to your approval. If you require any further information please do not hesitate to contact me.

Regards,

Amex A



design 3
architectural consultants
1 edward street, newry, co. down. bt35 6au. t: 028 30835815 f: 028 30268070 e: info@design3.info www.design3.info

Divisional Planning Office
Marlborough House
Central Way
Craigavon
BT64 1AD

EW

Our Ref: 0801
Your Ref: P/2006/1110/RM
Date: 05.01.07

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I hope that all is to your approval. If you require any further information please do not hesitate to contact me.

Regards,

John Feehan
design 3

company directors: john feehan, mark tumilly



PHOTO SHOWING EXISTING VERGE / DITCH - N°1



PHOTO SHOWING VISIBILITY SPLAY IN PLACE.

N°2



design 3
architectural consultants

1 edward street, newry, co. down. bt35 6an t: 028 30835815 f: 028 30268070 e: info@design3.info www.design3.info

Divisional Planning Office
Marlborough House
Central Way
Craigavon
BT64 1AD

Five

Our Ref: 0801
Your Ref: P/2006/1110/RM
Date: 05.01.07

Dear Mr Marrion,

Location: Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry

Proposal: Erection of dwelling

With the respect to the above please find enclosed photographs showing that the visibility splays are now currently in place. These splays have been in place from 5th Jan 2009. I would be grateful if you could confirm to us that this job has now commenced and that planning will now remain in place

I hope that all is to your approval. If you require any further information please do not hesitate to contact me.

Regards,

John Feehan

John Feehan
design 3

company directors: john feehan, mark lumilly



PHOTOS SHOWING VISIBILITY IN PLACE N° 3



N° 4.

Amea B

DESIGN3 801 JOB

DATE 16-2-09



Date: 11 February 2009
 Your Ref: 0801
 Our Ref: P/2006/1110/RM (FOI 20184)
 Being dealt with by : Gareth Murtagh

Divisional Planning Office

Marlborough House
 Central Way
 Craigavon
 BT64 1AD

Design 3 Architectural Consultants
 1 Edward Street
 Newry
 BT35 6AN

Dear Mr Feehan

Location: Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry.

Proposal: Erection of dwelling.

Thank you for your letter dated 05 January 2009 regarding the above planning application.

I can confirm that the provision of visibility splays in accordance with those specified in the approval would constitute the commencement of development.

Yours sincerely

for Divisional Planning Manager

ITEM NO	2			
APPLIC NO	LA07/2017/0545/O	Outline	DATE VALID	10/04/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Elaine Binks 7 Ardallan Park Warrenpoint BT34 3JA	AGENT		
LOCATION	No2. Belmont Lane Ballyardle Kilkeel BT34 4LA			
PROPOSAL	Site for dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 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 Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.
- 3 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.
- 4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.
- 5 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 6 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0545/O

Date Received: 02.05.2017

Proposal: Site for dwelling

Location: No2. Belmont Lane, Ballyardle, Kilkeel, BT34 4LA

Site Characteristics & Area Characteristics:

The application site is located off the Belmont Lane, Kilkeel. This area is rural in character with a number of outbuildings and rural dwellings. The site is located at No2. Belmont Lane. The application site as outlined in red is triangular in shape with the topography of the land level. It contains an existing semi-detached dwelling, a grassed area and a driveway leading to a detached garage.

The boundaries of the site are defined by a stone wall ranging from 2-3m in high along the northern, southern and eastern boundaries with 2½m high hedgerow along the western boundary. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

LA07/2016/0747/F

Alterations and extension to existing dwelling

Permission Granted: 05.08.2016

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 2- Natural Heritage (AONB)

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning, Archaeology and the Built Heritage

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Historic Environment Division: Has no objections to the proposal

NI Water: Has no objections to the proposal

Objections & Representations

4 Neighbours was notified on 08.11.2017 and the application was advertised on 19.04.2017. No objections or representations received.

Principle of Development

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

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider the proposed development complies with criteria 1 of CTY2a

Officers do not consider No.11 Ballyarde Road, Kilkeel and the associated agricultural outbuildings part of the cluster, as the cluster must lie outside of a farm. The below drawing illustrates this with the area highlighted in green what officers consider part of the existing cluster and area highlighted in red constitutes development on the farm.



The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider from the different viewpoints along Belmont Lane and Belmont Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. Although there is a junction south west of the application site, there is no focal point where the actual cluster is located. Therefore the proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposal is bounded on the eastern side by no.04 Belmont Lane (and outbuilding), the remaining boundaries are unbounded by other development in the cluster and front on to Belmont Lane and Belmont Road respectively. The site is therefore very exposed and does not have a suitable degree of enclosure. The proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Although this application is an Outline officers feel that any development will fail to integrate into the existing pattern of settlement. Any proposed development along the eastern section of the application would be limited due to the existing dwelling (no.02 Belmont Lane), its detached garage and private laneway to it. The remaining site is very much open and exposed creating a visual intrusion into the open countryside. Its position would significantly alter the existing character of the area. The proposal does not meet the definition and is not considered acceptable in principle against this policy test

The sixth criterion requires that the development would not adversely impact on residential amenity. The particulars of the design and layout of the site are not determined until the Reserved Matters stage. Therefore the impact cannot be determined until then. The proposal therefore complies with this policy test until the design and layout is determined. However the proposal fails to meet all six criteria test of CTY2a and CTY1.

CTY 8 -Ribbon Development

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the

frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The application site is located adjacent to No2 & No.4 Belmont Lane which is semi-detached dwellings. No.6 Belmont Lane is located further north east of the application site. Agricultural buildings are located southwest of the application site.

Whilst the site is large enough only to accommodate two dwellings comfortably it does not sit between buildings. The Belmont Road which is a public road is located between the agricultural buildings and application site, therefore is not classified as a continuously built up frontage as illustrated below.



Officers consider that the application site does not constitute a gap site in an otherwise substantial and continuously built up frontage, and the proposal would instead add to a ribbon of development and therefore the proposal fails to meet the policy test of CTY 8.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

In the opinion of Officers the proposal is a prominent feature in the landscape and is very much open and exposed creating a visual intrusion into the open countryside. Also given its position it would significantly alter the existing character of the area.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, a dwelling would be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development.

PPS 2 Natural Heritage

The application is within the Mourne Area of Outstanding Natural Beauty and is considered against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty. This area is of particular scenic quality and any development should respect the locality and conserve its natural features that add to its attractiveness. This application is outline planning application therefore no design has been put forward, however careful consideration must be given at the Reserve Matters stage with any proposed design to be similar to existing and surrounding buildings and must be of an appropriate design for the locality and sympathetic to the special character of the area.

Impact on road safety and parking

Transport NI have recommended that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15. However a safe and well designed access can be achieved onto Belmont Road within the applicant's control. The applicant was invited to address this point and submitted a drawing on 8th August, but this was not to scale and cannot be considered. Therefore the proposal remains contrary to PPS 3.

Conclusion

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 Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
6. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would add to the impression of suburban style build up and would add to a ribbon of development and would therefore result in the rural character of the countryside.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

LA07/2017/0545/0 – Elaine Binks – site for dwelling – 2 Belmont Lane, Ballyardle, Kilkeel

My name is Raymond Binks and I would like to request for speaking rights at the next planning committee meeting regarding the above planning application on behalf of Elaine Binks

The points I would like raise are

The planners have marked The site which is the garden of no 2 Belmont lane

Outside the cluster , in my opinion the garden IS part of the cluster

They have also indicated that NI Transport would not accept the entrance onto belmont lane ,but as previous correspondence ni transport said they would accept an entrance onto belmont road which is no proplem

They say there is no crossroads , the crossroads is about 100 yards from the property at ballyardle road

The community hub is the kingdom football club and social hall

Ring development wouldn't happen as this is the last property at the bottom of belmont lane

These are the points I would like to speak about

Regards

Raymond Binks

ITEM NO 5
APPLIC NO LA07/2017/0976/F Full **DATE VALID** 26/06/2017
COUNCIL OPINION REFUSAL
APPLICANT Mr Stephen Campbell 45 Fairy Hill, Church Street Rostrevor BT34 3BB
AGENT Blackgate Property Services Ltd Mourne House 41-43 Downshire Road Newry BT34 1EE

LOCATION Lands to the rear of No.26a-28 Water Street Rostrevor Co Down N Ireland BT34 3BE

PROPOSAL Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works.

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures
	6	0	1	0	17	18	0	0

- 1 The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
 - the development fails to protect features of archaeological and built heritage and landscape features.
 - appropriate provision has not been made for parking; and
 - the design of the development does not draw upon the best local traditions of form, materials and detailing
- 2 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
- 3 The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated as a Local Landscape Policy Area under Designation RR09.

- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.
- 5 The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Section 80 of the Planning Act (Northern Ireland) 2011 in that the proposal is out of keeping with the character, setting, scale and height of the listed buildings and the surrounding area.
- 6 The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area, its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.
- 7 The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.



Comhairle Ceantair
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agus an Dúin

Newry, Mourne
and Down
District Council

APPLICATION REFERENCE: LA07/2017/0976/F

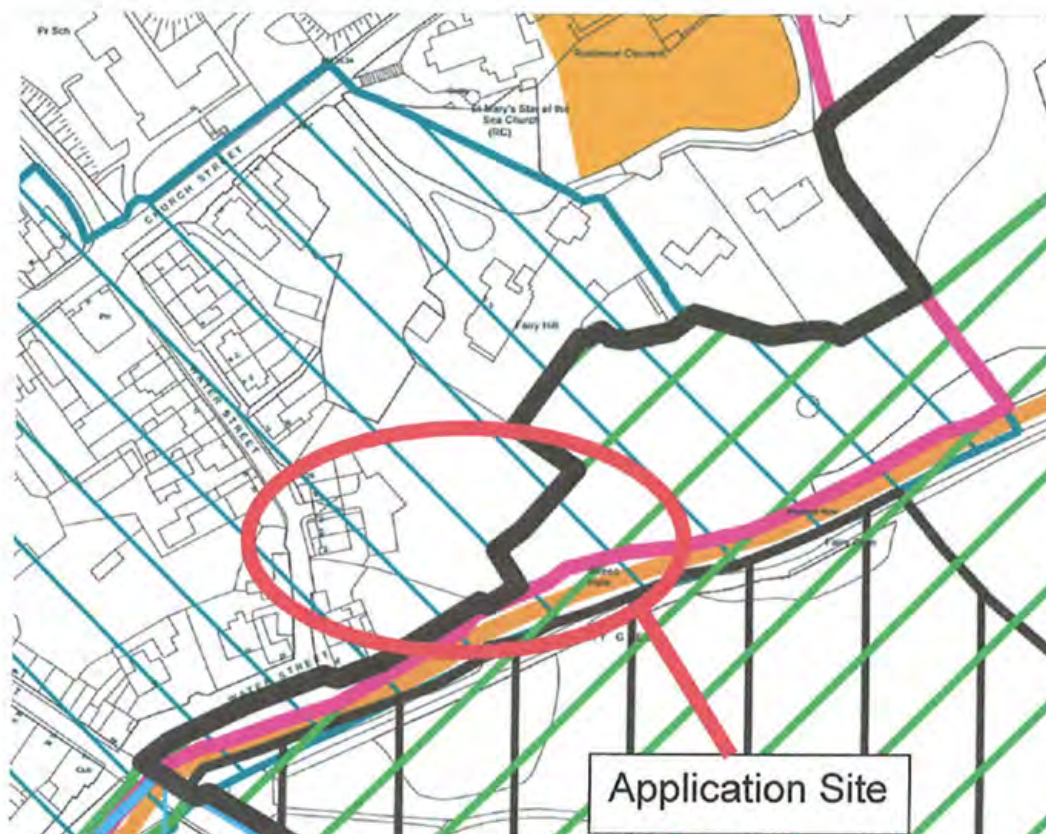
DATE RECEIVED: 30.06.2017

- 1.0. PROPOSAL:** Erection of two semi-detached dwellings with integrated garages, Landscaping and associated site works.
- 2.0. LOCATION:** Lands to the rear of No.26a-28 Water Street, Rostrevor, Co Down, BT34 3BE
- 3.0. SITE CHARACTERISTICS AND PLANNING CONTEXT:**
- 3.1.** The site is situated to the rear of houses fronting onto Water Street, Rostrevor, (Nos26a-28) and adjacent to the Rostrevor River. The application site measures approx. 0.15Ha. The site outlined in red can be defined by two parts with the north western section of the site forming part of the private car park to the residential development (26a-28 Water Street). The remaining site, which is located to the rear and above the car park, is somewhat overgrown with vegetation. The proposed dwellings are located within this area. This part of the site is elevated in comparison to the surrounding dwellings. The site gradually slopes downwards towards the southern/eastern boundary and the Rostrevor River.
- 3.2.** The boundaries of the application site consist of mature trees along the southern, northern and part along the eastern boundaries. The western boundary consists of 1.8m high wooden fence and private archway of the residential development (26a-28 Water Street), to which the application site can be accessed. Directly adjacent and south west of the application site a number of listed buildings are located no(s) 28, 30 and 32 Water Street are Grade B and no.34 is Grade B and directly northeast of the application site is 45-47 Church Street which is Grade B1.
- 3.3.** Part of the southern boundary of the site is bounded by the Rostrevor River, with Kibronney Park located further south. The surrounding area is a mixture of residential, education, open space and outdoor recreation with the Forest Glen Circular walk, listed buildings, river and park within the immediate vicinity, all contributing to the area being a tourist attraction.



Application site

- 3.4. The majority of the site is located within the settlement limit of Rostrevor, as designated within the Banbridge, Newry and Mourne Area Plan 2015, the Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB) and an Area of Archaeological Potential. A small section of the site (far eastern) is located outside the settlement limit and within a Local Landscape Policy Area (LLPA). The site is located within the boundary of a designated conservation area, as also identified in the statutory plan.



Map no.03/18 Rostrevor Settlement limit

4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

Regional Development Strategy

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

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland

Planning Policy Statements

PPS 2- Natural Heritage

PPS 3- Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

Addendum to PS6- Areas of Townscape Character

PPS 7- Quality Residential Environments

PPS 8- Open Space, Sport and Outdoor Recreation

DCAN 8- housing in Existing Urban Areas

PPS12- Housing in Settlements

Further Guidance

A Planning Strategy for Rural Northern Ireland (policies DES2 & SP18)

Living Places Urban Stewardship and Design Guide.

Creating Places "Achieving quality in residential developments"- May 2000.

5.0. ADJACENT SITE HISTORY:

P/1996/0555- Site for 5No terraced two storey dwellings-
Permission Granted: 04.12.1996

P/1999/0284- Erection of housing development (5 no. two storey)
Permission Granted: 05.08.1999

6.0. CONSULTATIONS:

Environmental Health- There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

Rivers Agency- There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The undesignated 'Rostrevor River' runs along the southern boundary of the site. The site may be affected by other undesignated watercourses of which we have no record.

Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Historic Environment Division (HED)- HED Historic Buildings has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning,

Archaeology and the Built Heritage. HED Historic Monuments would require additional information from the developer to permit an informed and reasonable planning decision to be taken. A visual impact assessment (to include photomontages) is therefore requested as per Policy BH 3 of PPS 6. If this additional information is not submitted as requested the proposal could prove contrary to policy.

7.0. OBJECTIONS & REPRESENTATIONS:

7.1. 37 Neighbours notified on 14.08.2017 and 04.10.2017 and the application was advertised on 03.07. 2017.

7.2. Five letters of objections have been received from separate addresses in addition 1 petition has been submitted with 17 signatures of which 14 are from

separate addresses. The objectors have raised a number of concerns outlined below:

- Access through car park and archway- Concerns regarding public health and safety.
- Right of way and loss of existing car parking space to create access.
- Inaccurate plans- the plans submitted shown 6 car spaces instead of 5 along the north-east all and the southern wall shows 4 car spaces instead of 3.

The issues raised are considered as part of the planning assessment and consideration below.

8.0. PLANNING ASSESSMENT & CONSIDERATION

- 8.1.** Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Para 3.4.
- 8.2.** RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity if these areas. Therefore while the development is mostly within the settlement area it is considered that the application is contrary to RG8 of RDS in that it would damage the local conservation area for the reasons outlined below.
- 8.3.** The SPPS sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3)

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

PPS 12- Housing in Settlements

8.4. Planning Control Principle 2- Good design

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

Planning Control Principle 3- Sustainable forms of development.

- 8.5.** While the site is within the settlement area, the development would harm the character of the Conservation Area, therefore it is not considered to be a sustainable form of development. There is further consideration of these issues below.

PPS 7 Quality Residential Environments, Policy QD1

- 8.6. Policy QD 1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.
- 8.7. The dwellings proposed are located at lands to the rear of No.26a-28 Water Street; the building would have a height of 7.5m and total width of 19.30m. The proposed dwellings would have a Finish Floor Level (F.F.L) of 10.05 with ridge height of 16.50m. The existing dwellings at No.22-28 Water Street have a FFL of 8.39m and ridge height 17.94m and 28-32 Water Street have a FFL of 7.62 and ridge height of 12.89m. The proposed finishes reflect modern design.
- 8.8. It is considered that the proposal fails to comply with Policy QD1 of PPS 7 and to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character environmental quality of the established residential area. It is also considered that the principle fails to maintain and enhance the distinctive character and appearance of the Rostrevor Conservation Area. In particular the proposal is contrary to criteria A, B, F and G of Policy QD1 in that:
- A) The proposal would have a negative impact on the natural setting, including the Rostrevor River, a designated LLPA. The proposal fails to respect the surrounding context and is not appropriate to the character and topography of the site. The topography of the land is elevated in comparison to adjacent dwellings along Water Street (no(s) 28-32 Water Street). The proposal will also involve excavation of the site to secure access and levels, the provision of unacceptable retaining walls and would visually intrude into the natural setting. It is further considered that the layout, appearance and design detailing of the proposed buildings, landscaping, INTERNAL road/layout, car parking arrangements and hard surfacing areas are inappropriate and fail to respect the surrounding context. The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.
 - B) The proposed development would have a negative impact on the archaeological and built heritage (Full outline of these issues; see 'PPS 6: Planning, Archaeology and Built Heritage' below).
 - F) The location and distribution of the proposed car parking provision, beyond the cutillages of individual dwellings, is inappropriate.
 - G) The proposed development, in particular the design, location and layout of the dwellings together with the proposed internal access arrangements, car parking and level of hard standings is inappropriate and does not draw upon the best local traditions of form, materials and detailing of the surrounding area. It is also contrary to the principles set out in the 'Rostrevor Conservation Area' booklet: February 1979'.

Access and Parking

- 8.09. The application proposes to use an existing access from Water Street, used by the residents at 26a-28 Water Street and through a rear parking area. Transport NI was consulted and has confirmed that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 8.10. The application proposes 6 spaces; a mixture of internal garages, in-curtilage spaces and communal visitors parking. While the amount of proposed parking is satisfactory, it is considered that its location and layout is unacceptable and would not create a quality residential development.
- 8.11. The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.

PPS 6: Planning, Archaeology and Built Heritage, (Policies BH 11 and BH 12)

- 8.12. It is considered that the application is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage. The application is located within Area of Archaeological potential, Historic Environment Division (HED) has stated that the proposed development would have an adverse impact on the following listed buildings.
- HB16/06/032 A- no.28 WATER ST. ROSTREVOR CO.DOWN- GRADE B
 - HB16/06/032 B- no.30 WATER ST. ROSTREVOR CO.DOWN- GRADE B
 - HB16/06/032 C- no.32 WATER ST. ROSTREVOR CO.DOWN- GRADE B
 - HB16/06/032 D- no.34 WATER ST. ROSTREVOR CO.DOWN- GRADE B1
 - HB16/06/005 - FAIRY HILL CHURCH ST. ROSTREVOR CO.DOWN (45-47 CHURCH STREET) - GRADE B1
- 8.13. Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
- 8.14. HED:HB states that the information provided does not consider the proposal is adequately represented in the setting of the listed buildings. HED:HB consider that vegetation cannot necessarily be relied upon to mitigate adverse impacts on the developments.
- 8.15. The proposal also alters the understanding of the historic setting of the listed buildings, and Fairy Hill especially. Aside from the visual aspect of the

intrusion to the setting, against which mitigation through existing screening is proposed, HED:HB consider the less tangible elements of historic setting are eroded by the proposal.

- 8.16. HED HB also state that the historic landscape surrounding Fairy Hill has been compromised through previous development; HED:HB considers this additional compromise of the landscape and asset extents would be further detrimental and would cumulatively represent an inappropriate impact on the settings.
- 8.17. HED:HB also has concerns regarding the visual impact on the setting of HB16 06 032 A-D, 28-34 Water Street and the new proposal's visual permeability. HED:HB states that it remain to be convinced that the proposal will not detract from the prominence of the heritage assets in this setting and will not detrimentally alter the general character of their wider setting. This wider setting includes 31, 33 & 37 Water Street. (HB16 06 031, HB16 06030 & HB16 06 029) respectively.

Policy BH 12 New Development in a Conservation Area

- 8.18. It is considered that the application is contrary to the SPPS and Policy BH 12 of PPS 6 Planning, Archaeology and the Built Heritage. BH 12 states that any proposed development within the conservation area will only be permitted where all the following criteria are met:
- (a) the development preserves or enhances the character and appearance of the area
 - (b) the development is in sympathy with the characteristic built form of the area;
 - (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
 - (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
 - (e) important views within, into and out of the area are protected; officers consider that the proposed development would affect the views of the listed building
 - (f) trees and other landscape features contributing to the character or appearance of the area are protected;
 - (g) the development conforms with the guidance set out in conservation area documents.

The proposed development would have a negative impact on the character and appearance of the area and is not sympathetic to the historic setting of adjacent listed buildings or Rostrevor Conservation Area for the reasons previously discussed, including: the proposed design detailing and layout; the

location and level of the proposed buildings which are higher than adjacent buildings, including the listed buildings along Water Street; the proposal will have to rely on existing mature trees to mitigate against adverse impacts on the natural and built setting, some of which some are located outside the application boundary. In addition the site had mature trees located throughout the site however some have been cleared.

PPS 2- Natural Heritage

- 8.19. Policy NH 6 of PPS 2 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality. It is considered that the design does not respect the special character of the Area of Outstanding Natural Beauty in regard to location, layout and scale, as outlined above. It is therefore contrary to policy NH6 of PPS 2.

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015 - Designation Policy CVN3 and RR09- Local Landscape Policy Area-Rostrevor

- 8.20. The application is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would have a negative impact on the environmental quality, integrity and character of a number of listed buildings with associated views and settings of historical interest and the setting of adjacent Rostrevor River which are designated as a local landscape policy area in the Plan.

9.0. RECOMMENDATION:

- 9.1. It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons

1. The proposal is contrary to the ²SPSS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7); Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12); Housing in Settlements in that:
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
 - the development fails to protect features of archaeological and built heritage and landscape features.
 - appropriate provision has not been made for parking; and

- the design of the development does not draw upon the best local traditions of form, materials and detailing
2. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
 3. The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated in the Local Landscape Policy Area under Designation RR09.
 4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
 5. The proposal is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Article 42 of the Planning (NI) Order 1991 in that the proposal is out of keeping with the character, setting, scale and height of the listed building(s) and the surrounding area.
 6. The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area. Its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.
 7. The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Reference:	LA07/2017/0976/F
Applicant Name:	Mr Stephen Campbell
Proposal:	Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works.
Site Location:	Lands to the rear of No.26a-28 Water Street Rostrevor Co Down N Ireland BT34 3BE

Refusal Reasons:

1 The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:

- the applicant has failed to demonstrate that the proposal would create a quality residential development;
- the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
- the development fails to protect features of archaeological and built heritage and landscape features.
- appropriate provision has not been made for parking; and
- the design of the development does not draw upon the best local traditions of form, materials and detailing

2 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

3 The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated as a Local Landscape Policy Area under Designation RR09.

4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road

users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.

5 The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Section 80 of the Planning Act (Northern Ireland) 2011 in that the proposal is out of keeping with the character, setting, scale and height of the listed buildings and the surrounding area.

6 The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area, its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.

7 The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Consideration

There are a number of refusal reasons for this application relating to the layout, scale and appearance of the proposed buildings and their impact on this sensitive area. Our client has taken Historic Environment Division's comments and seeks to reduce the impact of the scheme to address the issues raised.

Attached within this document are details of the amended scheme which it is felt is more appropriate to this historic setting.

It is proposed to amend the proposal to two modest detached chalet cottages which will nestle into this landscape. The design of the new dwellings has been amended to reflect the local built heritage in the area which an emphasis on drawing inspiration from existing materials of the historic building surrounding the site. It is felt that this new proposal is more appropriate to this area and it is requested that the application is assessed in light of this new evidence.



Figure 1. Proposed Amended Dwelling Designs

In addition to this we have included details of the original adjacent approval for the existing 5 no. townhouses which were approved under planning application ref: P/1999/0284/RM.



Figure 2. Adjacent Dwellings approved under application P/1999/0284/RM

In respect of the proposed access, Transport NI have stated “The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department’s Development Control Advice Note 15.”

Transport NI have not provided any justification or in deed explanation as to why it is felt that the proposed access is unsuitable. Our office has attempted to contact Transport NI on numerous occasions to ascertain the extent of Roads Standards applied to this access, however we have need received any response on the matter. It is felt that our client is being prejudiced in this manner as he is unable to rebut the refusal reason without the provision of an appropriate justification.

The proposed access is via the existing townhouses access and through the rear parking area of existing housing located to the rear of No.26A - 28 Water Street. The applicant is in possession of an easement for a right of way corridor in perpetuity for access through the existing access via the rear car park and into the proposed site.

The applicant is in possession of an easement for a right of way corridor in perpetuity for access through the existing access via the rear car park and into the proposed site.

This right of way corridor does not conflict with or will in anyway interfere with the approved dedicated 10 No. existing parking spaces provided for the group of houses fronting onto Water Street.

In accordance with the guidelines contained in 'Creating Places', the number of parking spaces required in Table 8 page 147, for 3-bed detached houses is 5 (2 x 2.75). Under this proposal 6 spaces in total are being provided within the development without the creation of excessive hard standing areas.

By having sufficient turning and parking provided within the boundaries of the proposed site there will not be any adverse effect on the residents when parking or manoeuvring their vehicles within the existing parking area.

Clearly vehicles associated with this proposal will have to enter and leave via the right of way corridor through the parking area - this will be the only movement by the traffic associated with this development within this area.

Traffic speed along this stretch of Water Street is low and would be assessed as well under 30 mph. The approved existing sightlines of 2.4 x 60m is more than adequate for an additional 2 dwellings; in fact DCAN 15 Table A indicates that the x-distance can be reduced from 2.4m to 2.0m with speeds below 37 mph. There is an adopted footway 1.8m wide provided by the original approval across the full frontage of 15 - 21 Water Street.

In view of the location of this site it is expected that the residents will mainly prefer to walk to the nearby shops and amenities thus the daily car usage from these 2 units will consequently be reduced.

To alleviate the Planning Authority's concerns regarding the inappropriate nature of the proposal the amended plans also include the following:

- Removal of proposed retaining structures
- Minimized internal turning layout and reduction of hard surfacing areas

- Removal of further access points
- Removal of additional car parking car parking spaces



Figure 3. Amended Site Layout

The proposal will be screened from vantage points by the existing group of 5 townhouses and the existing listed buildings at No's 26a – 28 Water Street. The proposed buildings will have a ridge height lower than the existing listed buildings and will therefore not have a negative impact on the character of the area.

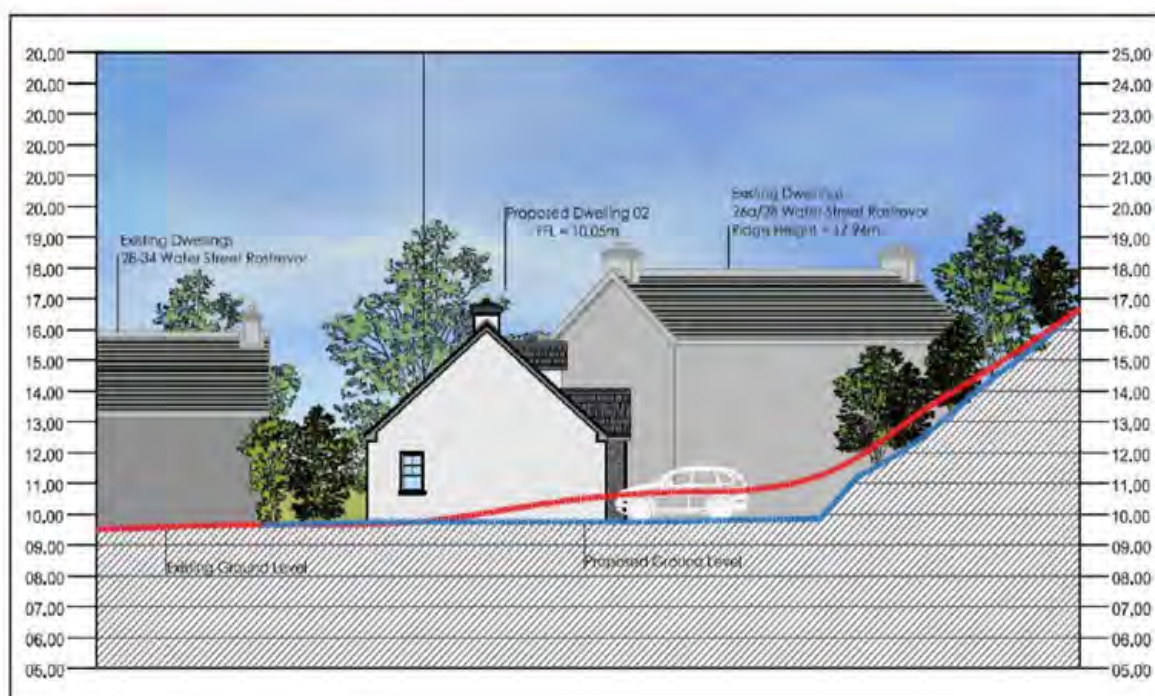
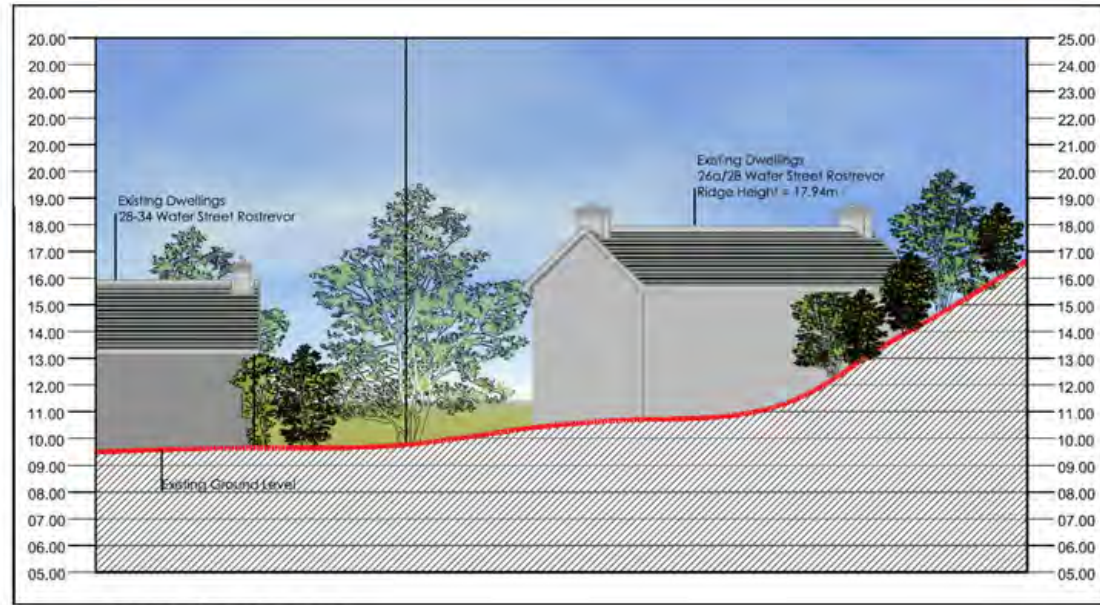
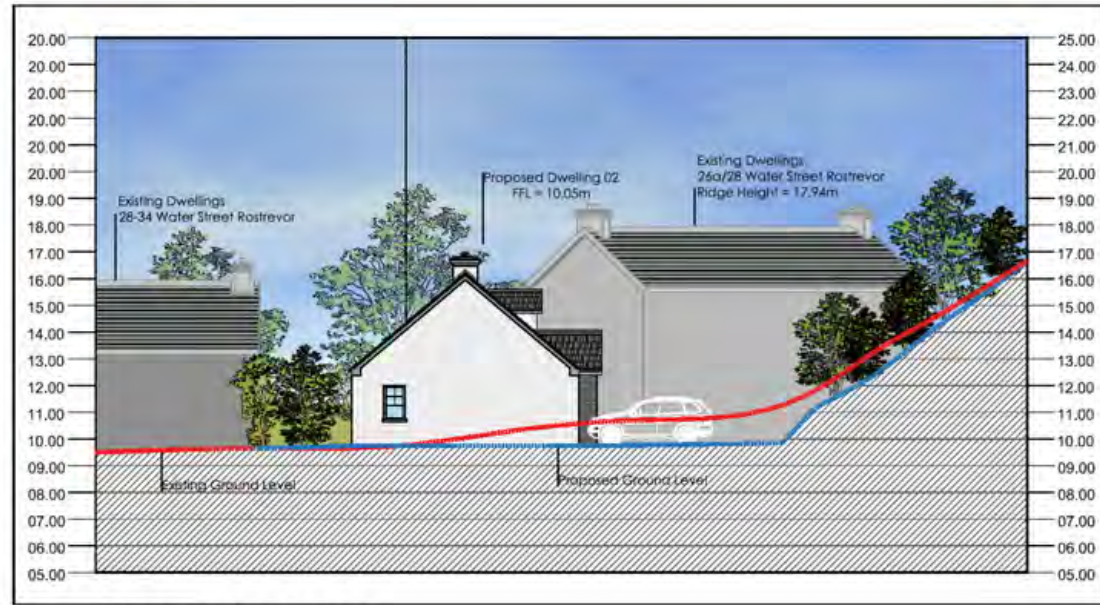


Figure 4. Amended Site Section

It is therefore requested that this recommendation is reassessed in light of the information provided and re-consultations carried out with Historic Environment Division and Transport NI. The amended scheme is now wholly appropriate for this area and will assist in the enhancement of the area.



Existing Section A-A
Scale 1:200



Proposed Section A-A
Scale 1:200

Mr. Stephen Campbell

Planning Application Drawings

Site Description:
Proposed Section of Two Semi-Detached Dwellings with Integrated Garages, Landscaping and Associated Site Works on Lands Located to the Rear of No.26A-No.28 Water Street, Rostrevor, Co. Down, N.Ireland. BT34GBE.

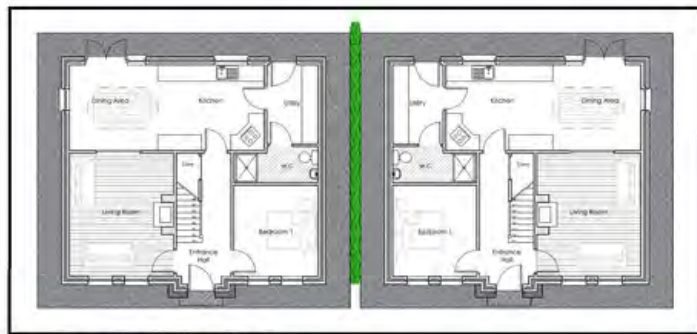
Site:
Existing and Proposed Site Sections.

Drawn By: PE	Checked By: BME	Date: 31-01-2018	Scale: As Indicated
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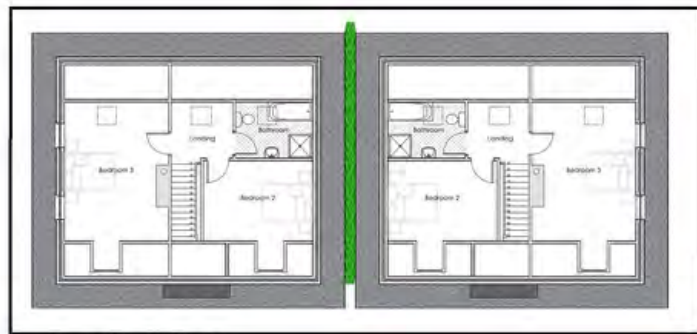


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Proposed Dwellings Plans and Elevations, Dwelling Specifications and Site Layout Plan.



Proposed Dwellings Ground Floor Plans.
Scale 1:100



Proposed Dwellings Floor Plans.
Scale 1:100



Proposed Dwellings Side Elevation
Scale 1:100



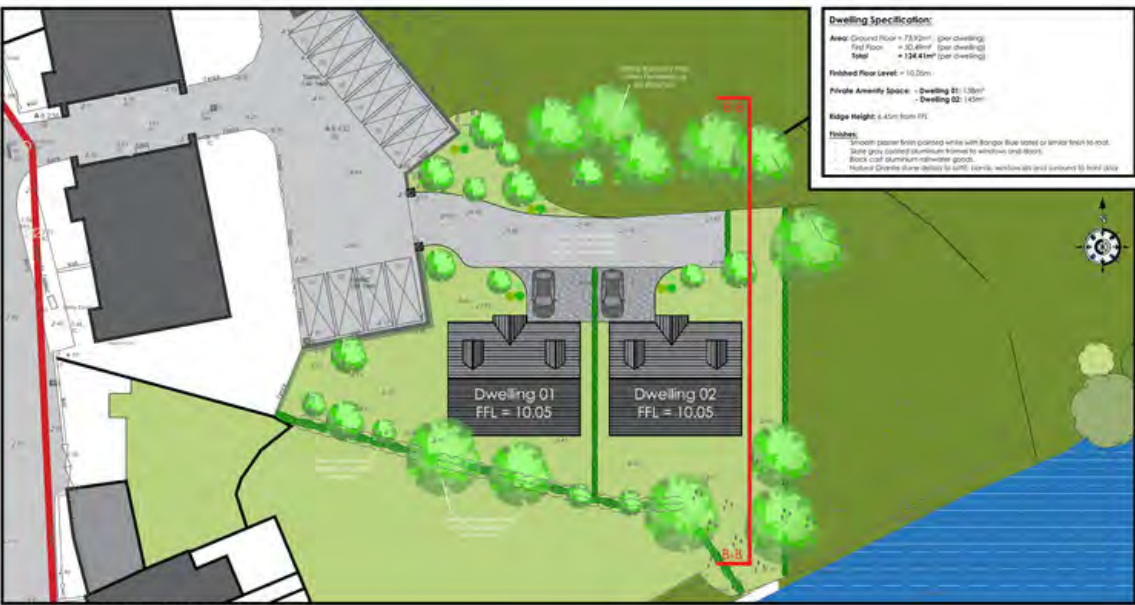
Proposed Dwellings Front Elevations
Scale 1:100



Proposed Rear Elevation (South)
Scale 1:100



Proposed Side Elevation (West)
Scale 1:100



Proposed Site Layout
Scale 1:200



Proposed Site Layout (showing Site Visibility Delay Extents)
Scale 1:1000

Rev	Revised	By	Date
A	Amended Dwelling Plans with Site Layout	PB	31.01.2018

Client: Mr. Stephen Campbell
 Project: Planning Application Drawings
 Site Description: Proposed erection of two Semi-detached Dwellings with integrated Garages, Landscaping and Associated Site Works on Lands Located to the Rear of No 26A-No.28 Water Street, Rostrevor, Co.Down, N.Ireland, BT343BE.

Title: Proposed Dwellings Plans and Elevations, Dwelling Specifications and Site Layout Plan.
 Drawn by: PB
 Checked by: BMK
 Date: 31-01-2018
 Scale: As Indicated



FILE REF: 8001-17-121	DRAWING No: P1-02	REVISION:
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ORIGINAL SHEET SIZE: A3

ITEM NO	7		
APPLIC NO	LA07/2017/1144/F	Full	DATE VALID 31/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr & Mrs Conlon 3 Canal Quay Newry BT35 6BP		AGENT Gray Design Ltd 5 Edward street Newry BT35 6AN

LOCATION Lands 150m south of No. 17 Limekiln Road
Camlough
Newry
BT35 7EF

PROPOSAL Proposed off-site replacement dwelling

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	0	0	0	0	0	0	0
	Addresses		Signatures		Addresses		Signatures	
	0	0	0	0	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
- 2 The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - the proposed building is a prominent feature in the landscape;
 - 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;
 - the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape;
 - ancillary works do not integrate with their surroundings; and
 - the design of the building is inappropriate for the site and its locality.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted
 - be unduly prominent in the landscape;
 - the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1144/F

Date Received: 31.07.17

Proposal: Proposed off-site replacement dwelling

Location: Lands 150m south of No. 17 Limekiln Road, Camlough, Newry

The application site spans from the building to be replaced situated on the side of Camlough Mountain to the proposed site on the Limekiln Road. Access to the building to be replaced is extremely restricted due to the steep incline. The building to be replaced has window and doorway openings and two chimney breasts. To the side of the building there is a single storey 3 sided structure of stone construction. The proposed site along the Limekiln Road is positioned on the side of a drumlin. The site extends across two grass fields which are divided by an internal hedgerow. The site rises quite steeply towards the top field. The top field has a more level plateau with the south east portion rising towards the brow of the hill beyond the site boundaries. Access to the site is via an existing agricultural access. By way of an Area Plan definition, the site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

LA07/2016/1645/O- An off-site replacement dwelling and garage was approved on the site on 13rd February 2017.

Objections & Representations

No. of neighbours notified=18
No representations received= 0
Advertise expiry= 31stAugust 2017

Consultations

TransportNI- No objections
NIWater- No objections

Water Management Unit – No objections
Historic Environment Division – No objections.

Consideration and Assessment:

The key policy test for the principle of a replacement dwelling under CTY 3 is that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It has already been accepted under planning approval LA07/2016/1645/O that the dwelling to be replaced meets this key policy test. The principle of an off-site replacement has also been accepted under the former approval as it was and still is considered that the proposed site would result in demonstrable access and amenity benefits given the existing site restrictions and isolated position of the building to be replaced. The outline application which was approved in February 2017 was carefully conditioned (16 conditions) to ensure that any proposal submitted at reserve matters stage would comply with all the other policy criteria under CTY 3, CTY 13 and CTY 14.

Conditions imposed under the outline approval included a ridge height of less than 5.5 metres above finished floor level, dwelling to be single storey and designed according to Building on tradition guidance document, a curtilage and siting restriction, a restricted driveway/ access position, retention of boundaries and improved landscaping. However, this proposed full application fails to comply with the vast majority of the 16 conditions on the outline approval and consequently fails to comply with policies CTY 3, CTY 13 and CTY 14, all of which will be considered below.

CTY 3 (Criteria 2) states that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. This proposal is for a replacement house measuring approximately 1107 square metres (11,915 square foot) and the dwelling to be replaced is approximately 92 square metres (990 square foot). This proposal therefore equates to a 1,100 % percent increase in floorspace or more simply put is 12 times the size of the dwelling to be replaced. The increase in floorspace, together with the scale/ massing (main house approximately 10 metres in

height) and elevated nature of the siting means that the proposal would have a significantly greater visual impact than the existing dwelling and is contrary to criteria 2 of CTY 3. Additionally, the proposed design is not considered to be appropriate to the rural setting and is not reflective of the Departmental Design guide – Building on Tradition and therefore contrary to criteria 3 of CTY 3.

Replacement dwellings must also be assessed against policies CTY 13 and CTY 14 of PPS 21. This proposal is considered to fail five of the criteria under CTY 13 in that the proposed dwelling if approved will be a prominent feature in the landscape, the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration, ancillary works do not integrate with their surroundings and the design of the building is inappropriate for the site and its locality. The sheer scale of the proposed building will mean that it will be extremely prominent with views of the building stretching across as far as Kidds Road (Doctors Hill). Given the scale of the proposal and the elevated nature of the site, neither the retention/ augmentation of existing landscaping on the site and the proposed new landscaping will be unable to overcome difficulties surrounding prominence or integration. The issue of prominence is exacerbated by the site levels with certain parts of the site some 10-13 metres above the level of the Limekiln Road.

Additionally, the curtilage of the proposal now overs both the top and bottom fields, contrary to the outline condition restricted the curtilage to the top field and this causes further issues with regards prominence. Ancillary works with regards to the excavation required to facilitate the proposed dwelling and in particular the long sweeping driveway/ access are considered to be unacceptable in integration terms. The initial outline approval required the driveway to be sited tightly along the southern boundary of the site to facilitate integration and to avoid such a sweeping open driveway as now proposed.

Consequently, the proposal also fails to comply with CTY 14 as if approved, it will be unduly prominent in the landscape and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the area.

The key issue with this proposal is not the principle of a replacement dwelling on the site, it is the full details of the proposal which concern the Planning Department. The Planning Department would not have any issues with regards to approving a replacement dwelling on the site which complies with all the conditions of the outline approval. The Planning Department and the agent have actively sought to get an agreement with regards to an acceptable scheme on the site which complies with all planning policy, however a solution could not be reached on this occasion. In light of the above, refusal is recommended for the reasons stated below.

Recommendation:

Refusal.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- the proposed building is a prominent feature in the landscape;
- 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;
- the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape;
- ancillary works do not integrate with their surroundings; and
- the design of the building is inappropriate for the site and its locality.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted

- be unduly prominent in the landscape;
- the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.

ITEM NO	8			
APPLIC NO	LA07/2017/1186/F	Full	DATE VALID	04/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Wolfhill Developments Ltd 4 Lurgancanty Road Clontifleece Warrenpoint BT34 3QW		AGENT	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ
LOCATION	4 Lurgancanty Road Clontifleece Warrenpoint			
PROPOSAL	Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
	0	0	0	0

- 1 The proposal is contrary to the SPPS, Policy CTY 4 (Criteria b and c) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2: Natural Heritage in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1186/F

Date Received: 24 August 2017

Proposal: Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.

Location: Clontifleece Primary School, 4 Lurgancanty Road, Clontifleece, Warrenpoint, BT34 3QW. The site is located approximately two miles north of Warrenpoint.

Site Characteristics & Area Characteristics:

The site contains a vacant former primary school, set in a steeply sloping curtilage and surrounded by beech trees. The school building comprises two main blocks: the original two-roomed single storey building with a hipped roof dating from 1839 and a relatively recent two storey block set at a lower level to the south. They are connected by a flat-roofed link. The building is smooth rendered and painted yellow with a natural slate roof and white PVC windows. There is also a temporary mobile to the west of the building. The site is accessed from the Lurgancanty Road at the NE corner and the road curves around the northern edge of the site. The land slopes steeply from north to south. The site is located in a rural area at the edge of the Mournes approximately two miles north of Warrenpoint. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There is limited development in the surrounding area.

Site History:

The original school building was erected in 1839 when Belfast-based Landlord and Banker Narcissus Batt gifted the land and built the school to help educate local children. An extension was approved under application P/1998/1400 to provide a new staff-room, medical inspection room, toilets and stores. The larger two storey extension to provide 2 class rooms, office, toilets, and store was approved under application P/2003/2741/F on 30.06.2004.

More recently the following approvals were granted:

LA07/2016/1435/F - Change of use and conversion into single dwelling, Permission granted 17 January 2017. This application related to the more modern two storey extension to the school house and allows for conversion to a dwelling house.

LA07/2016/1518/F - Change of Use and Conversion into 2 dwellings, Permission granted, 06 March 2017

This permission allows for two separate dwellings on the site. One in the more modern extension to the school house (similar to that approved under LA07/2016/1435/F) and one in the converted old school house building. No significant changes to the exterior of the school house are approved under this application.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland (SPPS) Banbridge, Newry & Mourne Area Plan 2015

PPS2 – Natural Heritage

PPS3 – Access, Movement & Parking

DCAN15 – Vehicular Access Standards

PPS21 – Sustainable Development in the Countryside

Consultations:

Transport NI - no objections provided Planning are satisfied that there will be no intensification of use.

NI Water – no objections

Loughs Agency – no objections

Objections & Representations

1 neighbour notification was issued on the 21 August 2017.

The application was advertised in local papers on 23 August 2017.

No objections or representations have been received in relation to this proposal.

Consideration and Assessment:

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 Banbridge / Newry & Mourne 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, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. 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 the retained PPS21.

Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the conversion of a non-residential building to a dwelling in accordance with policy CTY4. The more recent publication of the

Strategic Planning Policy Statement for Northern Ireland (SPPS) introduces a change to the policy as expressed in policy CTY4. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

In accordance with paragraph 1.12 of the SPPS, the new provisions of the SPPS must be given greater weight in this case than the retained policy. It is clear that this building is of local importance and historic value, having an original section dating from the 1830s and having been used as a school by the local community until relatively recently (2014). This meets the new higher test of the SPPS for conversion to a dwelling. The principle of conversion of this building to a dwelling has been established under planning approval LA07/2016/1518. However, whereas LA07/2016/1518 met the additional criteria set out in the SPSS and CTY 4, the current proposal fails to meet these criteria as set out below.

The SPSS allows for "sympathetic conversion" "where this would secure its upkeep and retention" with adaptation if necessary. The proposal is not considered to be sympathetic to the existing building. The built form, character and architectural features of the building will not be retained and will be almost totally lost. The proposal is to add an entirely new floor to the existing building. As a result the size and scale of the building, roof form and character would be significantly altered from the original. The drawings show raising of the roof, removal of the original slate roof and replacement with man-made slate, loss of existing chimneys and the introduction of a balconies, altered windows and dormers as well as a raised walkway. The proposed extensions – an additional floor and rear return (on the Carrick Road side of the site) would be finished with wet dash render. Cumulatively these alterations would make the building unrecognisable from the original and the overall design and use of materials are not sympathetic to the existing built form. The proposal alters the appearance of the original building to such an extent that it is not considered that the proposal secures its retention.

In addition, the adaptations proposed are not "necessary" as planning approval LA07/2016/1518 demonstrated that the old school house could be converted to a dwelling house (helping secure its upkeep) without the need for the extensions proposed.

The proposal can now be considered against the remaining criteria of policy CTY4 which covers detailed design and site specific issues.

- The proposal meets criteria a in that the building is of permanent construction.
- The proposal fails on criterion b as the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building. It would also have an adverse effect on the character and appearance of the locality due to the loss of a locally significant building and as the proposed altered building would be more prominent than the original and is of a design that is not appropriate in this rural setting.

- The proposal fails on criterion c as the proposed new extensions are not sympathetic to the scale, massing and architectural style and finishes of the existing building.
- The proposal fails on criterion d as the proposal would unduly affect the amenities of nearby residents of the dwelling approved under planning application LA07/2016/1518/F and LA07/2016/1435/F to the south of the site through overlooking and loss of privacy through the introduction of an additional floor with four dormer windows facing this property and in close proximity.
- The proposal meets criteria f and g as the school is connected to existing services which can be re-used. While the access is sub-standard, it will serve much less traffic than when the building was operating as a school. Therefore there will be no intensification of use and no prejudice to road safety or traffic flow.

The existing septic tank is to be used for sewage disposal. This is likely to require an updating of the Discharge Consent for this site. Policy CTY16 states that 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. None of the supporting evidence referred to under policy CTY16 has been submitted. However it would be possible to impose a negative condition that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. It is considered that the proposal would harm the special character of the AONB through the loss of a building that is of importance to the heritage of the local area. The design of the proposed extended building is inappropriate in the AONB.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS, Policy CTY 4 (Criteria b, c and d) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2 in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.

Case officer: _____

Authorised officer: _____

ITEM NO	10			
APPLIC NO	LA07/2017/1322/O	Outline	DATE VALID	30/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul Hourican 100 Tullybrannigan Road Newcastle BT33 0PW		AGENT	Fletcher Architects (N.I) LTD 25 Main Street Castlewellan BT31 9DF

LOCATION Land 20m SE of 24A Oldtown Road
Annalong

PROPOSAL Infill dwelling, detached garage & associated site works

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
			Addresses	Signatures	Addresses	Signatures
	0	1	0	0	0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would add to a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1322/O

Date Received: 31.08.2017

Proposal: Infill dwelling, garage and associated site works.

Location: Lands 20m South East of 24a Oldtown Road, Annalong

Site Characteristics & Area Characteristics:

The application site is located off the Oldtown Road, Annalong. This area is rural in character with a number of outbuildings and rural dwellings. The site is located 20m South East of 24a Oldtown Road, Annalong. The application site as outlined in red can be accessed via an agricultural gate north of the site. The topography of the land sees a slight slope downwards from the western to roadside boundary.

The boundaries are defined by a 1m high stone wall along the northern, southern and eastern boundaries. The western boundary consists of mature trees and scattered vegetation. The application site is located outside any settlement development limits as designated within then Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty.



Application site

Site History:

P/2000/0405/O

Site for dwelling

Permission Refused- 27.06.2000

Reasons: Integration, Built-up and creation of Ribbon Development

P/2001/1596/O

Site for dwelling and garage

Permission Refused- 05.12.2001

Reasons: Integration, Built-up and creation of Ribbon Development, inadequate slight lines at access

P/2006/1469/O

Site for dwelling

Permission Refused- 30.11.2011

Reasons: CTY 1, Integration, creation of Ribbon Development.

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning, Archaeology and the Built Heritage

PPS 21- Sustainable Development in the Countryside

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Has no objections to the proposal subject to conditions.

NI Water- Has no objections to the proposal.

Historic Environment Division (HED)- Has no objections to the proposed development

Objections & Representations

4 Neighbours was notified on 13.09.2017 and the application was advertised on 04.09.2017. No objections or representations received.

Principle of Development

The site is not located within a development limit identified within the Banbridge, Newry and Mourne Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes

the development of a small gap site within an otherwise substantial and continuously built up frontage. The application will be assessed under CTY 1 Development in the countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

CTY 1

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for an infill dwelling in accordance with Policy CTY 8.

CTY 8

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development:

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

A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. For the purposes of this policy, a road frontage includes a footpath or private lane, as in this case.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

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

This approach will be followed below; the infill in this case is Lands 20m South East of 24a Oldtown Road. In this instance these are four buildings (Three dwellings and one detached garage) with road frontage, no.24a is a two storey detached dwelling located north of the application site. Further north of the application site is no.26 which is a two storey detached dwelling with detached garage. No. 18 is a story and half dwelling located south east of the application site. All buildings have a clear frontage and access onto Oldtown Road. Officers consider that no.24 is partly located to the rear of the application site and is not considered part of the same built up frontage; however this is not fatal to the proposal as there is a frontage of three dwellings. Officers consider the first test is met.

Design and Scale- The site currently sits between an existing two storey dwelling north of the site (No.24a) and a story and half dwelling south east of the site (no.18).

To ensure any dwelling on this site would be keeping with the existing character a storey and half dwelling would be acceptable provided the additional policy tests are met.

Plot size- The overall plot depth is comparable with that of no's 16, 18, 24a and 26. The average plot width along the existing frontage is approx 27m, with plot widths varying from 24m to 35m. The gap between the buildings is 90 metres, therefore it is considered to be big enough to accommodate 3 dwellings.



The gap cannot be classed as a small gap as the space between the buildings is 90 metres and could accommodate three dwellings, and it is instead an important visual break in the otherwise development appearance of the locality that helps maintain its rural character. Officers consider that the site does not meet the merits of an exception as a small gap site against the criteria of policy CTY8 and development on this site would further add to the existing ribbon along the Oldtown Road.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

Whilst the site benefits from established boundaries by existing stone walls officers consider these to provide little screening to the site when travelling along both directions of the Oldtown Road, with the site relatively exposed to public view. Development on this site would primarily rely on new landscaping to provide a suitable degree of integration, with the site lacking mature boundaries.



View looking south taken along the Oldtown Road

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY8, any dwelling in the opinion of Officers would significantly alter or harm the rural character of the area. It would also add to the impression of suburban style build up when viewed with existing buildings.

Access and Parking

The proposal must accord with AMP 2 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and therefore officers consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

Conclusion

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 the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

BF / J484 / 31 January 2018

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry
Co Down
BT35 8DL

RE: PROPOSED INFILL DWELLING & DETACHED GARAGE AT LAND 20M SOUTH EAST OF 24A OLDTOWN ROAD, ANNALONG, CO. DOWN

REF: LA07/2017/0322/O

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 7th February 2018. The application has been recommended for refusal for the following reasons:

- 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
- The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial & continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would add to a ribbon of development and would therefore erode the rural character of the countryside.

The above application was previously brought before the council on 06 December 2017 with a recommendation to refuse. It was agreed at the meeting that a site visit be carried out by the Council's planning committee.

We wish to make the following representation –

We wish to demonstrate that a maximum of 2 dwellings can be accommodated and not 3 dwellings as suggested by the planning department

The planning case officer refers to using a formula of measuring the width of plots containing dwellings at no 16, 18, 24a & 26 to obtain an average plot size of 27m, but then changes the formula to measure the distance between buildings at 18 & 24a. Using the formula of measuring plot widths, the total width between boundaries of lane south east of 24a and the lane north west of 18, the total width is 58m.

The following 3d model images illustrate the pattern of development along this stretch of Oldtown Road, Annalong and also then with gaps accommodating dwellings.

Image 01

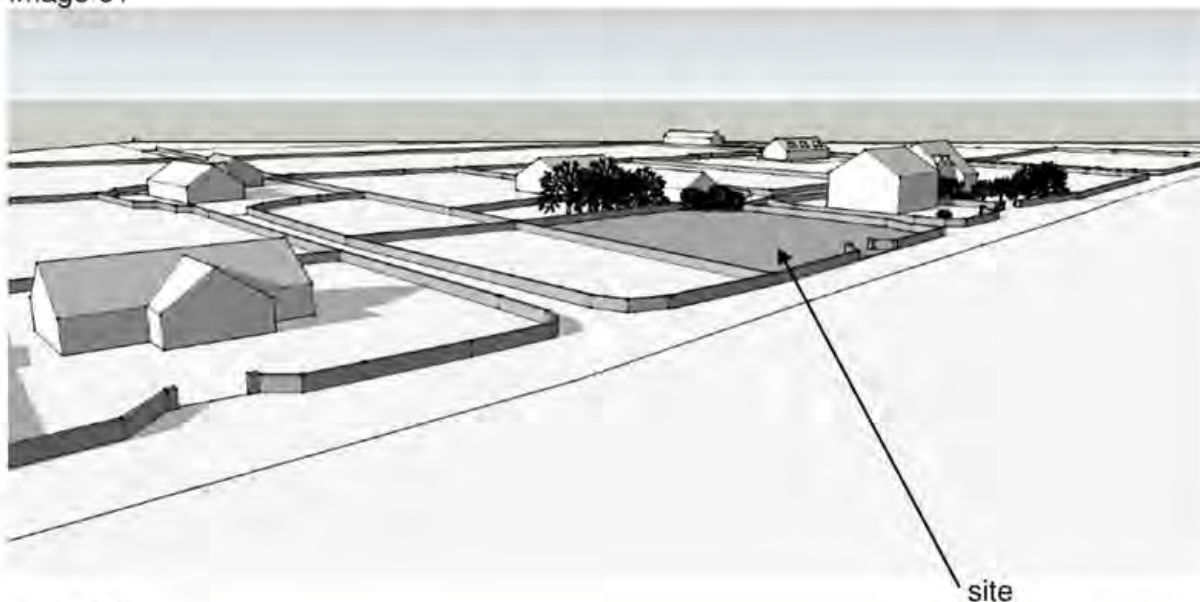


image 02



proposed dwelling on application site and dwelling on adjacent site

This shows a total of 2 dwellings can be accommodated in the gap, not 3 dwellings. The application infill site is shown to contain a proposed single storey dwelling in 'dark grey' for clarity and similarly the adjacent remainder gap site contains a proposed dwelling in 'dark grey'.

Looking at the entire road frontage from no 12 to no 26 which contains an infill planning approval ref LA07/2016/1434/O, the plots widths are 43m, 43m, 20m, 23m, 35m, 20m, 38m, 25m & 25m respectively, resulting in an average plot size of 30m which is similar to this application site plot width.

Image 03

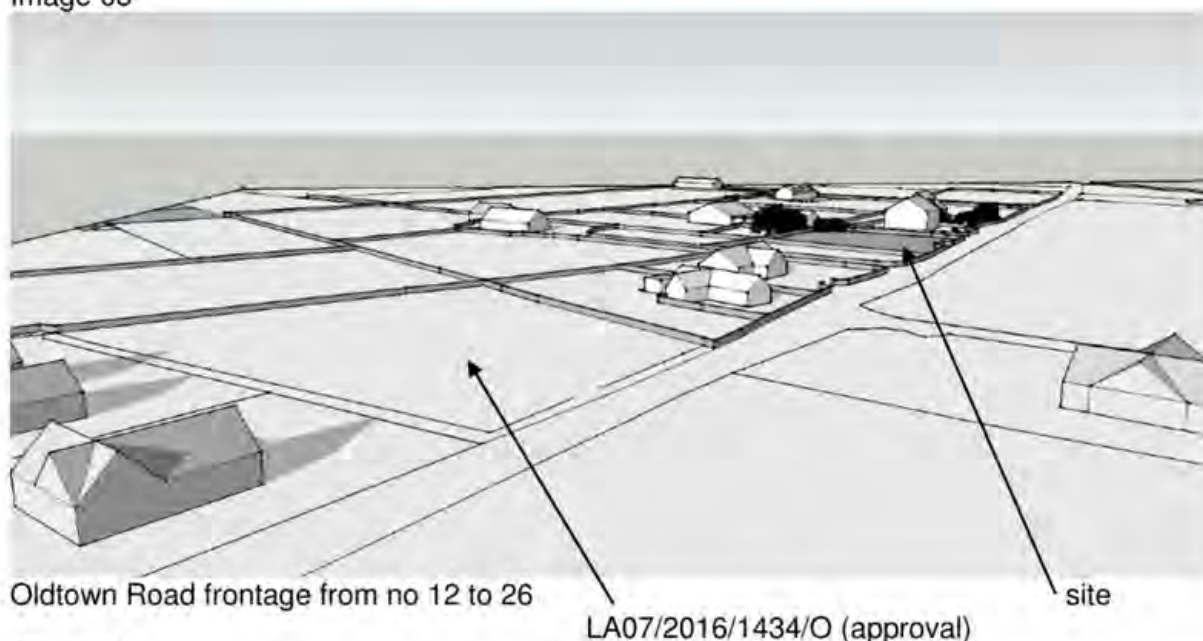
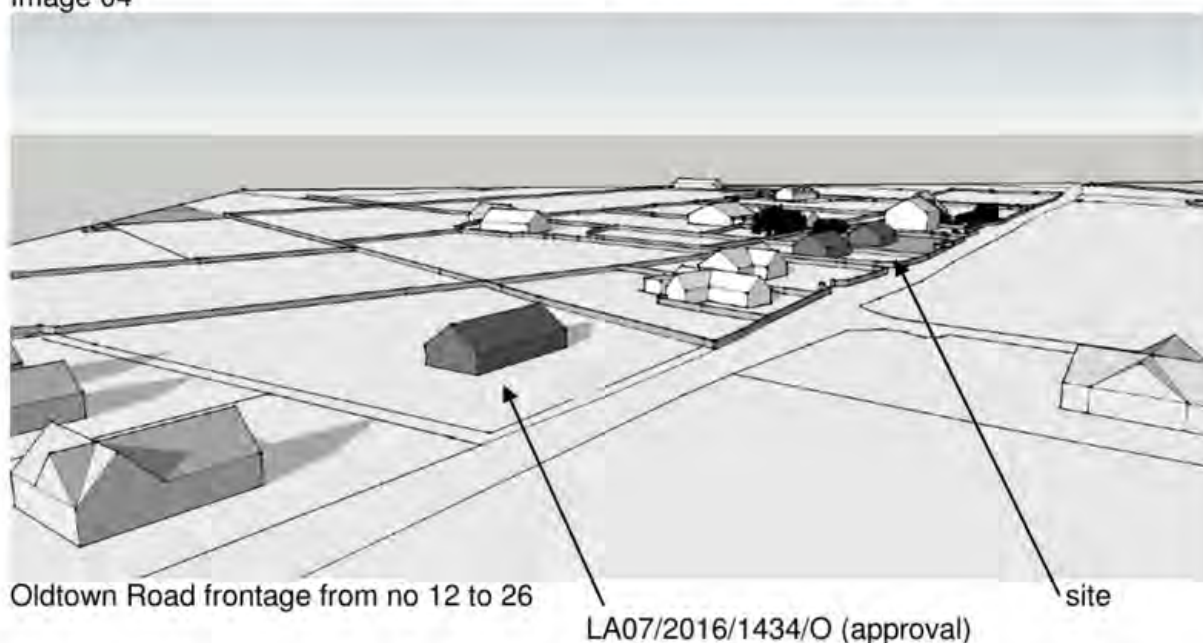


Image 04



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The 3d model also shows a single storey dwelling on the plot of LA07/2016/1434/O further to the south along the Oldtown Road. This is shown to represent the completed pattern of development along this stretch of road as it is currently an outline approval.

Image 05

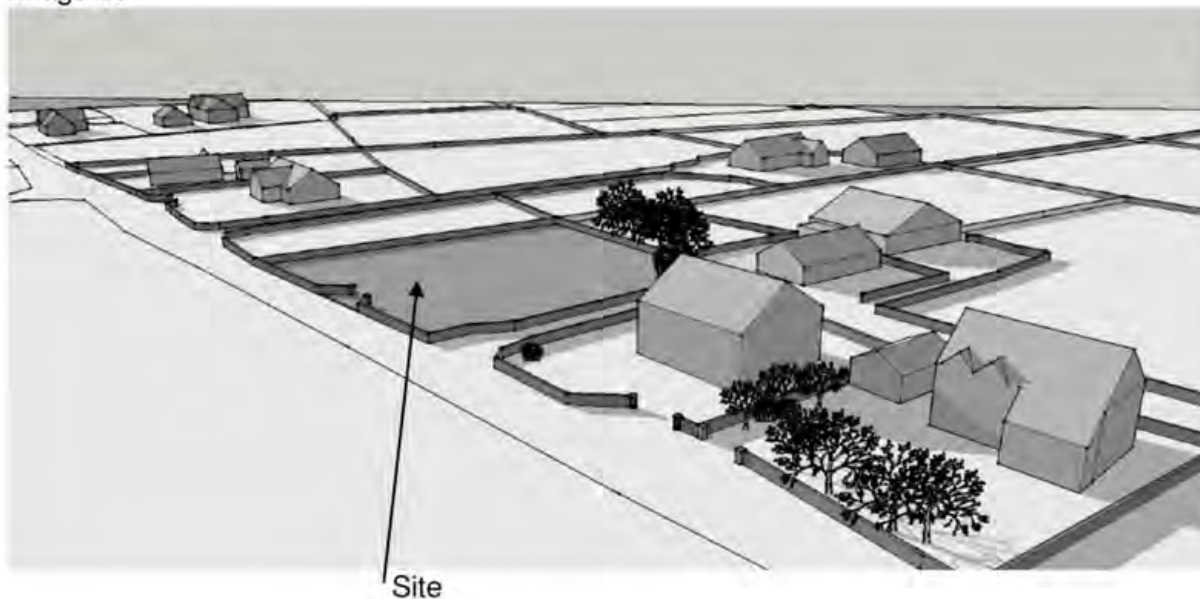


Image 06



Site and gap sites developed (proposed houses shaded)

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Image 07

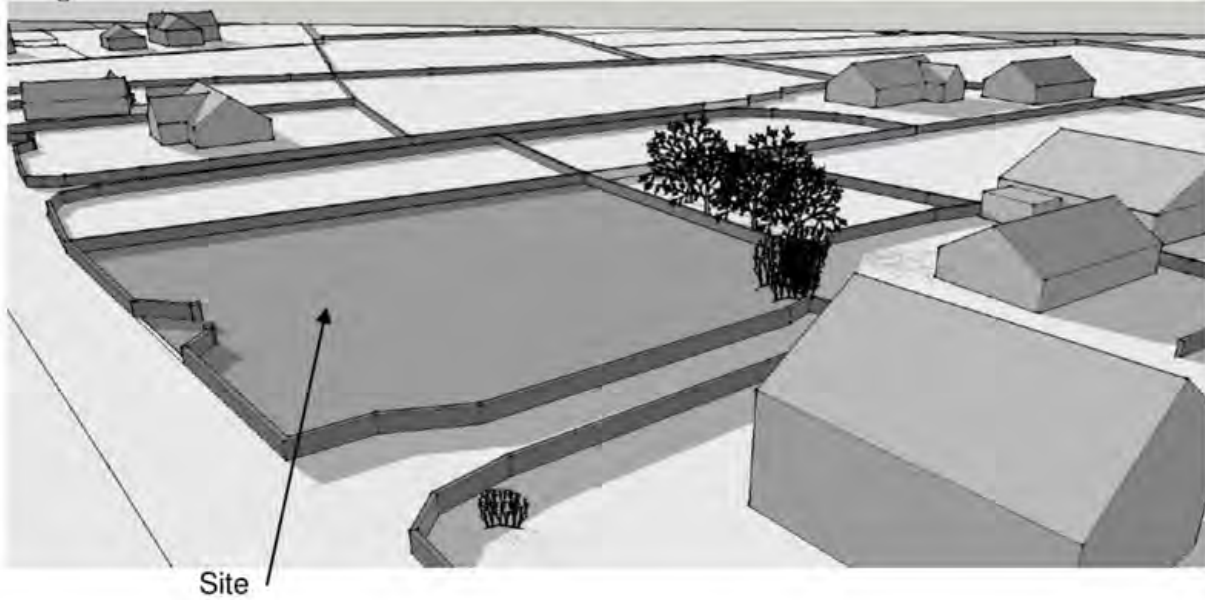
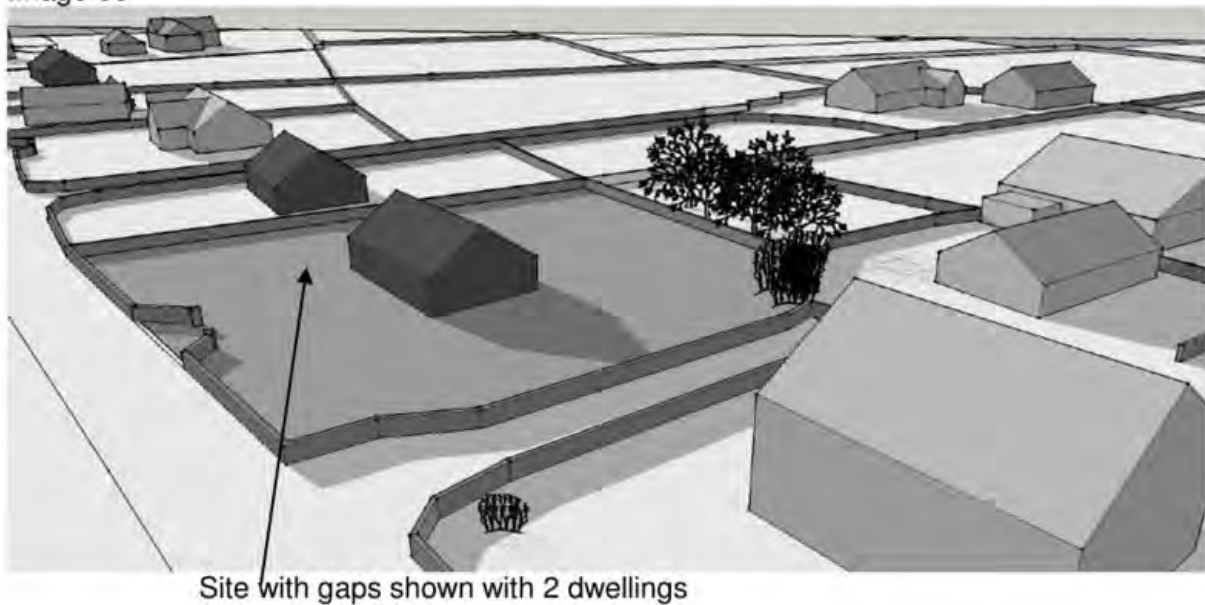


Image 08



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Image 09

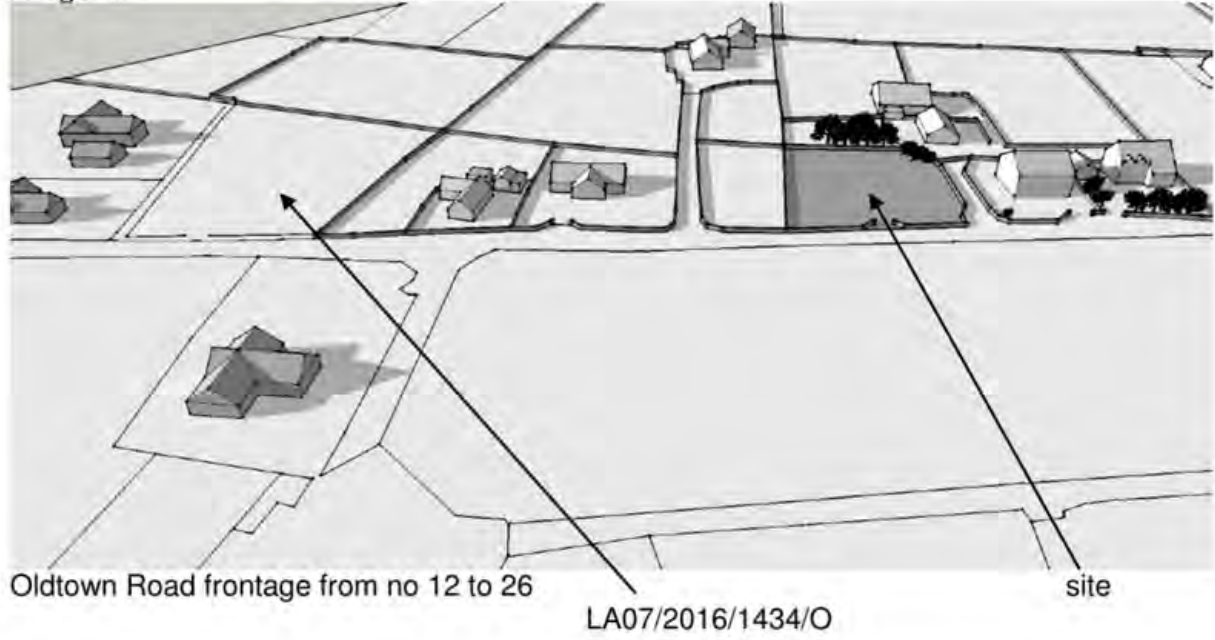
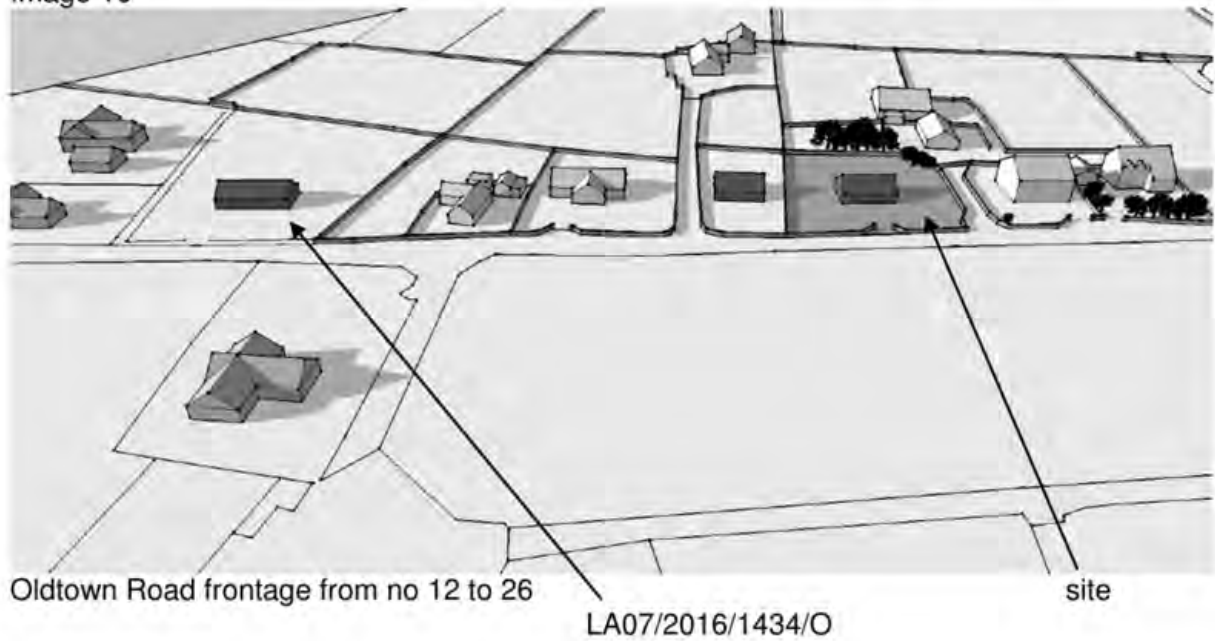


Image 10



Site with gaps shown with 2 dwellings

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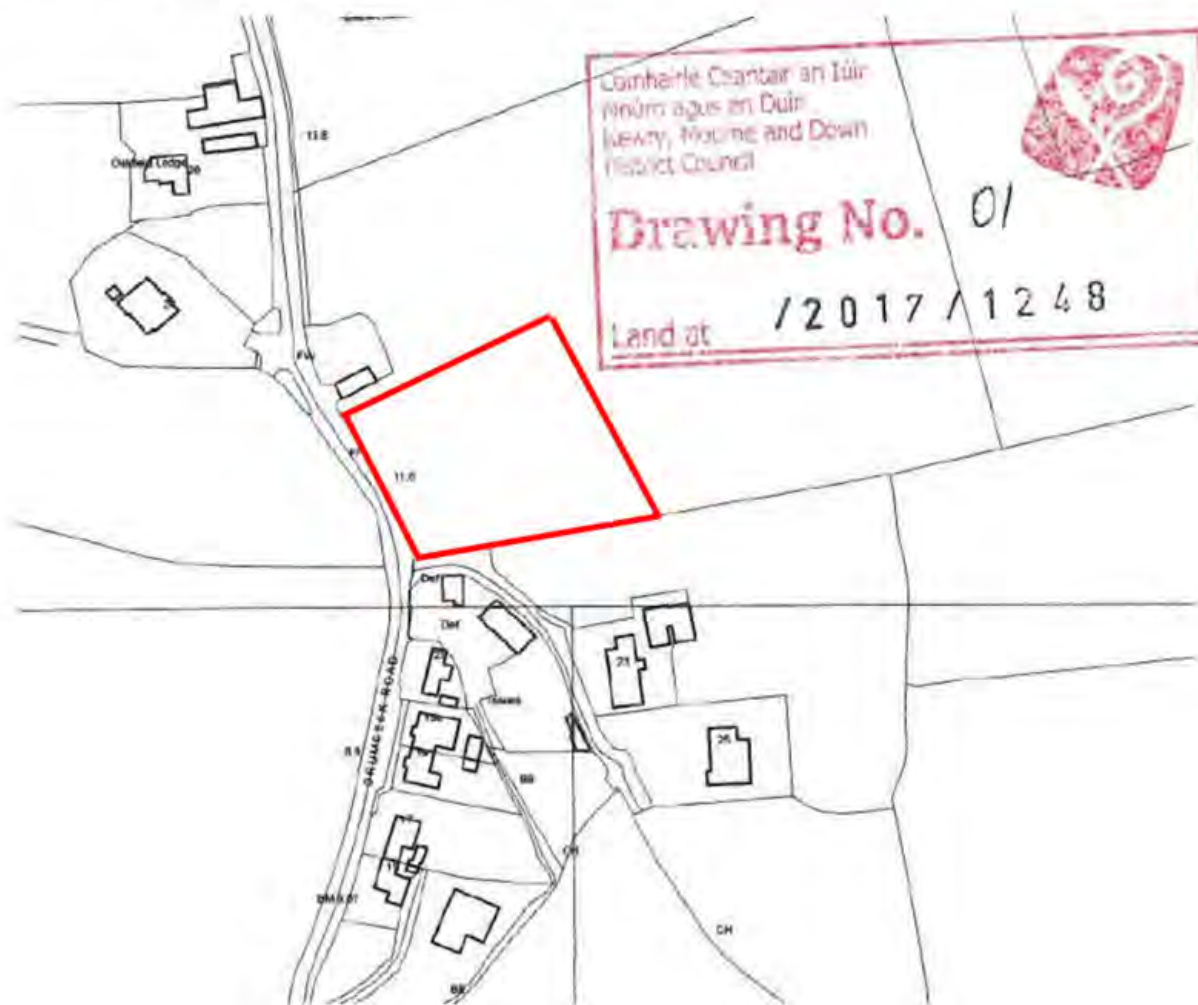
I wish to draw attention to planning approval reference LA07/2017/1248/O which has been approved by this planning department week commencing 22/01/2018.

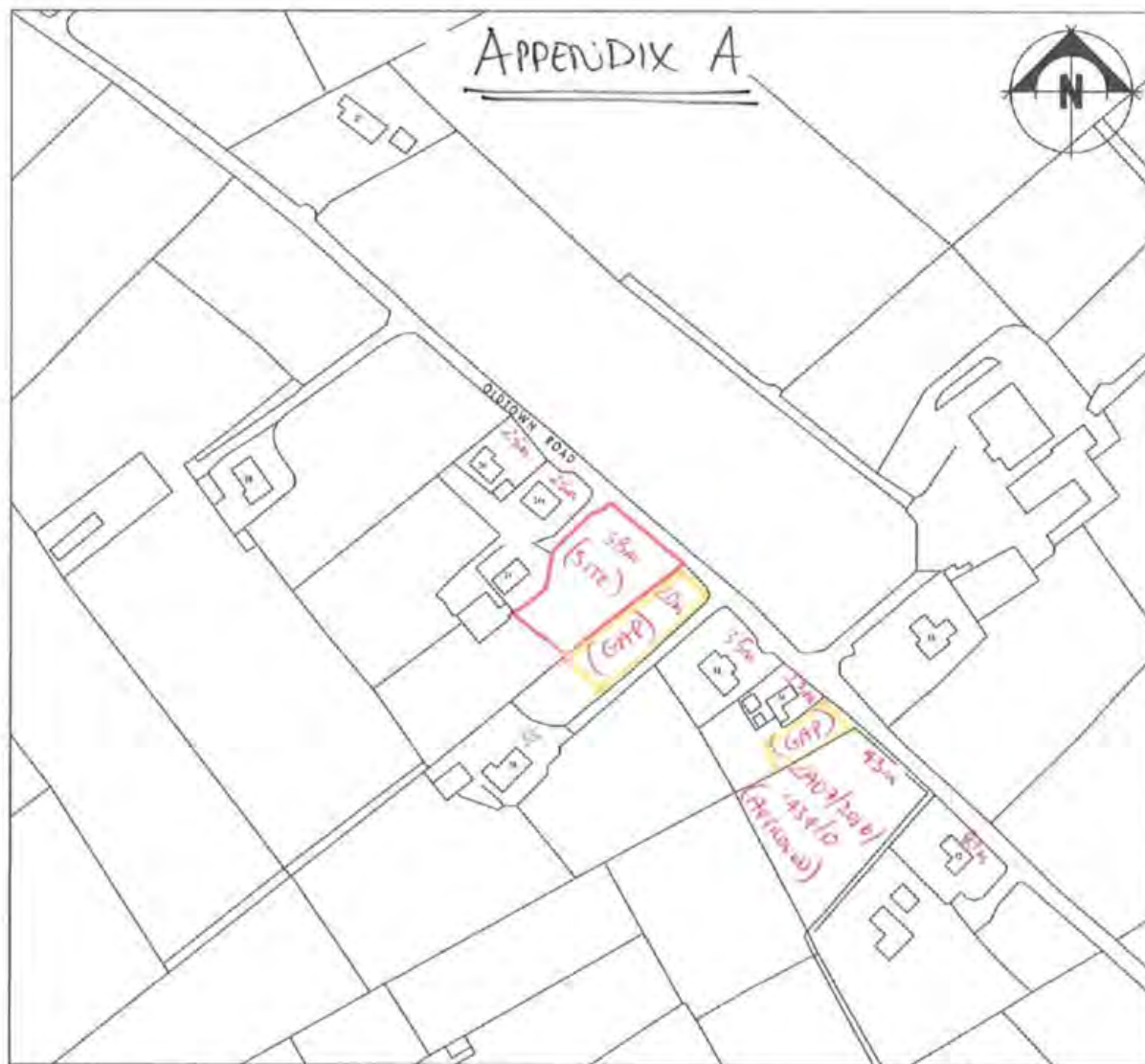
This application site is for 2 dwellings which has a lane to the northwest boundary and the adjacent property and 2 lanes to the south east of the application site boundary. The site location map is shown below. The planning department did not have an issue with lanes abutting the application site.

Given the width of the plots including the semi-detached dwellings to the south of the road, it could be argued that more than 2 dwellings could fit in the gap. Planning were satisfied with the proposal.

The case officer used a formula that did not measure between the buildings.

We request that the same interpretation of this application be given to the application on Oldtown Road, Annalong.





There is a lane leading to no 20 and a lane leading to no 24, leaving a physical gap of 58m to infill with a maximum of 2 dwellings. The distance of 88m between buildings should be irrelevant as you cannot physically fit 3 dwellings between no 18 and no 24 due to the width of the 2 lanes and the amenity space required within the plots of these houses, which has not been considered.

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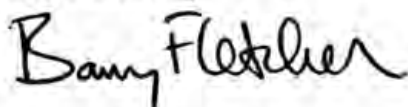
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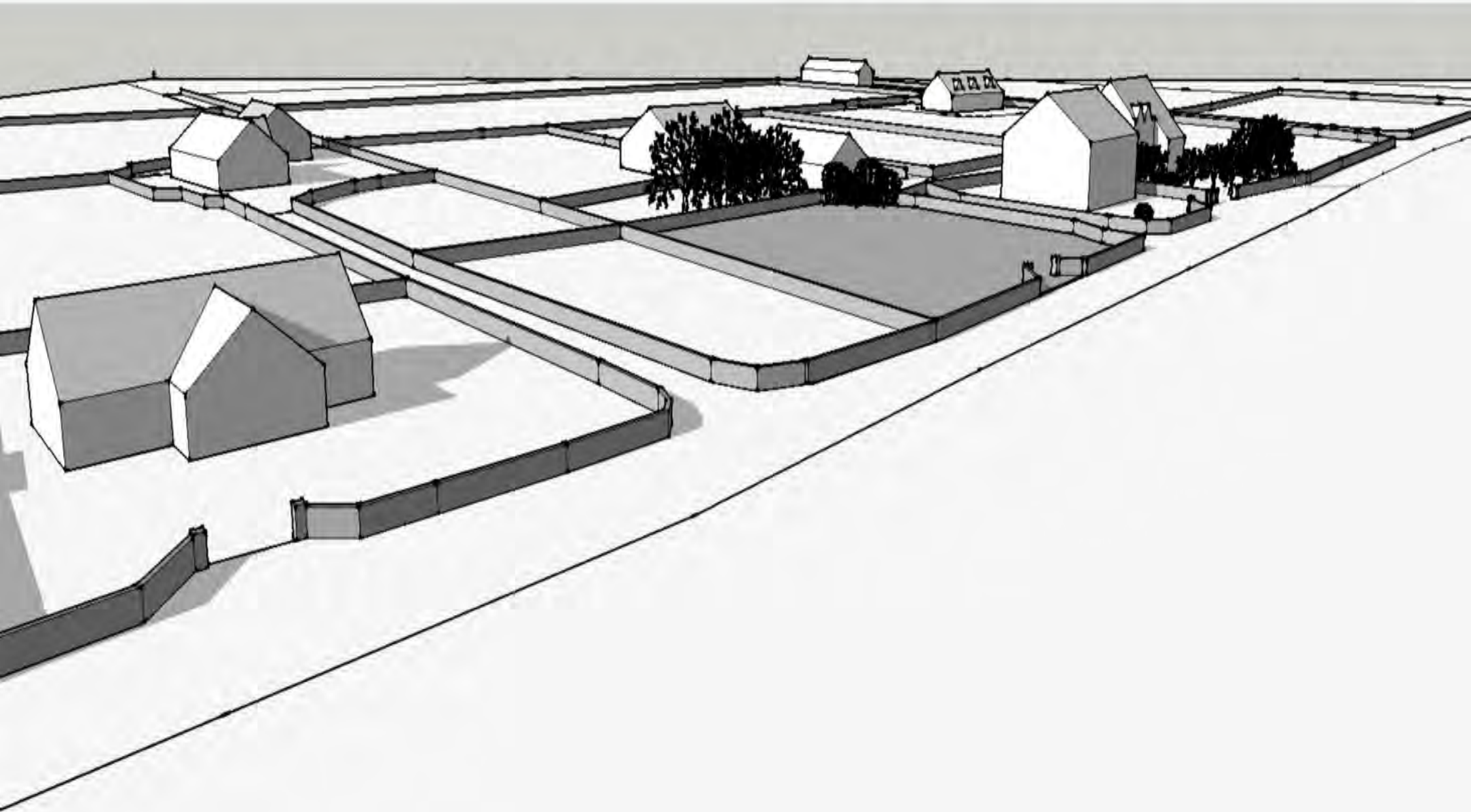
I would be grateful if the planning committee would take the above into consideration in determination of this application.

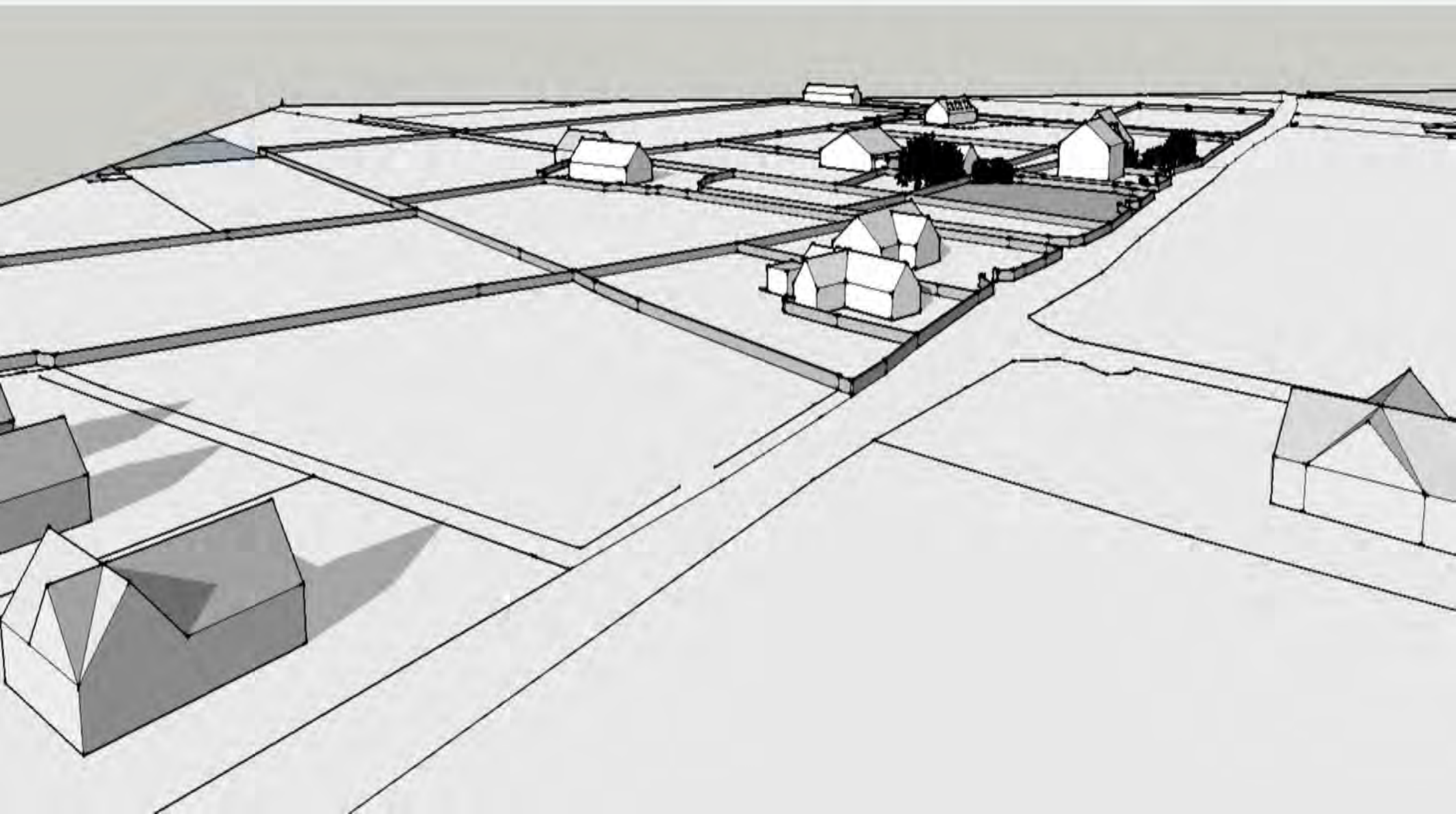
Yours sincerely



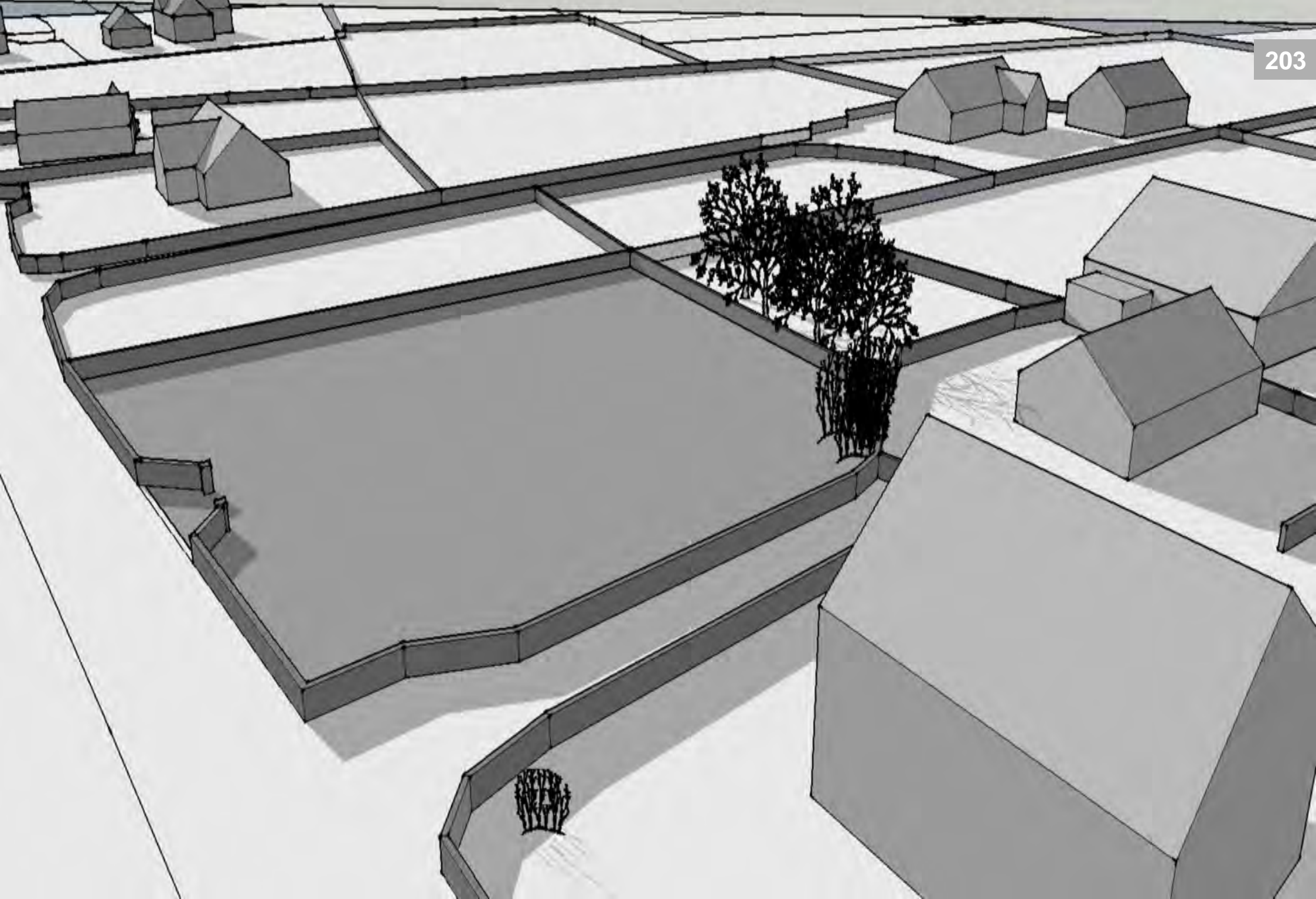
Barry Fletcher RIBA
Director, Architect

FLETCHER ARCHITECTS (N.I.) Ltd
Enc:











ITEM NO	10			
APPLIC NO	LA07/2017/1496/F	Full	DATE VALID	02/10/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	DFI Roads Southern Marlborough House Central Way Craigavon BT64 1AD		AGENT	DFI Roads Marlborough House Central Way Craigavon BT64 1AD
LOCATION	Approximately 30m North West of 127 Belfast Road Newry BT34 1QT			
PROPOSAL	Construction of a new park and ride/share car park facility for 106 spaces.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	4	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/1496/F

Date Received:

02/10/2017

Proposal:

Construction of a new park and ride/share car park facility for 106 spaces.

Location:

Approximately 30m North West of 127 Belfast Road, Newry, BT34 1QT

Site Characteristics & Area Characteristics:

The site is located approximately 4.5 miles north of Newry along the Belfast Road, approximately 0.5 miles from Sheepbridge Roundabout off the A1 (Protected Route) some 200m north east of the existing Sheepbridge Park and Ride facility. The site forms an existing grass (and partially paved) road verge along the Belfast Road, located between the Belfast Road and A1 corridor. There are a number of dwellings and existing farm buildings in the immediate vicinity; opposite the site including there are 4 dwellings / associated building groups which are accessed via an established laneway, including No.125 Belfast Road, or 'Sheepbridge House' which together with its curtilage (part of which comes to within 10m east of the site) are listed. In addition, No.132 Belfast Road is located some 70m North East of the site on the same road side. Part of the Clanrye River (running NE-SW) is also located 40m east of the site.

Site history / relevant surrounding history:

There have been no previous planning applications on this site. Of relevance to this application is the former full planning approval for an extension to the existing park and share car park approximately 200m south west of this site under application reference P/2013/0582/F, which was granted on 25/09/2013.

Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP) and Technical Supplement 7: Transportation
- PPS 3 'Access, Movement and Parking'

- DCAN15 'Vehicular Access Standards'
- PPS 6 'Planning, Archaeology and Built Heritage'
- PPS15 'Planning and Flood Risk'
- PPS 21 'Sustainable Development in the Countryside'
- Material issues within objections / representations received

Consultations:

Transport NI (response dated 26/10/2017)

No objections to this proposal

DfI Rivers Agency (responses dated 27/10/2017, 17/01/2018)

No issues in terms of Policies FLD1, FLD2, FLD4 and FLD5 revised PPS15. Policy FLD3 however stipulates that a drainage assessment is required due to additional hard-surfacing in excess of 1000m². Further to receipt of the required Drainage Assessment, DfI Rivers (while not being responsible for the preparation of the Drainage Assessment) accepts its logic and has no reason to disagree with its conclusions.

DfC Historic Environment Division (response dated 30/10/2017)

The proposal exerts no greater demonstrable harm on the setting of Sheepbridge House (HB16/14/020) and Sheepbridge (HB16/14/019) than the existing environment under Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

Newry Mourne and Down District Council - Environmental Health Department (response dated 23/01/2018)

The Environmental Health Department was consulted in the progression of this application given the concerns raised by objectors in terms of residential amenity (noise / light pollution, privacy etc.) Environmental Health has no objections in principle however advises the Planning Department to consider the comments raised by objectors and measures which could be taken to reduce any potential anti-social behaviour. In addition, lighting layout should be designed to reduce any impact on nearby properties (including regulation of switch on / off time.)

Objections & Representations

The application was advertised in 3 local papers (Crossmaglen Examiner 17/10/2017, Mourne Observer 18/10/2017 and Newry Reporter 19/10/2017 (Statutory publication period expired 02/11/2017) and five neighbouring properties were notified (No's 121,123,125,127 and 132, Belfast Road) as required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, with the statutory neighbour consultation expiry date 06/11/2017.

Four objections have been received: three from the residents of properties along Belfast Road and one Councillor Representation, who has requested that the application is considered and determined by the Planning Committee, as per the

Council's current Scheme of Delegation. The issues raised in these objections and the Planning Department's consideration of them may be summarised as follows:

Objectors Issues raised	Planning Department Consideration
Road Safety	
- Increased traffic congestion – including disruption to third party gateways, pedestrian and residential access	- Transport NI, the statutory body in this regard has no objections to the proposal in terms of PPS3 and road safety requirements.
- Increased traffic jeopardising the safety of young families surrounding	- Department for Infrastructure are responsible for gritting of road surfacing. This is not material to this planning application.
- This section of road is inadequately gritted during winter, resulting in increased risk to traffic using the facility and residents given the contours of the road	- The proposal seeks to improve the current position of cars parking on the road verge and tackle the overspill / congestion problem at the existing facility.
- Major accident black spot adjacent to the proposed facility	
- Cars parking on the Belfast road / verges	
Environmental	
Litter from park and ride users	- Littering is not a material planning consideration to this application.
Visual impact and disruption to the rural character of the area	- Landscaping proposals to reduce any visual detriment include a grassed buffer area between the Belfast Road and car park area bound by a timber post and rail fence, with the existing trees along the NW boundary to be retained. The suitability of this will be assessed further below.
Residential Amenity	
Encouraging anti-social behaviour at off-peak times / increased security risk to residents	- The site in its current form lends itself to anti-social behaviour. An appropriate lighting / security strategy would discourage anti-social behaviour.
Unacceptable levels of noise pollution from early morning to late night	- Proposal not expected to generate issues of privacy given the scale and nature of development, together with proximity from closest dwelling.
Impact upon residential privacy given proximity of site to surrounding dwellings	- The Council's Environmental Health Department do not object to the principle of the proposal however the traffic calming measures and appropriate lighting measures should be included.
Impact upon general quality of life	
Suitability of the site	
Too far from the Belfast Road bus stop – will not improve the overspill of	- A new bus stop is proposed on site to encourage use of new facility.

existing site	- Visibility concerns whilst not a material planning matter, can be overcome with appropriate signage measures.
Site not visible from the Main Road – people will be unaware of the facility	
Sustainability	
The average overflow of cars at the existing facility is approximately 25 cars showing no demand for a further 106 spaces. The main users of the new facility would be lorries and comfort break usage	These figures / claims are given without any unsubstantiated in evidence. The transport assessment submitted with this application indicates the justification behind the proposal is linked to a wider need along the A1 corridor.
No value for public money – would provide little contribution to the aim of reducing traffic in urban areas.	

In summary, the Council acknowledges the material concerns raised, particularly in respect of potential residential amenity and environmental issues. Environmental Health has advised that they do not object to the principle of the proposal and there would appear to be the potential to alleviate any detriment by way of negative conditions, investigated further below.

Consideration and Assessment:

Policy Context

The proposal seeks full planning permission to construct a new park and ride / share car park facility for 106 spaces as an extension to the current Sheepbridge Park and Ride / Share facility, to be developed in 2 phases. The existing facility, which operates as both a park and ride / share facility, with the bus stop located approximately 200m away from the site is oversubscribed, creating a multitude of road safety and wider issues in the locality. Given the proposed facility is located approximately 400m from the existing bus stop facilities on the A1, a new bus stop is proposed on site to promote uptake of patronage and encourage car share / public transport use.

Two of the 8 aims of the RDS include taking actions to reduce our carbon footprint and improve connectivity to enhance the movement of people, goods, energy and information between places. Policy RG2 of the RDS seeks to deliver a balanced approach to transport infrastructure. To achieve this, it requires improved connectivity, social inclusion and using road space more efficiently and sustainably.

This strategic need for more sustainable transportation is echoed in the SPSS - Paragraph 6.293 emphasises the key role Planning has in improving connectivity and promoting more sustainable patterns of transport / travel. The aim of the SPSS in this regard is to secure improved integration with land use planning, consistent with the regional aims and to facilitate safe and efficient access, movement and parking. In assessing such applications, the Council should be satisfied that there is a need for the development (in reference to the overall parking strategy) and should

consult with the relevant transport authority and consider the environmental impacts and compatibility of the scheme with adjoining land uses.

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 BNMAP 2015 and whilst rural in classification, is within the locality of the Sheepbridge Park and Ride / Share zoning (NY103) of the BNMAP 2015. The aims of the RDS resonate through the BNMAP 2015 by seeking to balance the requirement for sustainable transport infrastructure whilst protecting the natural environment and the needs of local residents. As this area is designated for the proposed use within the local plan, the BNMAP 2015 together with PPS21 and PPS3 will be given determining weight in this assessment, together with the provisions of PPS15 and material representations that have been made.

Principle of Development

Under Policy CTY1 of PPS21, non-specified development will only be permitted where there are overriding reasons why the development is essential and could not be located within a settlement, or it is otherwise allocated for development in a development plan. The subject site as aforementioned is identified in the BNMAP 2015 as a Park and Ride / Share locality. Policy AMP10 of PPS3 in principle supports public / private car park development provided the listed criteria are met. In principle, the proposal would appear to be supported by the BNMAP2015 and determining policies of PPS21 and PPS3. Nonetheless, all proposals must be sited and designed to integrate sympathetically with their surroundings (including compatibility with surrounding uses) and meet other planning and environmental considerations including those for drainage, access road safety, which are considered below in more detail against the merits of PPS3 and PPS15.

PPS3 – Access, Movement and Parking

Under policy AMP10 (Provision of Public and Private Car Parks,) planning permission will only be granted for the development or extension of public or private car parks, including park and ride / park and share schemes where it is demonstrated that:

- *They do not significantly contribute to an increase in congestion;*

The Transport Assessment provided (in line with Policy AMP6) confirms that the Belfast Road can accommodate the volume of traffic expected to be generated by the proposal (233 car journeys per day.)

- *Are not detrimental to local environmental quality;*

The proposal forms part of wider objectives to increase sustainable travel habits and reduce carbon footprint. Locally, the existing site comprises a disused road bed of little landscape value. The proposed landscaping measures which will help to

integrate the proposed scheme are considered to have no greater demonstrable harm on the character of this rural area and include the retention of the mature trees between the A1 corridor, which currently provide a natural visual and noise buffer between the A1 and Belfast Road.

- *They meet a need identified by DRD in Transport Plans;*

The need for this proposal has been identified through a review of DRD's Regional Transport Strategy and subsequent Strategic Review of Park and Ride facilities. The proposal includes an extension of an established use in this locality. A preliminary assessment of alternative sites has been conducted by Transport NI, with the subject site deemed to be the only suitable site due to land availability and its proximity to the A1. The site is designated in the BNMAP2015 as a suitable locality for a park and ride facility.

- *They are compatible with adjoining land uses.*

In terms of compatibility of surrounding uses, concerns have been raised by surrounding residents and Council representatives as tabled above. Environmental Health do not object in principle to the proposal, though advise the Planning Department to consider measures which could be taken to reduce any potential anti-social behaviour. In addition, lighting layout should be designed to reduce any impact on nearby properties (including regulation of switch on / off time.) These matters will be addressed by way of time-bound negative conditions.

Proposed Access

The proposal includes the creation of two new access points onto Belfast Road each with 4.5m x 160m visibility splays (developed in two phases.) Policy AMP2 (Access to Public Roads) only permits development involving direct access or the intensification of the use of an existing access onto a public road where the access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP3 Access to Protected Routes. The Transport Assessment form states that the proposed access standards are in accordance with DCAN 15. Transport NI, the competent statutory authority in this regard has no objections to the proposed access points in terms of PPS3 requirements.

Proposed Design / Layout Details

Policy AMP9 (Design of Car Parking) stipulates the design and layout requirements for parking proposals. The landscaping proposed includes the retention of the existing mature trees along the NW site boundary, which is encouraged in terms of retention of rural character. The proposed details are not considered to result in any greater demonstrable harm in terms of local landscape and visual amenity in the existing context. The proposed layout has been designed to ensure direct and safe movement of pedestrians within the site in line with Policy AMP1. The layout proposals include the provision of 6 accessible car parking spaces towards the SW

area of the site. As outlined above, a lighting scheme will be conditioned to ensure the layout is sufficiently illuminated to increase safety in and around the site and to prevent any light pollution to surrounding residential properties.

PPS15 – Planning and Flood Risk

DfI Rivers Agency Flood Risk maps indicated that the site may be subject to potential surface water (pluvial.) Whilst proposed drainage measures have been provided, Policy FLD3 of the revised PPS15 requires a Drainage Assessment where the level of hard surfacing in these areas exceeds 1000m². A full Drainage Assessment has been provided (date stamp received 08 January 2018) which DfI Rivers Agency have no objections to in regards to Flood Risk. Informatives will be attached to any decision to ensure the applicant is aware of their responsibility for implementation and management of the proposed flood risk measures.

Recommendation: Approval

Summary of recommendation:

Principle of proposal is supported within the SPPS, BNMAP2015 and local policies PPS3, PPS21 and PPS15. Proposed scheme is acceptable subject to conditions in relation to landscaping, lighting and operation to protect the character of this area and ensure the proposal is compatible with the surrounding area.

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. Prior to operation of the development hereby approved, a street lighting scheme shall be submitted to and approved by the Council appropriate to Category E2 (rural, small village or relatively dark urban locations) of the UK Street Lighting Classifications. This information shall set out the proposed position of lighting, operational and management details, including proposed timings of illumination.

Reason: In the interests of Residential Amenity

3. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season following completion of development as approved.

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

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another

tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



127 Belfast Road
NEWRY
BT34 1QT

17 October 2017

Ref: LA07/2017/1496/F

Dear Sir

OBJECTION TO - Proposal: Construction of a new park and ride/share car park facility for 106 spaces.

We strongly object to the construction of a new park and ride/share facility of 106 spaces at Belfast Road as this would have a huge impact on our quality of life. It is too close to our home.

My husband has lived here all his life and I have lived here forty years since I married.

Although only a few miles from Newry City this is a quiet rural area which would be ruined by the addition of more unwanted traffic. It would create a major safety issue and the visual impact would be unacceptable. The noise pollution from early morning until night, with cars revving engines, beeping horns, people talking and shouting to one another would also be unacceptable. Our security would be severely compromised too, having total strangers outside our home everyday with the threat of burglars being freely able to monitor our movements and when our house is empty. We would have no privacy at all.

This construction would only magnify the problems local people already have with the existing park and share which causes major danger and congestion at various times of the day.

Drivers create a nuisance by their constant disregard for other road users and pedestrians by parking randomly on the side of the road, the footpath, or in field gateways. Even if there is space in the park & share they can't be bothered to use it. Also the drivers who come to pick people up, just stop and wait wherever they like, reducing the road to single lane traffic or block the road completely. The car park is used as a dumping ground by drivers who have been observed regularly throwing all manner of rubbish from their vehicles before driving off. This litter is blown along the road into the verge and into our garden.

At the weekend it has been used for more anti-social behaviour, cars park up and occupants play very loud music and drink alcohol leaving behind bottles and tins or they rev up their engines and do donuts around and around generally causing a nuisance. We do not want any more of this on our doorstep.

Yours faithfully

Sharon Henning

Application Number: LA07/2017/1496/F

Councillor's Name: David Taylor

Reason(s) for requesting speaking rights on application to appear before the Planning Committee:

I would like to raise my objections and concerns in respect of the above listed planning application and I would outline the following points:

There are serious concerns that this planning application would further exacerbate traffic congestion on this section of the Belfast Road, Newry. I can confirm that I have raised this issue with the Police on previous occasions on behalf of local residents who bear the brunt of ongoing problems caused by many vehicles waiting to pick up passengers from the Park and Share facility and there is a genuine belief that the build up of traffic congestion will only intensify if additional spaces are provided at the proposed site. Residents already experience problems with vehicles obstructing property entrances, the local road network and footpaths and there are concerns that traffic safety issues will only become more prevalent.

I can advise there are a number of properties located directly across from the proposed site and concerns exist regarding the impact the proposed extended park and share facility will have on residents' privacy and general quality of life. As you will be aware this facility operates from early morning until late at night and if there are further vehicles located at the proposed site this will only serve to adversely impact on the quality of life of resident households located nearby.

There are obvious security concerns associated with extending the site both in terms of ongoing anti social behaviour problems that affect the current park and share facility and the risk to residents' home security with this proposed facility being located so close to their homes. It is important to note that the current facility is regularly affected with litter problems and rubbish being dumped at the location.

I can confirm that local residents impacted by this proposed extended facility have lived in this local area for many generations and they are concerned that their rural way of life will be detrimentally impacted by this proposal. The further build up of vehicles at this location will destroy what remains of this rural setting.

I would ask for sympathetic consideration to be given to these concerns and others raised by local residents in respect of this application and I trust it will be brought before the Planning Committee to enable further deliberation to take place on the proposal.

Statement from Ciaran McKenna DFI Roads in support of Planning Application LA07/2017/1496/F

Advise of the policy context for provision of park and share, the opportunity that this site presents, the need for additional facilities to cater for existing demand and the potential benefits of such a site.

ITEM NO	11			
APPLIC NO	LA07/2017/1503/F	Full	DATE VALID	27/09/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne and Down District Council Haughey House Greenbank Industrial Estate Newry BT34 2QU		AGENT	Estates Section (NMDDC) Haughey House Greenbank Industrial Estate Newry BT34 2QU
LOCATION	Newry Town Hall Bank Parade Newry BT34 1DQ			
PROPOSAL	Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/1503/F

Date Received:

27/09/2017

Proposal:

Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road.

Location:

Newry Town Hall, Bank Parade, Newry, BT34 1DQ

Site Characteristics & Area Characteristics:

Newry Town Hall, is located within Newry Conservation Area and comprises a grade B1 listed two storey Victorian building with brick finish and granite dressings. The building occupies a prominent location in Newry City Centre and is unique in straddling a county boundary on the Armagh Down Bridge, which is grade B+ listed.



Site History:

There have been a number of former planning applications concerning Newry Town Hall. Most recently, Listed Building Consent (LBC) was granted for internal refurbishment works to the existing auditorium, stage and back stage areas, including the removal of the existing control room, installation of new control room and installation of new light fittings and support rigs, as approved by application reference LA07/2016/1660/LBC on 26/05/2017. Prior to this, full planning permission and LBC were granted for external refurbishment works by virtue of application references LA07/2015/0476/F and P/2015/0028/LBC respectively on 10/08/2015 (including waterproofing of the flat roof and inner parapet between the auditorium and stage, repairs/refurbishment works to facades, including brickwork, stonework and windows.) A number of earlier approvals are also listed below, many of which concern repair / essential maintenance works:

<u>P/2006/2201/F</u>	Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre - permission granted 16/07/2010
<u>P/2006/2161/LB</u>	Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure - permission granted 16/07/2010
<u>P/2005/1560/LB</u>	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings, and solar panel installation to roof - permission granted 15/03/2006
<u>P/2005/1559/F</u>	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings and solar panel installation to roof - permission granted 12/11/2005
<u>P/1992/1108</u>	Alterations and renovations to Town Hall - permission granted permission granted 24/12/1992
<u>P/1992/1109</u>	Renovations and alterations to Town Hall (Listed Building Consent) – permission granted 24/12/1992

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP 2015)
- PPS 3 'Access, Movement and Parking'
- PPS 6 'Planning, Archaeology and the Built Heritage'
- DOE 'A Planning Strategy for Rural Northern Ireland' (PSRNI)
- DOE 'Newry Conservation Area Design Guide'

Consultations:DfC Historic Environment Division (HED) response dated 30/10/2017

HED Historic Monuments (HED:HM) has assessed the application and due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

HED Historic Buildings (HED:HB) considers that the proposal has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building).

DfC Historic Environment Division (HED) response dated 19/12/2017

HED:HB acknowledge receipt of the revised Design and Access Statement and P1 form stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED:HB still considers the proposal to have an adverse impact under Paragraph 6.13 of the SPPS and Policy BH8 (Extension or Alteration of a Listed Building.)

Objections & Representations:

- 24 neighbouring properties were notified on 11/10/2017 (statutory expiry date 25/10/2017)
- Application advertised in 3 local papers (statutory publication expiry 02/11/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. There are a number of designations over the subject site as identified by the BNMAP 2015 including; Newry City Centre (NY75), Newry Conservations Area (NYCA01), Local Landscape Policy Area (NY114) and lies close to an Newry Canal Area of Archaeological Potential (NYAAP01 /DOW046:500). In addition, the Town Hall building (including steps and railings) and adjacent Armagh / Down Bridge, are both listed (HB Reference numbers HB16/28/018/B and HB16/28/018/A respectively.) In this policy context, the retained policy of PPS6 will be given determining weight in this assessment, together with PPS3 and the PSRNI, together with any relevant material considerations.

Background Context of Planning Application

This application seeks temporary permission to replace the external fire escape staircase adjoining the North Western elevation of Newry Town Hall, as pictured below. As indicated, recent planning approvals have been obtained for both internal

and external refurbishment works to the Town Hall, as part of a phased programme of improvement works, with phase 3 subject to obtaining the necessary approvals.



Nearing completion of phase 2 works and the reopening the building, a structural assessment of the existing fire escape was conducted as part of the overall Fire Risk Assessment, which resulted in the existing fire escape being condemned due to significant deterioration. At this time, contractual commitments were already confirmed for shows commencing early December 2017, with the 500 seated auditorium sold to maximum capacity.

As the existing fire escape could no longer be used, an assessment was carried out as to how this would affect the numbers in the auditorium which was found would reduce the numbers to a maximum of 110. After reviewing the structural Engineer's Report, the Council considered whether limited remedial works could be carried out in the interim to enable the already contracted productions to go ahead. A report was produced with proposed remedial works with temporary supports in place, however due to the uncertainty of the extent of the corrosion to the existing stair case, the legalities surrounding this approach were uncertain. This left one option – i.e. demolish and replace the existing fire escape.

Due to the imminent time scales before the planned building re-opening and contractual commitments in place, a small temporary design was considered, which would extend up to the auditorium floor and exclude the balcony level. This proposal was further assessed by Building Control and was deemed unsatisfactory against

current Regulations (this proposal included no cover or roof structure, no enclosure or adequate lighting.) Fundamentally, by not extending the stairwell to the balcony area, this space could not be used for public seating, reducing the internal seating capacity by 120 seats (which were already fully booked.)

Following further consultation with Building Control, Structural Engineers, user groups and other stakeholders, the Council's Estates Department felt they were left with no alternative option than to act on the inadequacies of the former staircase and to address the health and safety / regulatory issues. As a result, the current proposal was devised which extends the replacement stairwell to the upper balcony level and is almost fully enclosed, with timber slats chosen to 'break up' the façade, rather than using sheeted material.

The long term strategy is to replace the external staircase with a purpose built extension to house the escape stair and to provide a combined hoist / lift to improve access to all levels of the building. The Planning application for phase 3 is due to be submitted to the Planning Department in early 2018. The current proposal is therefore a temporary interim solution until the Phase 3 works are commenced (subject to the necessary approvals.) It is an attempt to meet the fire safety requirements of the Town Hall by providing a safe access from the building without detrimentally impacting upon the architectural integrity of the Listed Building, which is a highly valued asset of Council.

In terms of progression, this application was received by the Planning Department on 27/09/2017. A site inspection was subsequently carried out on 11/10/2017, at which time the former stair case was still in place. Sometime after this, the original staircase was removed and works started on the development currently under consideration, as a result of the above, varying the nature of the planning application to retrospective.

Principle of Development / Proposed Works

Under Para 6.12 and 6.13 of the SPPS, works to a Listed Building may be permitted provided the development respects the essential character and architectural / historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. The proposal in terms of detailing comprises stair columns rising from ground level to balcony level enclosed by a profiled enclosure measuring 8.3m in length, 10.9m in height and which projects 3m from the NW elevation of the building. This enclosure is comprised of section metal sheeting angled, with guttering to the downpipe at the leading edge, supported with galvanised steel sections. Externally, it is clad with hard wood vertical slats, which are staggered to 'break down' the visual bulk of the 'enclosed' element.

The proposal also involves a minor extension and realignment of the footway along this side of the building to accommodate the structure, with the footway extended in

length by 13m at its maximum point, improving accessibility and safety surrounding the building. Policy AMP1 of PPS3 seeks to create a more accessible environment for all users. Where appropriate, it seeks to integrate accessible solutions into new development, including convenient movement along pathways and an unhindered approach to buildings. The proposal has taken the opportunity to improve the access surrounding the Town Hall as part of the overall scheme, which is acceptable against the merits of Policy AMP1.

PPS6, Policy BH8 (Extension or Alteration of a Listed Building) considers extension or alteration works to Listed Buildings. Consent will be granted for works to a Listed Building where criteria a) to c) are met. The use of timber cladding is not considered an appropriate material and the scale and overall bulk of the overall enclosure detracts from the character of the Listed Building, in particular with the upper floor elegant tall arched windows obscured by the height of the enclosure.

At the aforementioned meeting, concerns were raised by HED and Council Planning representatives to this effect, where it was agreed that alternative proposals for the timber slats would be considered to address these concerns (i.e. setting the guttering and roofing behind the timber to improve this edge and breaking up the length of timber slats into shorter sections which may improve the scale and detailing and wouldn't require seamless jointing.) In response to this, the vertical slats have been staggered to break up the verticality of the material and the guttering detailed to sit behind these slats, as shown below.



In their initial consultation response, HED: HB considered that the proposal would have an adverse impact under Paragraph 6.12 & 6.13 of the SPPS and Policy BH8 of PPS6 due to its impact which obscures, overlaps and does not respect architectural detailing. In particular, the top floor theatre windows and brick detailing above these are significant to the building and are concealed by the proposal

(materially and because of sight lines from ground). The additional bulk to the stair visible from Bank Parade should be minimised so as not to detract or distract from the historic form of the building. Repair rather than replacement offers a less onerous solution for the building in terms of impact and would be preferable for HED.

Following this response, it was brought to the Planning Department's attention that works had started on site, with the removal of the existing stair case. Given this, a meeting with Council Estates, Building Control, Historic Environment Division and Planning representatives was arranged to discuss the progression of this application given the current context and long term future plans for the building. A meeting was subsequently held on 29/11/2017 where HED expressed the above concerns. In addition, the health and safety challenges and context of the application were discussed. It is noted that in Building Control terms, the slatted sheltered arrangement is a compromise, with full enclosure preferable to prevent any potential wind driven rain causing slips, potentially if frozen. In terms of actions, HED agreed to reconsider their response given the significant health and safety issues and Council Estates were to make available the contextual information in an amended 'Design and Access Statement,' in addition to reconsidering the detailed elements of concern.

Following receipt of additional information and further consultation, a final response dated 19/12/2017 has been issued by HED:HB which acknowledges receipt of the revised Design and Access Statement and P1 form, stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB's advice remains unchanged from its previous response and considers that the proposal still has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of PPS6. Despite the overall view, HED reference the pressing health and safety issues in relation to means of escape in the event of a fire and strongly advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

In addition to Policy BH8, Policies BH12 of PPS6 (New Development in a Conservation Area) and Policy DES2 (Townscape) of the PSRNI are applicable to this proposal. Under Policy BH12 there are 7 criteria to be met including the preservation or enhancement of the area and for development to be sympathetic with the surrounding characteristic built form. Policy DES2 also requires the highest standards of architectural design and detailing in all new developments within Conservation Areas, with the primary concern to ensure new development neither conflicts with or detracts from the character, amenity and design of such areas, with

an emphasis placed on the use of appropriate materials and detailing. For the reasons outlined above in the assessment of Policy BH8, the proposal in its current form does not satisfy the requirements of Policies BH12 or DES2 in terms of its impact upon the character of the Listed Building and consequently Newry Conservation Area.

In considering all aspects pertaining to this application, the Planning Department agree with the view of HED:HB that the proposal in its current form is contrary to Policies BH8 and Para's 6.12 and 6.13 of the SPPS, in addition to Policies BH12 of PPS6, DES2 of the PSRNI. However the overriding health and safety justification behind this proposal is a material consideration in this assessment. A temporary approval for a maximum of 2 years is considered a reasonable solution, with conditions attached to ensure an appropriate long-term solution is achieved and that this temporary approval does not become the established development outcome. In addition, pre-application discussions with both the Planning Department and HED for phase 3 works would be necessary going forward to ensure the long term solution is acceptable in the context of this architecturally sensitive Listed Building and protected Conservation Area.

Recommendation: Approval

Summary recommendation:

Proposal on balance is deemed an acceptable *temporary* solution to meet health and safety requirements and regulations, subject to the conditions and informatives attached to this decision.

Condition:

1. The retrospective permission hereby granted is issued under Section 55 of The Planning Act (Northern Ireland) 2011 and shall be for a limited period of two years only and shall expire two years from the date of this permission and the structure removed.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	12			
APPLIC NO	LA07/2017/1504/LBC	Listed Buildi	DATE VALID	27/09/2017
COUNCIL OPINION	CONSENT			
APPLICANT	Newry, Mourne and Down District Council Haughey House Greenbank Industrial Estate Newry BT34 2QU	AGENT	Estates Section (NMDDC) Haughey House Greenbank Industrial Estate Newry BT34 2QU	
LOCATION	Newry Town Hall Bank Parade Newry BT34 1DQ			
PROPOSAL	Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall.			
REPRESENTATIONS	Obj Letters	SUP Letters	Obj Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/1504/LBC

Date Received:

27/09/2017

Proposal:

Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall.

Location:

Newry Town Hall, Bank Parade, Newry, BT34 1DQ

Site Characteristics & Area Characteristics:

Newry Town Hall which is located within Newry Conservation Area comprises a grade B1 listed two storey Victorian building with brick finish and granite dressings. The building occupies a prominent location in Newry City Centre and is unique in straddling a county boundary on the Armagh Down Bridge, which is grade B+ listed.



Site History:

A corresponding application seeking full planning permission for the temporary replacement of existing metal fire escape staircase to the side of the Town Hall including alterations to existing footpath and access road is currently being assessed in parallel with this application (planning application reference LA07/2017/1503/F.)

There have been a number of former planning applications concerning Newry Town Hall. Most recently, Listed Building Consent (LBC) was granted for internal refurbishment works to the existing auditorium, stage and back stage areas, including the removal of the existing control room, installation of new control room and installation of new light fittings and support rigs, as approved by application reference LA07/2016/1660/LBC on 26/05/2017. Prior to this, full planning permission and LBC were granted for external refurbishment works by virtue of application references LA07/2015/0476/F and P/2015/0028/LBC respectively on 10/08/2015 (including waterproofing of the flat roof and inner parapet between the auditorium and stage, repairs/refurbishment works to facades, including brickwork, stonework and windows.)

A number of earlier approvals are also listed below, many of which concern repair / essential maintenance works to the building:

- | | |
|-----------------------|---|
| <u>P/2006/2201/F</u> | Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre - permission granted 16/07/2010 |
| <u>P/2006/2161/LB</u> | Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure - permission granted 16/07/2010 |
| <u>P/2005/1560/LB</u> | Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings, and solar panel installation to roof - permission granted 15/03/2006 |
| <u>P/2005/1559/F</u> | Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings and solar panel installation to roof - permission granted 12/11/2005 |
| <u>P/1992/1108</u> | Alterations and renovations to Town Hall - permission granted permission granted 24/12/1992 |
| <u>P/1992/1109</u> | Renovations and alterations to Town Hall (Listed Building Consent) – permission granted 24/12/1992 |

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP 2015)
- PPS6 'Planning, Archaeology and the Built Heritage'
- DOE Newry Conservation Area Design Guide

Consultations:

DfC Historic Environment Division (HED) response dated 30/10/2017

HED Historic Buildings (HED: HB) considers that the proposal has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building).

DfC Historic Environment Division (HED) response dated 19/12/2017 under respective application reference LA07/2017/1503/F

HED:HB acknowledge receipt of the revised Design and Access Statement and P1 form stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. Having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB still considers the proposal to have an adverse impact under Paragraph 6.13 of the SPPS and Policy BH8 (Extension or Alteration of a Listed Building.) HED are however aware of the pressing safety issues in relation to means of escape in the event of a fire and would strongly advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

Objections & Representations:

- Neighbour notification is not a statutory requirement for Listed Building Consent applications;
- Application was advertised in 3 local papers 17/10/17, 18/10/17 and 19/10/17 (statutory publication expiry 02/11/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. There are a number of designations over the subject site as identified by the BNMAP 2015 including; Newry City Centre (NY75), Newry Conservations Area (NYCA01), Local Landscape Policy Area (NY114) and lies close to an Newry Canal Area of Archaeological Potential (NYAAP01 /DOW046:500). In addition, the Town Hall building (including steps and railings) and adjacent Armagh / Down Bridge, are both listed (HB Reference numbers HB16/28/018/B and HB16/28/018/A respectively.) In

this policy context, the retained policy of PPS6 will be given determining weight in this assessment, together with the relevant planning history and material considerations.

Background Context of Planning Application

This application seeks (retrospective) Listed Building Consent for the temporary replacement of the external fire escape staircase adjoining the North Western elevation of Newry Town Hall, as pictured below. As indicated, recent planning approvals have been obtained for both internal and external refurbishment works to the Town Hall, as part of a phased programme of improvement works, with phase 3 subject to obtaining the necessary approvals. Nearing completion of phase 2 works and the reopening the building, a structural assessment of the existing fire escape was conducted as part of the overall Fire Risk Assessment, which resulted in the existing fire escape being condemned due to significant deterioration. At this time, contractual commitments were already confirmed for shows commencing early December 2017, with the 500 seated auditorium sold to maximum capacity.



As the existing fire escape could no longer be used, an assessment was carried out as to how this would affect the numbers in the auditorium which was found would reduce the numbers to a maximum of 110. After reviewing the structural Engineer's Report, the Council considered whether limited remedial works could be carried out in the interim to enable the already contracted productions to go ahead. A report was

produced with proposed remedial works with temporary supports in place, however due to the uncertainty of the extent of the corrosion to the existing stair case, the legalities surrounding this approach were uncertain. This left one option – i.e. to demolish and replace the existing fire escape.

Due to the imminent time scales before the planned building re-opening and contractual commitments in place, a small temporary design was considered, which would extend up to the auditorium floor and exclude the balcony level. This proposal was further assessed by Building Control and was deemed unsatisfactory against current Regulations (this proposal included no cover or roof structure, no enclosure or adequate lighting.) Fundamentally, by not extending the stairwell to the balcony area, this space could not be used for public seating, reducing the internal seating capacity by 120 seats (which were already fully booked.)

Following further consultation with Building Control, Structural Engineers, user groups and other stakeholders, the Council's Estates Department felt they were left with no alternative option than to act on the inadequacies of the former staircase and to address the urgent health and safety / regulatory issues. As a result, the current proposal was devised which extends the replacement stairwell to the upper balcony level and is almost fully enclosed, with timber slats chosen to 'break up' the façade, rather than using sheeted material.

The Council's long term strategy is to replace the external staircase with a purpose built extension to house the escape stair and to provide a combined hoist / lift to improve access to all levels of the building. The Planning application for phase 3 is due to be submitted to the Planning Department in early 2018. The current proposal is therefore a temporary interim solution until the Phase 3 works are commenced (subject to the necessary approvals.) It is an attempt to meet the fire safety requirements of the Town Hall by providing a safe access from the building without detrimentally impacting upon the architectural integrity of the Listed Building, which is a highly valued asset of Council.

Following HED's initial consultation response on this application, it was brought to the Planning Department's attention that works had started on site, with the removal of the existing stair case. Given this, a meeting with Council Estates, Building Control, Historic Environment Division and Planning representatives was arranged to discuss the progression of this application given the current context and long term future plans for the building. A meeting was subsequently held on 29/11/2017 where HED and Planning representatives expressed their above concerns. In addition, the health and safety challenges and context of the application were discussed. It is noted that in Building Control terms, the slatted sheltered arrangement is a compromise, with full enclosure preferable to prevent any potential wind driven rain causing slips, potentially if frozen. In terms of actions, HED agreed to reconsider their response given the significant health and safety issues and Council Estates

were to make available the contextual information in an amended 'Design and Access Statement,' referencing the application as 'retrospective' in addition to reconsidering the detailed elements of concern.

Principle of Development / Proposed Works

Under Para 6.12 and 6.13 of the SPPS, works to a Listed Building may be permitted provided the development respects the essential character and architectural / historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. PPS6 Policy BH8 (Extension or Alteration of a Listed Building) considers extension or alteration works to Listed Buildings. Consent will be granted for works to a Listed Building where the following criteria are met:

- a) *The essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;*
- b) *The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building and;*
- c) *The architectural details match or are in keeping with the building.*

The proposal comprises stair columns rising from ground level to balcony level enclosed by a profiled enclosure measuring 8.3m in length, 10.9m in height and which projects 3m from the NW elevation of the building. This enclosure is comprised of section metal sheeting angled, with guttering to the downpipe at the leading edge, supported with galvanised steel sections. Externally, it is clad with hard wood vertical slats, which are staggered to 'break down' the visual bulk of the 'enclosed' element. The proposal also involves a minor extension and realignment of the footway along this side of the building to accommodate the structure, improving accessibility and safety surrounding the building.

In their initial consultation response, HED: HB considered that the proposal would have an adverse impact under Paragraph 6.12 & 6.13 of the SPPS and Policy BH8 of PPS6 due to its impact which obscures, overlaps and does not respect architectural detailing. In particular, the top floor theatre windows and brick detailing above these are significant to the building and are concealed by the proposal (materially and because of sight lines from ground). HED advised that the additional bulk to the stair visible from Bank Parade should be minimised so as not to detract or from the historic form of the building. The Planning Department shares these concerns with this proposal and would add that the use of excessive timber cladding is inappropriate and is unsympathetic with the detailing and materials of the building.

Following the aforementioned meeting, it was agreed that alternative proposals for the timber slats would be considered to address these concerns (i.e. setting the guttering and roofing behind the timber to improve this edge and breaking up the length of timber slats into shorter sections which may improve the scale and detailing

and wouldn't require seamless jointing.) In response to this, the vertical slats have been staggered to break up the verticality of the material and the guttering detailed to sit behind these slats, as shown below.



Following receipt of additional / amended information and further consultation under the respective full planning application reference LA07/2017/1503/F, a final response dated 19/12/2017 has been issued by HED: HB which makes reference to this application, a copy of which has been also placed on this file. This consultation response acknowledges receipt of the revised Design and Access Statement and P1 form, stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB's advice remains unchanged from its previous response and considers that the proposal still has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of PPS6.

Despite this opinion, HED acknowledge the pressing health and safety issues surrounding this proposal and advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

Considering all aspects pertaining to this application, the Planning Department agree that the proposal in its current form is contrary to Policies BH8 and BH12 of PPS6 and Para's 6.12 and 6.13 of the SPPS. However the overriding health and safety justification behind this proposal is a material consideration in this assessment. A

temporary approval for a maximum of 2 years is considered a reasonable solution, with conditions attached to ensure a more appropriate long-term solution is achieved and that this temporary approval does not become the established outcome. In addition, pre-application discussions with both the Planning Department and HED for phase 3 works are essential to ensure the long term solution is acceptable in the context of this Listed Building and Conservation Area.

Recommendation: Approval

Summary recommendation:

Proposal on balance is deemed an acceptable *temporary* solution to meet health and safety requirements and regulations, subject to the conditions and informatives attached to this decision.

Condition:

1. Consent is hereby granted in retrospect under Section 85 (3) of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this consent and shall last for no more than two years. After this period, the structure shall be removed from the site.

Reason: Time limit.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	19			
APPLIC NO	R/2014/0627/F	Full	DATE VALID	21/11/2014
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne And Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ		AGENT	
LOCATION	29 Belfast Road Saintfield BT24 7EP			
PROPOSAL	Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include childrens multiplay unit, additional on site parking, tree maintenance and perimeter fencing. (Amended plans/proposals received)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



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**Newry, Mourne
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District Council

Application Reference: R/2014/0627/F

Date Received: Nov 2014.

Proposal: Full permission is sought for a Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include children's multi-play unit, additional on site parking, tree maintenance and perimeter fencing, on lands at 29 Belfast Road, Saintfield.

(NOTE: This application was received in 2014, whereby the proposal was originally for a change of use of all existing vacant industrial warehouses to indoor leisure/community centre. This application was recommended for approval in Jan 2015, whereby the former DDC had agreed with the recommendation, however the application was held at the request of the Council as amended proposals were being considered. This amended scheme was then received in Sept 2017, on which the proposal is now based).

Applicant: Newry, Mourne and Down Council

Location:

The site is located within the development limits of Saintfield, towards the northern end of the village, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. It is also noted this stretch of the Belfast Road is a Protected Route, while a watercourse runs along the southern boundary.

This area includes a mix of uses including warehousing and retail units, housing, and a school opposite to the far side of the Belfast Road.

Site Characteristics & Area Characteristics:

The site comprises the grounds of a distribution factory (vacant) off the Belfast Road, Saintfield. This site is irregular in shape with one central access point and parking to the front whereby the large building is set back from the road. This roadside boundary is marked by a low wall and fencing with planting behind. The grounds of Saintfield High School are also located opposite the site. The site is bounded by Millpond Business Park to the south, whereby the watercourse appears to form the boundary. The site is also bounded by housing to the north whereby this boundary includes fencing and planting. The boundary is marked by a wall with a field beyond,

whereby this field includes the remains of an old windmill. The site appears relatively flat although slopes gently down towards the southern boundary.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in and immediately adjacent to the site, the most relevant of which observed includes:

R/13/0085- 29 Belfast Rd, Change of use of current industrial warehouse to indoor Leisure Centre together with associated elevational amendments parking and landscaping, Full, Approval, 10-07-13, Applicant: DDC.

As part of this application consultations were undertaken with Roads Service, NIW, WMU, Rivers Agency, DDC Public Health and HED (formerly PHM), while it is also noted several representations were also received.

This site has a history of distribution warehousing, while the adjoining Millpond business Park site also comprises retailing and warehousing.

Consultations:

Having account the nature of this proposal, existing land use and constraints of the site and area, and site history, consultation has been undertaken with Transport NI, NI Water, NIEA, Environmental Health, Rivers Agency, PHM, whereby it is considered no objections are offered in principle to the development, whereby the comments can be dealt with by way of conditions/informatives.

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with a number of properties along Belfast Road, Windmill Hollow, Comber Road, and Cotswold initially in Dec 2014 (on the basis of the original proposals), and again in Oct, Nov and Dec 2017, following receipt of the amended scheme and associated information. The application was also advertised in the local press in Dec 2014 and again in Oct 2017.

During the processing of this application Representation has been received from the owner of no.4 Windmill Hollow and also Flanagan Distributors from Millpond Business Park.

While neither of these interested parties object to the proposals, the owner of no.4 was querying the boundary proposals adjacent to this property, while Flanagans queried the red line and extent of ownership of the site.

The red line was subsequently amended and reduced in response to this while the owner of no.4 was contacted regarding the boundary proposals, which can be dealt with by condition.

Applicable Policy considerations- RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6, PPS8, PPS11, PPS15 and supplementary guidance.

As stated above the site is located within the development limits of Saintfield, towards the northern end of the village, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. It is also noted this stretch of the Belfast Road is a Protected Route, while a watercourse runs along the southern boundary, which is identified as a LLPA.

This area includes a mix of uses including warehousing and retail units, housing, and a school opposite to the far side of the Belfast Road.

It is clear from the history outlined above there is a recent approval on this site for an indoor leisure centre, the details of which are outlined above.

As stated above the site is regarded as white-land in an existing urban area which includes a mix of uses. It is noted this site is industrial in use at present whereby the Ministers Statement of Sept 2011 protects unzoned industrial lands and uses. However taking into account the nature of this proposal which will provide significant employment implications while also providing a much needed community facility, and also previous permission, on balance it is considered the principle of this use is acceptable in this location.

The content of PPS4 Planning and Economic Development is also noted.

Assessment

This proposal is for the change of use of the existing industrial warehouse to indoor Leisure/Community centre, which is effectively an amendment to the previous approval R/13/0085.

The previously approved indoor leisure centre comprised the change of use of Warehouse A building, while the remaining warehouses were shown to be demolished and the land made good.

This current proposal originally sought to change the use of all 3 warehouse buildings (A, B, C).

Warehouse A is located towards the northern end of the site adjacent to Windmill Hollow, while Warehouse B is in the middle of the site with Warehouse C towards the southern boundary adjoining the Business Park.

It was initially proposed to change Warehouse A to a new covered playing surface, Warehouse B would comprise plant rooms, changing facilities, reception, toilets, multi use rooms at ground floor, with a spectator deck, multi use rooms, free weights area, kitchen, break out area, gym and terrace at first floor level. Warehouse C would comprise a new multi use sports hall. The existing lean-to return to the north side of Warehouse A, comprising a dispatch area and store were to be removed as part of this proposal.

This revised scheme now proposes again changing Warehouse A to a new covered sports pitch (3G), whereby the existing lean-to return to the north side is now largely to be retained and used for changing rooms and a store. Warehouse B is no longer changing and being used as part of this scheme. Warehouse C is being sub-divided,

whereby approx half is no longer changing and being used as part of this application, while the remaining part is being changed to a hall, studio, reception and break out area, and associated facilities. A new multi-play playground activity area is now also being provided to the side of Warehouse C.

These change of uses will result in a number of alterations to the elevations of the building, including existing openings being closed ,new openings and changes in height, however the overall height of the buildings will remain largely as per existing. Parking is again being provided to the front of the units, while the existing entrance is to be retained and improved. In excess of 100 parking spaces are being provided for this development

It is considered the change of use and associated amendments will not result in any significant or unacceptable impact on any adjoining property or character of the area. The separation distances to adjoining developments are noted and are considered sufficient to prevent any unacceptable amenity issues in this urban context. It is also noted Environmental Health offer no objections. The previous use of the site as a factory is also noted.

The site plan provided indicates a new 2.4m high paladin fence will run along the boundaries of the site, although the portions which comprise an existing boundary wall, including along a portion of the rear and also northern boundary, and also side gable of the building in the northern corner adjoining no.4, are to be retained. Planting proposals including maintenance and removal of existing trees have also been provided. The lands to the rear of the site and building are also to be landscaped in place of the existing area of hard-standing. Levels have also been provided.

The principle of this type of development has already been accepted on this site, and having account the comments above, it is considered the proposed works will not result in any unacceptable impact on any adjoining property or the character of the area in this urban environment.

It is noted this area includes a mix of uses at present, whereby the re-use of this vacant site is encouraged.

Having account the constraints and zonings of the site and area, consultation has been carried out with a number of bodies, as outlined above, whereby it is considered no objections are offered in principle.

Accordingly Approval is recommended subject to no objections from the statutory consultees.

Recommendation: Approval

ITEM NO	15			
APPLIC NO	LA07/2017/1720/F	Full	DATE VALID	10/11/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne and Down District Council Council Offices Rampart Road Greenbank Industrial Estate Newry BT34 2QU		AGENT	Newry, Mourne and Down District Council Council Offices Rampart Road Greenbank Industrial Estate Newry BT34 2QU
LOCATION	Cranfield Beach Car Park Ameracam Lane Cranfield Co Down			
PROPOSAL	Proposed storage building for storage of equipment by disabled users at Cranfield Beach			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1720/F

Date Received: 13/11/2017

Proposal: Proposed storage building for storage of equipment by disabled users at Cranfield Beach

Location: Cranfield Beach Car Park Ameracam Lane, Cranfield. The application site is approx. 23 kilometres south-east from Newry city and is included in the Mourne Area of Outstanding Natural Beauty (AONB) as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Site Characteristics & Area Characteristics:

The application site consists of a car park with its southern frontage along Ameracam Lane and adjacent to the shore frontage at Cranfield beach. Within the car park is a single storey amenity building in the south western portion. Within the north eastern corner of the application site are recycling bins. The car park is surrounded by a timber close board fence along the northern boundary and much of the eastern and western boundaries with a block wall and hedging forming the remaining length of these boundary as you move towards Ameracam Lane. To the rear (north) of the amenity building on site is a block wall and a stone wall is positioned to the front. There is a fall in the application sites levels as you move from south to north across the site.

To the north, east and west the application site is surrounding by caravans.

Site History:

P/2005/0178/F	Ameracam Lane, Cranfield, Kilkeel.	Extension to existing amenity block for toilets, showers and staff facilities.	PERMISSION GRANTED
P/2010/0432/LDP	Cranfield Beach, Ameracam Lane, Cranfield	Minor improvements	PERMITTED DEVELOPMENT
P/1993/0500	CRANFIELD	Extension and	PERMISSION

	AMENITY AREA NO23 AMERACAM LANE CRANFIELD	alterations to toilet block to provide first aid room, office, shop, store and environmental exhibition area	GRANTED1
P/1997/0797	NORTH OF NOS 11-21 AMERACAM LANE CRANFIELD	Caravan site with associated uses,open space,playground touring sites,reception building and washroom	PERMISSION GRANTED
P/1987/0642	AMERACAM LANE CRANFIELD KILKEEL	Erection of 12No holiday chalets (amendment to approved site)	PERMISSION GRANTED
P/1986/1108	AMERACAM LANE, CRANFIELD, KILKEEL	EXTENSION TO CAR PARK	PERMISSION GRANTED
P/1983/0402	CRANFIELD, KILKEEL	SITE FOR HOLIDAY CHALET DEVELOPMENT	PERMISSION GRANTED
P/1982/0564	CRANFIELD, KILKEEL	PICNIC AREA AND CAR PARK	PERMISSION GRANTED

Planning Policies & Material Considerations:

Strategic Planning Policy Statement for Northern Ireland 2015
Banbridge / Newry and Mourne Area Plan 2015
Planning Policy Statement 2 – Natural Heritage
Planning Strategy for Rural Northern Ireland (PSRNI)

Consultations:

There was one consultation issued for this proposal.

NIEA – (Marine and Fisheries Division) – Content with the proposal (05/12/2017).

Objections & Representations

There was initially one neighbour notification issued. Following a telephone conversation with the manager of the adjoining caravan park, a further neighbour notification was issued to an alternative address confirmed by the manager which would ensure neighbour notification would be received by appropriate land owner. The planning application was advertised in the local press on 29th November 2017. There were no representations received.

Consideration and Assessment:

It is the Planning Departments understanding the proposal as outlined by this planning application will facilitate disabled users of Cranfield Beach to enable the storage of equipment required for them to access the beach and water.

The proposed storage building will stand at a maximum height of 2.7 metres from G.F.L and measures 6 metres by 3.5 metres and will include a roller door for access on its northern elevation and separate opening door on the eastern elevation. The storage building will have external finishes including PVC coated corrugated steel cladding in a mushroom colour with brown PVC guttering and downpipes. The storage building will be positioned in the north western section of the application site along the western boundary of the existing car park and will be set behind the amenity building to south.

The proposal, given its location and surrounds will not impact unacceptably on the special character of the AONB in general and of the particular locality. The proposal generally respects the local architecture, style and pattern and local materials, design and colour in the locality.

Given the application sites position along the shore frontage, a consultation was issued to the Northern Ireland Environment Agency (NIEA). Their consultation response outlined that the Marine and Fisheries Division had considered the impacts of the proposal and is content with the proposal with informatives to be included in any decision issued.

Policy PSU1 – Community Needs of the PSRI is a regional development control policy *“to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities”*. The proposal as outlined by this application seeks approval to meet the needs of the community in terms of storage for the disabled users of Cranfield Beach in line with PSU1.

On assessment of the proposal against the relevant planning policy, this application has been recommended for refusal.

Recommendation:

Approval

<p>Case Officer Signature:</p>
<p>Date:</p>
<p>Appointed Officer Signature:</p>
<p>Date:</p>

ITEM NO	14			
APPLIC NO	LA07/2017/1621/F	Full	DATE VALID	23/10/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	N.I.H.E (South Region) South East Office 12 Frederick Street Newtownards BT23 4LR		AGENT	W&M Given Architects Suite 8 River House Castle Lane Coleraine BT51 3DR

LOCATION 47 Bearna Park
Meigh
BT35 8TP

PROPOSAL Proposed single storey rear extension as well as new ramped access to the front of the dwelling

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	0	0	0	Addresses	Signatures	Addresses	Signatures
	0	0	0	0	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect the amenity of the neighbouring residents.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (d) of the Addendum to the Planning Policy Statement 7 in that insufficient space remains within the curtilage of the property for recreational and domestic purposes.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1621/F

Date Received: 23.10.2017

Proposal: Proposed single storey rear extension as well as new ramped access to the front of the dwelling

Location: 47 Bearna Park, Meigh, BT35 8TP

Site Characteristics & Area Characteristics:

The site includes a mid-terraced two storey dwelling situated in the Bearna Park housing development situated off the main Forkhill Road, Meigh.

Site History:

No recent site history

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Addendum to Planning Policy Statement 7
Planning Policy Statement 2
Creating Places

Consultations:

N/A

Objections & Representations

2 neighbours notified on 31.10.2017 and the application was advertised on 08.11.2017– no representations/objections received.

Consideration and Assessment:

Policy EXT 1 of the Addendum to Planning Policy Statement 7 is applicable for all residential extensions. The proposal does not offend parts (a) and (c) of policy EXT 1 however part (b) is considered to be offended by reason of dominance and overshadowing. The proposal fails the overshadowing test on the nearest ground floor window to the site at No. 48. In addition to this the excessive nature of the extension will appear dominant to the rear of No.48 which will be adversely affected by a sense of being 'hemmed in'. Consequently the proposal fails part (b) of policy EXT 1.

Currently the private amenity space to the rear of the property extends to approximately 57m². The remaining private amenity space after the proposed extension is approximately 23m² which is some way short of the minimum recommended standard of 40m² as set out in the Departments document Creating Places. Paragraph A41 of the Addendum to PPS 7 confirms the importance of private amenity space which should not be reduced to a point where it is out of scale or fails to meet the present and future occupiers need for adequate useable private amenity space. The proposal is therefore contrary to part (d) of policy EXT 1 as insufficient space remains within the curtilage of the property for recreational purposes.

The special circumstances of the application have been taken into consideration however the chosen site is not deemed suitable for an extension of this size and scale given the adverse impact on the neighbouring property and the lack of private amenity space that would be left.

As the proposal is within the Ring of Gullion AONB policy NH 6 is applicable. The proposal is not considered to have a detrimental impact on the AONB due to the limited views of the proposal.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect the amenity of the neighbouring residents.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (d) of the Addendum to the Planning Policy Statement 7 in that insufficient space remains within the curtilage of the property for recreational and domestic purposes.

Case Officer:

Authorised Officer

ITEM NO	16			
APPLIC NO	LA07/2017/1788/O	Outline	DATE VALID	21/11/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Louise McKeever 3 Drumboy Road Culloville Crossmaglen BT35 9JQ		AGENT	Karl Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ
LOCATION	Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen Co Armagh BT35 9JQ			
PROPOSAL	Infill site for dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
			0	0
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Drumboy Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the buildings would, if permitted create a ribbon of development; and would therefore result in a detrimental change to further erode the rural character of the countryside.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/1788/O

Date Received: 21.11.2017

Proposal: Site for infill dwelling and detached garage

**Location: Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen
Co Armagh BT35 9JQ**

The site is located within the Countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is located south west of no. 3 Drumboy Road. The site is situated on a slope rising from the Drumboy Road in a north westerly direction. At the time of inspection there was a relatively new large shed on the site. South west of the site beyond an agricultural field there are a number of single storey buildings which gain access via a laneway from the Drumboy Road.

Site History:

n/a

Objections & Representations

No. of neighbours notified=4

No representations received= 0

Advertise expiry= 21/12/2017

Consultations

TransportNI- awaiting response

NIW- statutory

Consideration and Assessment:

The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for a dwelling on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14. 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.

Firstly, it is noted that the buildings annotated on the site location plan do not match the current layout on the ground. From inspection of the site and aerial imagery it is noted that the site area includes a large shed. The shed is not annotated on the drawing nor does there appear to be any planning approval on the site for a shed. The buildings annotated 'C' on the layout map are in fact positioned in the neighbouring field to the north.

The application site is positioned between an agricultural field beyond the north eastern boundary and an agricultural field to the south west. Beyond the field to the southern end of the site there are a number of old buildings. These buildings given their positions back from the road do not form frontages to the Drumboy Road. The site is not considered to be a gap within a substantial and continuously built up frontage and would if permitted, result in the creation of ribbon development along Drumboy Road.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.

The proposal would, if permitted create a ribbon of development and would result in a suburban style build-up of development when viewed with existing and approved buildings and therefore is contrary to CTY 14.

Recommendation:

Refusal

Refusal Reasons:

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.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Drumboy Road.

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

-the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the buildings would, if permitted create a ribbon of development;

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

KARL J SHERRY

CHARTERED MEMBER OF THE INSTITUTE
OF ARCHITECTURAL TECHNOLOGISTS



252

Our Ref: LMCK 01 18
Your Ref: Speaking Rights
Date: 26th January 2018

Collette McAteer
Democratic Services
N M and Down District Council
O'Hagan House
Monaghan Row
Newry

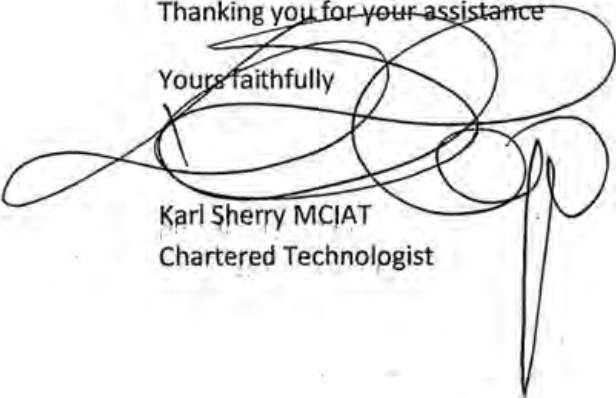
Dear Collette

Re:-SPEAKING RIGHTS IN RELATION TO APPLICATION LA07/2017/1788/O INFILL SITE FOR
DWELLING AND GARAGE AT BETWEEN 3 AND 5 DRUMBOY ROAD CULLOVILLE
CROSSMAGLEN COUNTY ARMAGH FOR LOUISE MCKEEVER

I would like to apply for speaking rights to discuss the above application. I have enclosed 3
copies of my statement

Thanking you for your assistance

Yours faithfully


Karl Sherry MCIAT
Chartered Technologist

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



Date 29 JAN 2018

Chief Executive

Liam Hannaway

103 Rostrevor Rd,
Hilltown, Co. Down
BT34 5TZ

Tel: 028 4063 8336
Email: karljmsherry@hotmail.com

1

Architectural Design Consultant
Surveyor
Planning Supervisor

STATEMENT

APPLICATION FOR AN INFILL DWELLING AND DETACHED GARAGE ADJACENT TO AND BETWEEN NUMBERS 3 AND 5 DRUMBOY ROAD CULLOVILLE CROSSMAGLEN COUNTY ARMAGH BT35 9JQ FOR LOUISE McKEEVER

An application was lodged on the 21st Nov 2017 and validated on the 23rd November 2018 under reference number LA07/2017/1788/O.

The application is for an infill site on the Drumboy Road Culloville Crossmaglen, between number 3 and 5.

Both numbers 3 and 5 are served from the Drumboy Road and it our proposal to also serve our site form the same Drumboy Road where sight lines are already created.

From my site visit, no.5 has the dwelling itself together with 3 outbuildings forming a line of 4 buildings in a row. No.3 has the dwelling itself together with an outbuilding creating a line of 2 in a row.

The application site lies between these two existing developments and clearly meets with Planning policy as an infill site and does not create ribboning as highlighted by the Planning Authority.

On the Planning website a map is shown which shows no.5 but there is no sight of No.3 and any of the outbuildings.

I believe that the application clearly complies with Planning policy in relation to infill criteria and, that the application should succeed and be approved

Yours faithfully



Karl Sherry MCIAT
Chartered Technologist

ITEM NO	17			
APPLIC NO	P/2005/1354/F	Full	DATE VALID	24/05/2005
COUNCIL OPINION	APPROVAL			
APPLICANT	Morgan Brothers Ltd 26 Newtown Road Rostrevor BT34 3BZ		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
LOCATION	Lands at Forth Road Warrenpoint (adjacent and North-East of 12 Forth Road adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road)			
PROPOSAL	Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	17	0	1	0
			Addresses Signatures	Addresses Signatures
			4 13	0 0



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: P/2005/1354/F

Date Received: 17th May 2005

Proposal: Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units)

Location: Lands at Forth Road, Warrenpoint (adjacent and North-East of 12 Forth Road, adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road)

Site Characteristics & Area Characteristics:

The site comprises a large area of vacant grassland (approx. 1.85 hectares in area) on the north-side of Warrenpoint, located approx. 1km north of the Town Centre. The lands sit on the north and north-east slopes of a localised ridge. A watercourse flows along the north-east boundary, to the east, known by Rivers Agency as the Clonallan Stream Extension. A 47 metres section of this is culverted at the east end, with a grille on the end. The lands rise steadily from this boundary to the south-west boundary adjacent to Forth Avenue. The Existing Survey shows a total levels change of approx. 13 metres from the highest point to the west, where the internal field boundary is located, to the lowest point in the east corner of the main field. The small western-most plot, in the smaller field, falls gently to the east to the edge of a raised plateau. This area sits elevated above the level of Burren Road and Smalls Road. The adjoining lands, which are the subject of neighbouring application (P/2005/1384/F), fall more steeply. The site lacks good screening and mature vegetation.

The site is located in an established and built up residential area. Housing Zoning WB 16, in which the application site sits, is surrounded by residential development. The site in question is the last significant gap along the urban section of Forth Road to be developed. The dwellings opposite along Forth Road are large detached dwellings in large mature plots. The nearest dwellings along Smalls Road are similar. The wider area is characterised by a mix of private residential developments which

display a large variety of size, design and detail. The neighbouring Forth Avenue in contrast is a NI Housing Executive development.



View from east end of site looking towards Forth Avenue

Site History:

P/1978/1087 – Site for Housing Development – Approved 16.03.1979

Adjacent site: P/2005/1384/F – Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road) – Pending

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation

- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

DFI Roads – Road design has been amended and is now acceptable and plans for the road to be adopted have been determined. Conditions provided.

NI Water – Public water supply and foul sewer available with capacity to serve the development.

Environmental Health – No objections provided public sewerage system is used.

NIEA Water Management Unit – No objections; standard advice on sewerage and drainage.

Rivers Agency – Drainage assessment undertaken to include attenuated discharge of storm water to Clonallan Stream Extension. Schedule 6 consent in place. Rivers Agency now satisfied – see consultation response dated 17th November 2017.

Protecting Historic Monuments – four raths and a standing stone nearby. Archaeological evaluation required. Conditions provided for archaeological monitoring of site works.

Landscape Architects Branch – recommended reduced housing density and a separate landscape plan.

Structural Engineering Branch – No objections. Condition regarding certification of retaining walls recommended.

Development Plan Team – proposal in accordance with Area Plan zoning.

Northern Ireland Housing Executive – support the allocation of 18 units for social housing and design of units has been amended to meet DSD design guide standards.

Objections & Representations

The original application for 48 dwellings was advertised in local newspapers on 3rd June 2005. Subsequent amendments to the proposal were advertised on 22nd February 2013, 27th June 2014, 1st June 2017 and 3rd August 2017. 33 neighbouring properties were notified of the proposal up to 6 times during the application process.

Objections were received from a total of 17 addresses. The principal concerns and points of objection received are as follows:

1. Traffic Generation – the development will add to the existing high levels of traffic in the area;
2. Road Safety – Road safety risk caused by increased traffic generation and incomplete footway linkage in the area. Access off Forth Road considered unsuitable. Access off Smalls Road or Burren Road considered to be suitable;

3. Services – the development shall put extra pressure on existing sewerage, water supply and electricity services;
4. Density – that the development amounts to ‘town cramming’ – due to its higher density than surrounding development. This would cause overcrowding in the area.
5. Open Space – that the site should be retained for public open space.
6. Drainage – that the development would cause runoff and flooding concerns in the area.
7. Environmental Impact Assessment (EIA) – that a EIA should have been carried out.

DFI Roads have indicated that they are content with the access arrangements and the proposal will improve footway linkages in the area. Consultees have not raised any issues regarding capacity of services in the area. The density of the development has now been reduced and the level of public open space increased. After a long process of consultation with Rivers Agency, they are now content with the drainage arrangements and there will be no increase in flood risk. An EIA Determination was carried out on receipt of the application. It was determined on 24th May 2005 that an Environmental Statement was not required. The lands are zoned for housing. Therefore the issues raised by objectors cannot be given determining weight.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. On 24th May 2005 the planning authority determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

The original proposal was for 48 dwellings accessed from Forth Road. Housing numbers were amended through the course of the application to take account of flooding issues, social housing requirements and general urban design requirements. The final proposal is for 35 dwellings, 18 of which will be for social housing. There will be 10 different house types. All but one of the units will be semi-detached. The proposed house-types include one-and-a-half storey and two storey, some split-level. The house designs are typically suburban, with smooth render or wet dash finishes to the walls and black or red concrete roof tiles. Development works include substantial retaining measures, including along the outside edge of a 5 metres working strip along the watercourse and along the rear garden areas of the nearest dwellings. A single access point is located at the lower 1/3rd mark, opposite No. 17 Forth Road, showing sight-lines of 4.5 metres x 60 metres down-slope and 4.5 x 81 metres up-slope (towards Forth Avenue).

A. Development Plan Considerations / Principle of Residential Development

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 Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Warrenpoint on the above Plan, and is zoned for housing development. Given the site's zoning, the principle of housing on the site is acceptable and in accordance with the area plan. The site is situated within a built-up residential area, surrounded on all sides by existing residential development (along Forth Road, Burren Road and Smalls Road). Housing on this site would be entirely compatible with this surrounding development.

Zoning WB 16 (which covers both this and the adjacent development site) contains 5 Key Site Requirements, as follows:

- A minimum of 18 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross density of 25 dwellings per hectare;
- The development layout shall ensure that dwellings do not back onto Burren Road, Smalls Road or Forth Road;
- Existing mature vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road.

The Plan states that a contribution may be required towards traffic management schemes such as traffic calming, right turn lanes etc. which will mitigate the impacts of development on local infrastructure. This not listed as a KSR however and has not been requested by DFI Roads.

The Key site requirements have been met with two exceptions: The overall density has been reduced to 19 dwellings per hectare due to part of the site being undevelopable due to flood risk. A total of 45 dwellings will be provided over the two sites. It was agreed that the dwellings fronting Smalls Road and Burren Road should have direct accesses to the existing road as this is better in urban design terms. This entire application is served by a single access point from Forth Road.

B. Social Housing

The agent indicated in 2013 that all 18 social housing units would be provided in this larger site and the Smalls Road site would be devoted to private housing. This is acceptable in principle. As the Northern Ireland Housing Executive is now a statutory consultee, they were consulted on the proposal and confirmed that they supported the requirement for 18 social housing units over the entire zoning given the high level of unmet housing need in Warrenpoint. There followed some negotiation on house types so that the dwellings met DSD design standards. The social units will be confined to a group in the western portion of the site. While social units cannot have

a secondary heat source (e.g. open fireplace), the Planning Department insisted on some of the units having dummy chimneys to provide a more traditional and varied roofscape. The Housing Executive will accept this if it is a planning requirement. A condition will be imposed requiring that the 18 units shall be occupied only by persons selected from the NIHE housing waiting list. The level of social housing provision as part of a wider range of house types and tenures is consistent with the requirements of Planning Control Principle 4 and policy HS2 of PPS 12 and paragraph 6.137 of the SPPS.

C. Landscape Character

The site does not fall within any Local Landscape Policy Area designations in the Area Plan. One such designation (WB 38) is located close by to the south-east, associated with a rath on lands to the rear of 17 Forth Road. The proposed development does not cause any concerns in relation to this LLPA designation by reason of the intervening development opposite, which acts as a buffer.

Development on site would not read with this designated area, nor affect views towards this LLPA designated area from public roads and vantage points, nor anywhere else. The site is considered to be suitable for in-depth residential development, based on its zoning and context, subject to normal planning and environmental considerations. The site falls within the Mourne Area of Outstanding Natural Beauty but within an urban situation. The development is of an appropriate design, size and scale for the locality as required by policy NH6 of PPS2. The zoning of these application lands would have followed a thorough consultation process. There should be no detrimental impact on the wider landscape character of the area.

D. Archaeological Interests

Historic Monuments Unit was consulted due to the location of the site within the area of influence of an archaeological site to the south-east – a rath – which is a Scheduled Monument (DOW 054:002). HMU requested a developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS6. This is to identify and record any archaeological remains in advance of new construction, or provide for their preservation in situ. Content to deal with this by way of negative conditions on an approval notice, they have provided the relevant wording. No site works of any kind or development shall be carried out until a programme of archaeological work has been implemented. The conditions recommended by HMU should be added to the approval notice. This will satisfy the requirements of PPS 6, Policy BH 4.

E. Nature Conservation / Natural Heritage

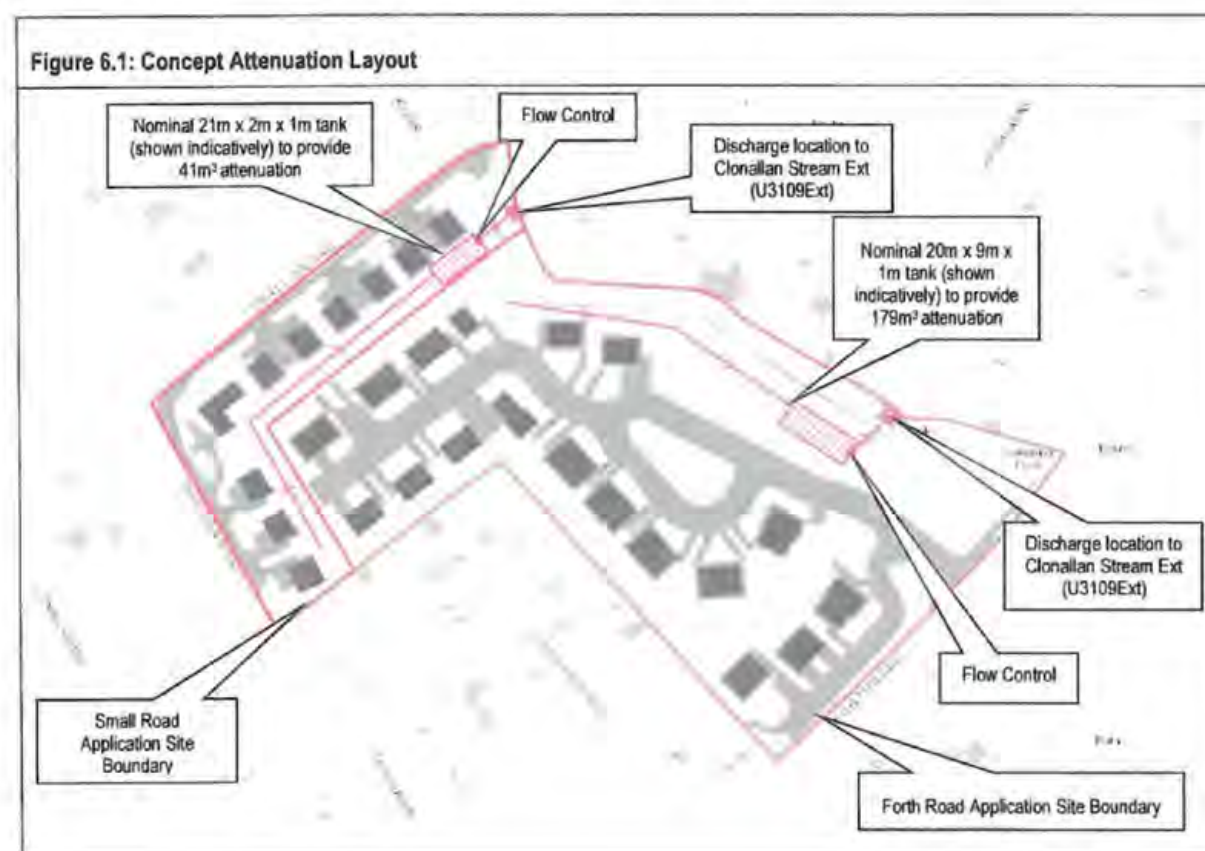
In the early stages of the application, the corporate group considered that the site did not raise any nature conservation concerns. The site lies within the urban limit on lands zoned for housing. The site comprises poor quality grassland of little nature conservation value. The site lacks existing mature trees and vegetation, with that limited to gorse hedging along the internal field boundary and patchy hedging to the south-west. The adjoining watercourse (Clonallan Stream) does not appear to have any significant nature conservation value given its limited normal flow amounting to that of a small stream, the lack of vegetation along its banks and the fact that it is culverted to the east corner of the site. The site does not contain any buildings

suitable for roosting bats, nor any marshland suitable for newts and associated flora. The zoning of these lands would have followed a thorough consultation process, at which time any constraints to development should have been highlighted. For these reasons, consultation with NIEA Natural Heritage was not deemed necessary during this application. The proposal does not cause any concerns under PPS 2 – Natural Heritage and also Criterion b) of Policy QD 1 in this regard.

F. Flood Risk / Drainage

The site is adjacent to a designated watercourse known as the Clonallan Stream, which flows along the north-east boundary. Rivers Agency's comments indicate that there is a history of flooding in the eastern corner of the site caused by the watercourse. A Flood Risk and Drainage Assessment was undertaken by McCloy Consulting. This resulted in the removal of housing along the north-east boundary of the site which would have fallen within the flood plain. The layout was also amended to facilitate a 5m working strip for maintenance as required under PPS 15.

Storm water from the development will be discharged to the stream via an attenuated discharge that will limit the outfall to the greenfield runoff rate (see conceptual layout below). This will mitigate the impact of the increase in hardstanding. Schedule 6 consent for this discharge was granted by Rivers Agency on 25th July 2017. Rivers Agency are now content with the drainage arrangements – see consultation response dated 17th November 2017.



G. Roads / Access

DRD Roads Service did not raise any significant concerns with the original proposal. Safe and suitable access can be achieved off Forth Road. The proposal does not contravene Policy AMP 2 in terms of road safety. A number of minor issues were addressed to ensure compliance with 'Creating Places' Design Guidance. There will be parking for two cars within the curtilage of each dwelling. The access proposals are in accordance with the requirements of PPS3 and DCAN15 and DFI Roads have no objections subject to standard conditions regarding adoption of the road and footway. This is in the interests of overall quality, the amenity of residents and the marketability of the scheme. Wider infrastructural improvements are not considered necessary. Plans have been endorsed under the Private Streets Order and standard conditions have been provided. The road safety concerns raised by objectors are noted, but our key consultee is content that the scheme will not prejudice road safety or traffic flow.

H. Sewage Disposal

Sewage disposal is intended to be via the public sewage system. This is the only viable option in this edge of urban area location. Comments from NI Water, dated 19 April 2013, confirmed that there is available capacity at the receiving WasteWater Treatment Works / Sewer Network to serve the proposed development, with a foul sewer within 20 metres of the site. NIEA Water Management Unit also confirmed no objections to the sewage disposal element in comments dated 28 February 2013. The scheme causes no concern in terms of burden on sewage infrastructure, based on NI Water's comments. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

I. Housing Quality / Urban Design

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design concept draws upon the positive aspects of the character and appearance of the surrounding area. The layout respects the topography of the site and the scale of adjacent buildings. The dwellings are traditionally designed and proportioned with some chimneys to provide a varied roofscape. The materials and detailing are appropriate to the area. While there is a dominance of semi-detached house types, these at least are of a number of different designs and will be offset by detached units in the adjacent Smalls Road site.

The level of public open space provision has been increased to 0.19 Ha. This represents 11% of the site area, above the requirement in policy OS2 of PPS 8. The provision includes a central green which will be overlooked by the front of adjacent properties providing informal surveillance which will help to deter crime and promote personal safety. Other shared landscaped areas are provided at the site entrance and along the river bank. A detailed landscaping plan and schedule has been provided and the provision of this scheme will be conditioned. This will soften the visual impact of the development. In order to ensure the future management and maintenance in perpetuity of the areas of shared open space, a condition will be

imposed requiring the submission of a landscape management and maintenance plan for agreement in writing with the planning authority prior to commencement of development.

A range of sizes of rear private gardens will be provided, exceeding the average requirement of 70 sq.m laid down in *Creating Places*, and all above the minimum of 40 sq.m. Existing boundary vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue will be retained as required by the 4th Key Site Requirement. Details of new fencing and railings have been provided. Acheson Glover retaining walls will be required along the working strip beside the stream and to the rear of the social housing where they back onto the Smalls Road development to deal with the change in levels. Details of these have been provided. A condition will be attached requiring that these are certified by a Chartered Engineer as recommended by Structural Engineering Branch.

No need for additional local neighbourhood facilities has been identified. The site is within walking distance of public transport and local services. Raised tables will be installed at key junctions as a traffic calming measure. There will be no impact on existing rights of way. The overall environment is deemed accessible for those with restricted mobility as required by policy AMP1 and the social housing in particular has been designed to facilitate future adaptation for through-floor lifts, etc.

The revised design and layout will not create conflict with adjacent land uses. Notwithstanding the significant change in levels between the site and the Smalls Road development, it is considered that there will be no unacceptable amenity impact between existing or proposed dwellings as a result of overlooking or loss of light given the separation distances and orientation. The development relates satisfactorily to its townscape setting. The proposed density and development pattern is in keeping with that found in the area.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved.

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. Provision shall be made and permanently retained within the approved development for a minimum of 18 No. social housing units. This minimum requirement shall be delivered by an arrangement with a Registered Social Landlord, i.e. Northern Ireland Housing Executive (NIHE) or a registered housing association. These units shall consist of:

- 11 No. 3 person 2 bed units; and
- 7 No. 5 person 3 bed units.

These 18 units shall be occupied only by persons selected from the NIHE housing waiting list.

Reason: To meet the Key Site Requirement for Social Housing provision as listed in Zoning WB 16 of the Banbridge / Newry and Mourne Area Plan 2015 and ensure its long term delivery.

3. The development hereby permitted shall not commence until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

4. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is satisfactorily completed.

6. All design and assessment of the retaining structures should be certified by an appropriately qualified Chartered Engineer. The retaining walls should be designed in accordance with the current British Standards/Eurocodes and Codes of Practice.

Reason: To ensure adequacy of design and stability of structure.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 14 bearing the date stamp 31 July 2015.

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

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

9. The visibility splays as indicated at the junction of the proposed housing access road with the public road, shall be provided in accordance with Drawing No. 14 bearing the date stamp 31 July 2015, prior to the commencement of any works or other development. Any telegraph poles or street furniture shall be re-sited to the rear of sight visibility splays to the satisfaction of DFI Roads.

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

10. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

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

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

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

12. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

13. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences

shall be erected, nor shall boundaries be defined by the formal planting of hedges or rows of trees, between the shared surface road and any building having a frontage to it.

Reason: To ensure an informal plan layout in accordance with Creating Places.

14. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges / service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

15. The development hereby permitted shall not be occupied until a Street Lighting scheme design has been submitted and approved by DFI Roads Street Lighting Section. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by DFI Roads Street Lighting Section. These works will be carried out entirely at the developer's expense.

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

16. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by DFI Roads Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

17. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety.

18. Prior to the commencement of any road works the developer shall provide a detailed programme of works and associated traffic management proposals to DFI Roads for agreement in writing. The developer shall contact DFI Roads Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

19. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

20. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied. No dwellings shall be occupied until attenuated discharge of storm water is in place to the satisfaction of Rivers Agency.

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

21. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season after occupation of the first dwelling in accordance with drawing No 13 REV 1 date stamped 19 August 2016.

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

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

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	18			
APPLIC NO	P/2005/1384/F	Full	DATE VALID	27/05/2005
COUNCIL OPINION	APPROVAL			
APPLICANT	Rossville Developments 26 Newtown Road Rostrevor		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
LOCATION	Lands fronting and at Burren Road and Smalls Road Warrenpoint (opposite Conall Avenue extending north-eastwards to opposite Woodbrook Park)			
PROPOSAL	Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	13	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2005/1384/F

Date Received: 17th May 2005

Proposal: Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road)

Location: Lands fronting and at Burren Road and Smalls Road, Warrenpoint (opposite Conall Avenue, extending north-eastwards to opposite Woodbrook Park)

Site Characteristics & Area Characteristics:

The application lands comprise a plot of vacant grassland (approx. 0.47 hectares in area) on the north-side of Warrenpoint, located approx. 1km north of the Town Centre. The site sits on the west edge of the larger housing Zoning WB 16 (which measures a total of 2.38 hectares). The lands extend along the frontages of Smalls Road and Burren Road. These lands are the last significant undeveloped gap along these roads. The lands climb up from the road, towards the elevated lands to the rear (which are the subject of File Ref. P/2005/1354/F). The rear (south-west) undefined boundary sits approx. 4 metres above the road level along Smalls Road. A watercourse flows along the north-east boundary, known by Rivers Agency as the Clonallan Stream Extension. This is culverted under Smalls Road to the immediate east. The adjoining section of watercourse is open. The site lacks good screening and mature vegetation. The road-side boundaries along Smalls Road and Burren Road comprise patchy gorse hedgerows and grass ditches. Similar poor screening acts as the short internal field boundary through the centre of the site.

The site is located in an established and built up residential area. Housing Zoning WB 16, in which the application site sits, is surrounded by residential development. These lands sit on the slopes of a localised ridge, of which Forth Avenue marks the top. A residential development known as Conall Avenue sits opposite and south-west, along Burren Road. This contains 2 detached dwellings either side of the access, gable to the front, with one further undeveloped plot. The dwellings opposite along Smalls Road are detached dwellings in medium-sized mature plots. The dwellings opposite along Burren Road are similar. The wider area is characterised by a mix of private residential developments which display a large variety of size, design

and detail. The nearby Forth Avenue and Iveagh Avenue in contrast are NI Housing Executive developments.



Within site looking NE



Smalls Road / Burren Road junction



Burren Road frontage



Smalls Road frontage

Site History:

P/1978/1087 – Site for Housing Development – Approved 16.03.1979

Adjacent site: P/2005/1354/F – Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units) – Pending

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1

- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

DFI Roads – Agreed to set aside the key site requirement for a development road access off Smalls Road given difficult levels and other urban design concerns. Individual accesses to the houses are now acceptable. Existing roads will be widened along frontage and footways provided. Forward visibility at junction improved. Road design is now acceptable and plans for the road to be adopted have been determined. Conditions provided.

NI Water – Public water supply and foul sewer available with capacity to serve the development.

Environmental Health – No objections provided public sewerage system is used.

NIEA Water Management Unit – No objections; standard advice on sewerage and drainage.

Rivers Agency – Drainage assessment undertaken to include attenuated discharge of storm water to Clonallan Stream Extension. Schedule 6 consent in place.

Maintenance strip will be provided. Rivers Agency now satisfied – see consultation response dated 14th September 2017.

Development Plan Team – proposal in accordance with Area Plan zoning.

Landscape Architects Branch – recommended reduced housing density and a separate landscape plan including hedging along Smalls Road.

Objections & Representations

The original application for 15 dwellings was advertised in local newspapers on 10th June 2005. Subsequent amendments to the proposal were advertised on 22nd February 2013 and 27th June 2014. 38 neighbouring properties were notified of the proposal up to 3 times during the application process.

Objections were received from a total of 12 addresses, 3 of which were adjoining or opposite the site. The principal concerns and points of objection received are as follows:

1. Traffic Generation – the development will add to the existing high levels of traffic in the area;
2. Road Safety – Road safety risk caused by increased traffic generation and incomplete footway linkage in the area. Access off Forth Road considered unsuitable. Access off Smalls Road or Burren Road considered to be suitable;

3. Services – the development shall put extra pressure on existing sewerage, water supply and electricity services;
4. Density – that the development amounts to 'town cramming' – due to its higher density than surrounding development. This would cause overcrowding in the area.
5. Open Space – that the site should be retained for public open space.
6. Drainage – that the development would cause runoff and flooding concerns in the area.
7. Environmental Impact Assessment (EIA) – that a EIA should have been carried out.

DFI Roads have indicated that they are content with the access arrangements and the proposal will improve footway linkages in the area. Consultees have not raised any issues regarding capacity of services in the area. The density of the development has now been reduced. This site is zoned for housing development and it does not require public open space provision given its small size. After a long process of consultation with Rivers Agency, they are now content with the drainage arrangements and there will be no increase in flood risk. An EIA Determination was carried out on receipt of the application. It was determined on 25th May 2005 that an Environmental Statement was not required. Therefore the issues raised by objectors cannot be given determining weight.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. On 25th May 2005 the planning authority determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

The original proposal was for 15 dwellings, 8 of which were semi-detached. Housing numbers were reduced to 10 through the course of the application. There will be 3 different house types including an L-shaped dual-frontage unit at the junction of Smalls Road and Burren Road. All but one of the units will be split-level to take account of the rise in levels away from the road. The house designs are typically suburban, with wet dash finish and quoins to the walls and red concrete roof tiles. Development works include substantial retaining measures to the rear of the dwellings.

A. Development Plan Considerations / Principle of Residential Development

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 Banbridge /

Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Warrenpoint on the above Plan, and is zoned for housing development. Given the site's zoning, the principle of housing on the site is acceptable and in accordance with the area plan. The site is situated within a built-up residential area, surrounded on all sides by existing residential development (along Forth Road, Burren Road and Smalls Road). Housing on this site would be entirely compatible with this surrounding development.

Zoning WB 16 (which covers both this and the adjacent development site) contains 5 Key Site Requirements, as follows:

- A minimum of 18 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross density of 25 dwellings per hectare;
- The development layout shall ensure that dwellings do not back onto Burren Road, Smalls Road or Forth Road;
- Existing mature vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road.

The Plan states that a contribution may be required towards traffic management schemes such as traffic calming, right turn lanes etc. which will mitigate the impacts of development on local infrastructure. This not listed as a KSR however and has not been requested by DFI Roads.

The Key site requirements have been met with two exceptions: The overall density on this site has been reduced to 21 dwellings per hectare to address other urban design issues. A total of 45 dwellings will be provided over the two sites. It was agreed that the dwellings fronting Smalls Road and Burren Road should have direct accesses to the existing road as this is better in urban design terms. The entire social housing provision will be made on the other site accessed from Forth Road, so there is no requirement for any of these dwellings to be for social housing.

B. Social Housing

The agent indicated in 2013 that all 18 social housing units would be provided on the Forth Road site and the Smalls Road site would be devoted to private housing. This is acceptable in principle. The level of social housing provision as part of a wider range of house types and tenures over the two applications is consistent with the requirements of Planning Control Principle 4 and policy HS2 of PPS 12 and paragraph 6.137 of the SPPS.

C. Landscape Character

The site does not fall within any Local Landscape Policy Area designations in the Area Plan. One such designation (WB 38) is located close by to the south-east, associated with a rath on lands to the rear of 17 Forth Road. The proposed development does not cause any concerns in relation to this LLPA designation by

reason of the separation distance and intervening development, which acts as a buffer. Development on site would not read with this designated area, nor affect views towards this LLPA designated area from public roads and vantage points, nor anywhere else. The site is considered to be suitable for in-depth residential development, based on its zoning and context, subject to normal planning and environmental considerations. The site falls within the Mourne Area of Outstanding Natural Beauty but within an urban situation. The development is of an appropriate design, size and scale for the locality as required by policy NH6 of PPS2. The zoning of these application lands would have followed a thorough consultation process. There should be no detrimental impact on the wider landscape character of the area.

D. Archaeological Interests

Historic Monuments Unit was not consulted on this application, but was consulted on the adjoining site which is closer to a rath – which is a Scheduled Monument (DOW 054:002). HMU requested a developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS6. This is to identify and record any archaeological remains in advance of new construction, or provide for their preservation in situ. Content to deal with this by way of negative conditions on an approval notice, they have provided the relevant wording. It is considered that the same conditions should be applied to this site given their relationship. No site works of any kind or development shall be carried out until a programme of archaeological work has been implemented. This will satisfy the requirements of PPS 6, Policy BH 4.

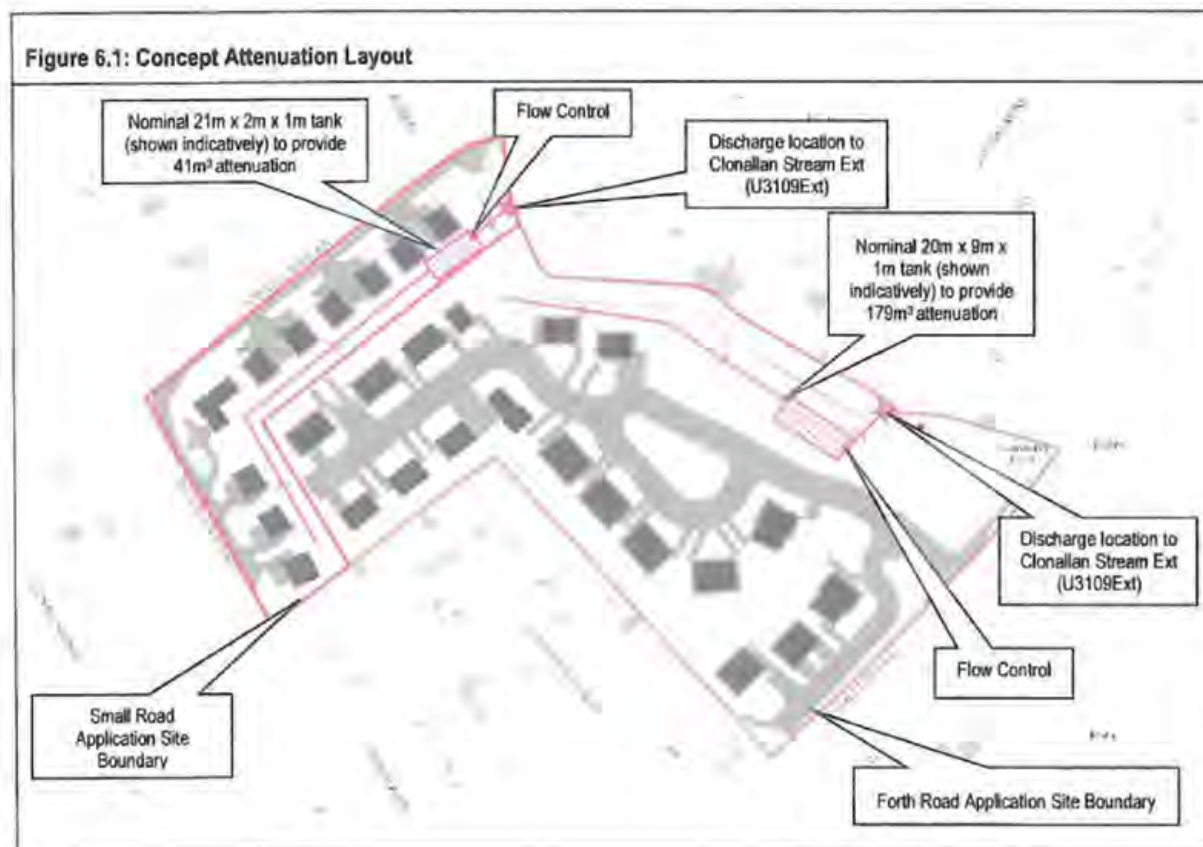
E. Nature Conservation / Natural Heritage

In the early stages of the application, the corporate group considered that the site did not raise any nature conservation concerns. The site lies within the urban limit on lands zoned for housing. The site comprises poor quality grassland of little nature conservation value. The site lacks existing mature trees and vegetation, with that limited to gorse hedging along the internal field boundary and patchy hedging along the roadside. The adjoining watercourse (Clonallan Stream) does not appear to have any significant nature conservation value given its limited normal flow amounting to that of a small stream, the lack of vegetation along its banks and the fact that it is culverted to the east corner of the zoning. The site does not contain any buildings suitable for roosting bats, nor any marshland suitable for newts and associated flora. The zoning of these lands would have followed a thorough consultation process, at which time any constraints to development should have been highlighted. For these reasons, consultation with NIEA Natural Heritage was not deemed necessary during this application. The proposal does not cause any concerns under PPS 2 – Natural Heritage and also Criterion b) of Policy QD 1 in this regard.

F. Flood Risk / Drainage

The site is adjacent to a designated watercourse known as the Clonallan Stream, which flows along the north-east boundary. Rivers Agency's comments indicate that there is some history of flooding caused by the watercourse. A Flood Risk and Drainage Assessment was undertaken by McCloy Consulting. This resulted in the housing being moved to the west to facilitate a 5m working strip for maintenance as required under PPS 15.

Storm water from the development will be discharged to the stream via an attenuated discharge that will limit the outfall to the greenfield runoff rate of 5 l/s (see conceptual layout below). This will mitigate the impact of the increase in hardstanding. Schedule 6 consent for this discharge was granted by Rivers Agency on 25th July 2017. Rivers Agency are now content with the drainage arrangements – see consultation response dated 14th September 2017.



G. Roads / Access

DRD Roads Service raised considerable concern with the original proposal because of its non-compliance with the Access Key Site Requirement which states that 'access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road'. Roads Service raised concerns with the multitude of individual accesses on to Smalls Road and Burren Road, the lack of in-curtilage turning available to avoid reversing on to the public roads, the proximity of access points to the Burren Road / Smalls Road Junction and insufficient sight-lines at individual access points.

DOE Planning subsequently requested a departure from the Access KSR to DRD Roads Service, to allow for individual accesses on to Burren Road and Smalls Road. This was requested in the interests of good planning – to achieve good frontage development to the public roads in keeping with development opposite and local character and in the interests of visual amenity. The alternative sought by the Area Plan, for a single access off Smalls Road, is not feasible. It would require a large amount of extraction and cutting-in into the existing steep ground, which would in turn stymie development to the front along Smalls Road either-side. This would be out of keeping with the area. Roads Service subsequently came back with a revised

opinion to accept frontage development in principle. On this basis, it was agreed by DOE Planning that the 2 proposals can have separate access arrangements. Wider infrastructural improvements are not considered necessary. No requirements are listed in the Draft Plan Zoning.

Smalls Road will be widened along the frontage and footways will be provided along both Smalls Road and Burren Road. Forward visibility at the road junction will be improved. The proposal is now considered acceptable under Policy AMP 2 in terms of road safety. There will be parking for two cars within the curtilage of each dwelling and the layout was amended to ensure turning space within each curtilage to avoid reversing onto the road. The access proposals are in accordance with the requirements of PPS3 and DCAN15 and DFI Roads have no objections subject to standard conditions regarding adoption of the widened road and footway. Plans have been endorsed under the Private Streets Order and standard conditions have been provided. The road safety concerns raised by objectors are noted, but our key consultee is content that the scheme will not prejudice road safety or traffic flow.

H. Sewage Disposal

Sewage disposal is intended to be via the public sewage system. This is the only viable option in this edge of urban area location. Comments from NI Water, dated 19 April 2013, confirmed that there is available capacity at the receiving WasteWater Treatment Works / Sewer Network to serve the proposed development, with a foul sewer within 20 metres of the site. NIEA Water Management Unit also confirmed no objections to the sewage disposal element in comments dated 28 February 2013. The scheme causes no concern in terms of burden on sewage infrastructure, based on NI Water's comments. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

I. Housing Quality / Urban Design

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design concept draws upon the positive aspects of the character and appearance of the surrounding area. The layout respects the topography of the site and the scale of adjacent buildings. Most of the dwellings will be split level to accommodate the change in levels. The dwellings are traditionally designed and proportioned and all have chimneys to provide a varied roofscape. The materials and detailing are appropriate to the area. While the scheme is exclusively detached house types, there are several different designs and they are offset by a majority of semi-detached units in the adjacent Forth Road site.

There is no requirement for public open space in a site of this size. The dwellings have been designed to front onto the two adjoining roads providing informal surveillance which will help to deter crime and promote personal safety. A detailed landscaping plan has not been provided as there are no shared amenity areas. It is noted that Landscape Architects Branch recommended hedging along Smalls Road to reflect local character. The provision of a native species hedge can be conditioned. This will soften the visual impact of the development.

A range of sizes of rear private gardens will be provided, all exceeding the average requirement of 70 sq.m laid down in *Creating Places*. Existing boundary vegetation on the southern site boundary abutting Iveagh Avenue will be retained as required by the 4th Key Site Requirement. Details of new fencing and railings have been provided. Acheson Glover retaining walls will be required along the rear of the houses where they back onto the Forth Road development to deal with the change in levels. Details of these have been provided. A condition will be attached requiring that these are certified by a Chartered Engineer.

No need for additional local neighbourhood facilities or traffic calming measures has been identified. The site is within walking distance of public transport and local services. There will be no adverse impact on existing rights of way. The overall environment is deemed accessible for those with restricted mobility as required by policy AMP1.

The revised design and layout will not create conflict with adjacent land uses. Notwithstanding the significant change in levels between the site and the Forth Road development, it is considered that there will be no unacceptable amenity impact between existing or proposed dwellings as a result of overlooking or loss of light given the separation distances and orientation. The development relates satisfactorily to its townscape setting. The proposed density and development pattern is in keeping with that found in the area.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved.

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. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is satisfactorily completed.

4. All design and assessment of the retaining structures should be certified by an appropriately qualified Chartered Engineer. The retaining walls should be designed in accordance with the current British Standards/Eurocodes and Codes of Practice.

Reason: To ensure adequacy of design and stability of structure.

5. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.**
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 14 bearing the date stamp 31 July 2015.

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

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

7. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992**
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with details outlined blue on Drawing No. 02 REV 12 bearing the date stamp 31 July 2015. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

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

8. The visibility splays as indicated at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. 02 REV 12 bearing the date stamp 31 July 2015, prior to the commencement of any works or other development. Any telegraph poles or street furniture shall be re-sited to the rear of sight visibility splays to the satisfaction of DFI Roads.

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

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

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

10. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

11. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges determined for adoption.

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

12. The development hereby permitted shall not be occupied until a Street Lighting scheme design has been submitted and approved by DFI Roads Street Lighting Section. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by DFI Roads Street Lighting Section. These works will be carried out entirely at the developer's expense.

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

13. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by DFI Roads Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

14. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety.

15. Prior to the commencement of any road works the developer shall provide a detailed programme of works and associated traffic management proposals to DFI Roads for agreement in writing. The developer shall contact DFI Roads Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

16. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

17. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied. No dwellings shall be occupied until attenuated discharge of storm water is in place to the satisfaction of Rivers Agency.

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

18. The dwellings hereby permitted shall not be occupied until a native species hedgerow has been reinstated behind the required sight visibility splays along the road frontage.

Reason: To ensure the proposal is in keeping with the character and amenity of the area.

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

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	D1			
APPLIC NO	P/2012/0743/F	Full	DATE VALID	19/09/2012
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Brian Cunningham 4 Woodbrook Park Warrenpoint Co. Down BT34 3HL		AGENT	Barry Owens Consulting 38 Highfields Avenue Newry BT35 8UG
LOCATION	Valley Business Park 48 Newtown Road Rostrevor BT34 3BZ			
PROPOSAL	Part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping			
REPRESENTATIONS	Obj Letters	SUP Letters	Obj Petitions	SUP Petitions
	5	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2012/0743/F

Date Received: 19th September 2012

Proposal: Part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping

Location: Valley Business Park, 48 Newtown Road, Rostrevor, BT34 3BZ.
The site is located 1 mile NE of Rostrevor.

Re-consideration

Site Characteristics & Area Characteristics:

The site is located at "Valley Business Park", 48 Newtown Road outside Rostrevor in the Mourne Area of Outstanding Natural Beauty. It comprises a relatively large folio of land adjacent to Newtown Road, in the open countryside. The site is situated in a narrow valley that runs parallel with Kilbroney Road and Newtown Road. The terrain falls from south east to north west, away from the road and down to Kilbroney River which runs along the north western boundary of the site. The difference in ground levels is approximately 20 metres, from Newton Road to Kilbroney River. The overall site measures approx. 3.5 ha, however this includes a number of industrial units and a Builders' Merchants at the western edge of the site. The upper part of the site, along Newtown Road, is partially overgrown and some site works have been carried out in the past. A new dwelling has been constructed close to the south eastern boundary (No. 48A). There are belts of mature vegetation along each of the site's four boundaries, including a number of mature trees to the north, south and west. Part of the vegetation has been removed along the northern part of the roadside boundary. There is a set of overhead power lines running through the middle of the site, from north to south. Mid-way along the site's road frontage, the site wraps around a private dwelling house. This house is well screened with mature vegetation, and the house is set in a plot measuring approx. 40 metres by 40 metres. Views into

and through the site are restricted on Newtown Road, however there are clear uninterrupted views through the site from Kilbroney Road which is approx. 220 metres from the western boundary of the site, at a higher level. The industrial units are set at the lowest part of the application site, and their impact is therefore not as pronounced as any development on the upper part of the site would be despite their scale, finishes and colour. The main vehicular access to Newtown Road is close to the south eastern boundary of the site. There is a newer secondary access at the north eastern corner and some gravel tracks have been created within the site to link the two accesses. These works are subject to an enforcement investigation.



Proposed site for caravans



New dwelling within site



Builders Suppliers premises



Main entrance from Newtown Road



Site from Kilbroney Road to west

The site is located in a rural area 1 mile north east of Rostrevor. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. It is in close proximity to the Strategic Natural Resource of the Mournes and would be well located for tourists with handy access to walking routes into the southern and western side of the mountain range. The Rostrevor River to the west of the site is a Site of Local Nature Conservation Importance (SLNCI 151) and its associated fluvial flood zone covers part of the site.

Site History:

There have been no previous planning applications on the main part of the site proposed for the tourism park.

The new dwelling at the entrance was approved as security for the existing business park under applications P/2002/0536/O and P/2005/3021/F.

Replacement of the other roadside dwelling outside the site boundary (No. 52) was approved under applications P/2006/0558/O and P/2009/1418/F. These approvals have not been implemented and appear to have lapsed. The owner of the property has objected to the tourist park application.

A replacement office associated with the existing business 'Kilbroney Timber Frame Homes' was approved under application P/2010/0437/F.

The current application was presented to the former Newry and Mourne District Council as a refusal on 9th May 2013, with 12 refusal reasons given. The decision was held to allow the submission of information which had previously been requested. The application was then re-assessed following the publication of PPS16. This left a total of 10 revised refusal reasons based on the updated policies. The application was not re-presented to the legacy Council due to delays with the agent providing further information and the transfer of planning powers to the new Councils. The application was transferred to Newry, Mourne and Down District Council on 1st April 2015 under paragraph 2 of Schedule 2 to the Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015 as it remained undetermined at that date.

In July 2016, the agent was given a comprehensive list of the further information required to progress the application. This included changes to the layout to reflect the conclusions of the otter survey and to preserve the amenity of No. 52 Newtown Road, a substantial reduction in the number of pitches with soft landscaping provided between them, the provision of quality communal open space, amendments to the access and Construction Method Statement, provision of a Flood Risk Assessment and a Drainage Assessment, details of the proposed water turbine, details of in-river structures and fish protection measures, a survey of existing trees and a bat survey if any trees are to be removed, a specification for new planting, details of external lighting, and further cross sections. The agent failed to provide this information and the application was recommended for refusal at the meeting of the Planning Committee on 2nd February 2017 with 13 refusal reasons. The Committee deferred the application to allow the agent to address the outstanding issues.

On 23rd February 2017 the proposal was amended to remove the hydro-electric turbine, reduce touring pitches to 10, increase log cabins to 3 and other outstanding information including a Flood Risk and Drainage Assessment, Tree Survey and Construction Environmental Management Plan was provided. This information addressed in principle the Council's concerns with the proposal. Further consultation and negotiation took place regarding landscaping and bat surveys. We are now in a position to recommend the reduced scheme for approval.

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

Newry and Mourne District Council – The former Council wrote to the DOE in support of the application on 12th December 2012 following a discussion at the Planning Development Committee. They cited tourist need for the proposal and job creation.

TransportNI – No objection to amended plans including widened carriageway on Newtown Road, subject to standard conditions regarding provision of access and gradient.

NI Water – Public water supply and foul sewer available (with capacity at WwTW).

Environmental Health – No objections subject to a condition regarding noise/odour. A Caravan Site Licence application will be required if the application is approved.

NIEA – Standard advice on sewerage and drainage. An otter survey, bat survey and construction method statement were required along with retention of trees, details of external lighting and a plan of new planting. Following submission of amended landscaping plans and a bat survey of specific trees, NIEA is now content with the amended proposal subject to a condition that temporary fencing is erected on site to protect retained trees during construction.

DCAL Inland Fisheries – DCAL has no remit on this river: defer to Loughs Agency.

Rivers Agency – No objections following consideration of Flood Risk and Drainage Assessment.

Loughs Agency – No objections to amended proposal.

Shared Environmental Services – No likely significant effects on Carlingford Lough SPA or any other European site.

Northern Ireland Tourist Board – Expressed support for additional caravan and camping accommodation in this area.

Objections & Representations:

The application was advertised in the local press on 12th October 2012 and four neighbouring properties were notified of the proposal on 16th October 2012, and again on 15th April 2013. The amended scheme was advertised on 17th March 2017 and neighbours were notified on 2nd March 2017. Several letters of objection were received from the owner of No. 52 (which is not currently occupied). The issues raised can be summarised as follows:

- The validity of the application has been questioned due to perceived inaccuracies in the description of the development and with the site address provided;
- Inappropriate nature and scale, impact on the character of the landscape and development is incompatible with existing industry;
- Failure to comply with TOU Policies of PSRNI and Draft PPS16;
- Lack of supporting information to demonstrate need for the development;
- Impact on habitats / wildlife, and lack of information on micro hydro-plant;
- Impact on residential amenity to adjacent property;
- General road safety concerns – sightlines, creation of a new access, inadequate infrastructure;

Consideration of representations:

- The Council is content that the application is valid. The site address has been accurately described and no third parties have been prejudiced as a result of the wording of the description of the proposed development or the stated site address;
- Following an initial recommendation for refusal, the scheme is now significantly reduced and meets the requirements of the revised tourism policy. It is no longer incompatible with the existing industry;
- The PSRNI and draft PPS16 have now been superseded by the finalised version of PPS16 which should be read in conjunction with the relevant provisions of the SPPS. The scheme now meets the relevant policies;
- The applicant is no longer required to demonstrate tourist need for a camping park under PPS16;
- The micro-hydro plant has now been removed from the proposal and extensive wildlife surveys and mitigation measures have been agreed by NIEA to ensure no adverse impacts;
- The revised layout and reduced site numbers should limit any adverse amenity impact on the adjacent house (No. 52) due to noise, nuisance and general disturbance. This will be reinforced by a planning condition;
- TransportNI are now content with the access arrangements provided the carriageway is widened at the entrance, and any issues with sight lines crossing third party lands are essentially civil matters.

Consideration and Assessment:

The amended proposal now has 3 log cabins which meets the second instance where self-catering accommodation is acceptable in the countryside under policy TSM5 – a cluster of 3 or more new units to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right. The tourist amenity in this case is the Mourne Mountains and specifically the mountain biking trails at Rostrevor Forest. The wall finish has been changed to smooth render which is more appropriate to the area. The scale of the caravan park

has been significantly reduced to 10 units which is more appropriate for the site and shows adequate pitch sizes with room for awnings and car parking and better landscaping between them. The retention of existing trees has been confirmed and this will help the reduced scheme to better integrate into the local landscape without adverse impact on local views or the Mourne AONB generally. The improved layout will provide a higher quality tourist experience and there are good play facilities for children. New planting will provide a buffer to the neighbouring dwelling reducing any harm to residential amenity. The above changes overcome previous concerns under policies TSM6, TSM7, CTY13, CTY14 and NH6.

NIEA is now satisfied that there will be no harm to protected species following changes to the layout and removal of the micro-hydro system to protect otters and surveys of specific trees to rule out their potential for bat roosting. A condition will be imposed requiring temporary protective fencing around existing trees during the construction period. There are now no concerns under policy NH2. With regard to policy NH1, there is a hydrological linkage to a European site (Carlingford Lough SPA). The potential impact of this proposal was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services on behalf of the Council. The proposal would not be likely to have a significant effect on the features of any European site.

Policy RE1 is no longer a consideration given the removal of the micro-hydro turbine from the scheme. TransportNI are now satisfied with the access arrangements under policy AMP2. Standard conditions have been provided. The applicant has now demonstrated that the site is outside the fluvial flood plain of the Kilbroney River. Internal roads within the site will have permeable surfaces to limit any increase in pluvial (surface water) flood risk. Rivers Agency has no objections on this basis, overcoming the issues raised under policies FLD1 and FLD3. All information required to determine the application has now been submitted. As the reduced scheme is now acceptable in principle under tourism policy, it is no longer contrary to policy CTY1. This addresses all the refusal reasons previously stated and the application can now be approved subject to the conditions suggested below.

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 existing natural screenings of the site, as indicated on approved drawing No 04 REV 2 date stamped received 19 September 2017, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

3. No development works shall take place until a temporary fence has been erected along the extent of the crown spread of existing trees on the site. No works, infill, storage of materials or construction activity shall take place within the fenced area without the consent of the Planning Authority. The fence shall be maintained and not be removed until all works are completed.

Reason: To minimise the impact of the proposal on bats and to ensure the continuity of amenity afforded by existing trees.

4. All hard and soft landscape works shall be carried out in accordance with the approved drawing No 04 REV 2 date stamped received 19 September 2017 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the commencement of tourist use of the site.

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

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

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

6. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03 REV 3 bearing the date stamp 25 April 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

8. All plant and equipment used in connection with the premises should be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings.

Reason: In the interest of residential amenity.

9. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

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

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Tom Mulholland,
16 Pinewood / 52 Newtown Rd,
Rostrevor
31st January 2018

To whom it may concern,
I wish to object to the proposed development at

Valley Business Park, 48 Newtown Road, Rostrevor, BT34 3BZ
Part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping - AMENDED SCHEME.

I state my objection on the following grounds;

In recent years my wife and I sought and gained planning permission to build a new home at 52 Newtown Road, Rostrevor where the existing dwelling has been our family's ancestral home since 1915. We had drawn our plans and had sought building quotes and were ready to commence building when we learned of the above proposal. We had been eagerly looking forward to living there. If the proposed development goes ahead, our home will be surrounded on three sides by a caravan park with the fourth side being road frontage. We have delayed our plans awaiting the outcome of a decision from planning and following approval the value of our site will be significantly reduced. Because of our delay, we will incur additional costs and so we would ask that you consider the long term residential protection of our property and amenities due to this development.

The initial application P/2012/0743/F was submitted in September 2012 and following a Planning Development Committee Meeting held on Thursday 6 December 2012, Council advised support for the application on the grounds that there was a tourism need for this type of accommodation in the Rostrevor area, particularly given the then soon-to-be completed mountain bike trail in Kilbroney Park and also the World Police and Fire Games which were coming to the area in 2013. However, by the time the Games took place and the Mountain Bike trails were opened the tourism expected had not materialised. Furthermore, there are now 44 established places to stay in the area, as listed on the Rostrevor Mountain bike webpage. 5 of these are Caravan, Camping and Motorhome sites. Two of these, one a 4 star and the other a 5 star have accommodation for up to 300 people.

The 4-star site is Council owned. The 97-acre Kilbroney Park has 51 serviced sites and is less than 6 minutes' drive (1.6 miles) from the proposed site and should further caravan pitches be required in the future in the Rostrevor area, there is room for expansion here.

The proposal received refusal on 9th May 2013, with 12 reasons given and again was submitted and refused on 18th January 2017 - At that meeting it was refused under 13 headings. We are aware that the current application has now been recommended for approval and should the council now grant approval we hope that those concerns previously highlighted have been adequately addressed and that the infrastructure of the area is sufficient to meet the needs of this development.

One of our concerns relates to the wildlife in the area and particularly at the lower end of the site at the river. Although otters are now a European protected

species they are still threatened by human disturbance, recreation, pollution and habitat loss because of development. We also believe there are bats in the trees there. These too are a protected species.

"They are subject to a system of strict protection and are a material consideration during the planning process. They must be considered carefully for any application which has the potential to impact on them." DOE PLANNING & ENVIRONMENT- ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING PERMISSION FOR LAND WHICH MAY AFFECT OTTERS.

In addition to the trees already mentioned there are many mature trees on the site which should be protected from development.

Our final concern is that of road safety.

Is the council happy that the Newtown Road be of a sufficient standard to cater for this type of heavy traffic and that it can cope with the additional usage that the tourism Park will bring to the area?

We thank you for your consideration of our opinions in this matter and we look forward to hearing from you in the near future.

Yours sincerely,
Tom Mulholland.

Newry, Mourne & Down District Council - January

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249
September	140	910	243
October	157	935	230
November	163	912	230
December	83	869	230
January	158	917	228

Newry, Mourne & Down District Council – January

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2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959
September	488	179	71	35	137	910
October	534	171	63	27	140	935
November	507	175	60	33	137	912
December	461	178	62	38	130	869
January	510	179	69	37	122	917

Newry, Mourne & Down District Council - January

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3. Live applications per Case Officer

Month 2017/18	Average number of Applications
April	67
May	62
June	58
July	50
August	50
September	57
October	58
November	57
December	55
January	50

Newry, Mourne & Down District Council - January

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4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122
September	174	154
October	162	146
November	178	160
December	118	103
January	96	87

Newry, Mourne & Down District Council - January

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5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
		Approvals	Refusals
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%
September	974	Approvals (863)	89%
		Refusals (111)	11%
October	1,136	Approvals (997)	88%
		Refusals (139)	12%
November	1,314	Approvals (1,145)	87%
		Refusals (169)	13%
December	1,432	Approvals (1,244)	87%
		Refusals (188)	13%
January	1,528	Approvals (1,331)	87%
		Refusals (197)	13%

Newry, Mourne & Down District Council - January

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6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791
September	326	146	89	80	74	89	804
October	290	167	87	84	75	91	794
November	277	181	91	76	77	99	801
December	281	192	87	80	79	105	824
January	273	192	96	76	82	111	830

7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23 13	36	19	17
	16	10	6
11 October	22	13	9
8 November	38	23	15
6 December	28	15	13
10 January	17	8	9
Totals	288	173	115

Newry, Mourne & Down District Council - January

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8. Appeals

Planning Appeal Commission Decisions issued during January 2018

Area	Number of current	Number of decisions	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	4	2	2	
Down	9	2	0	2	
TOTAL	34	6	2	4	

Statutory targets monthly update - up to December 2017 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ²	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	35	20	64.2	60.0%
May	1	2	110.4	0.0%	149	157	18.0	43.9%	32	46	61.1	56.5%
June	1	2	73.2	0.0%	124	205	19.2	42.0%	32	21	65.3	55.0%
July	1	1	128.4	0.0%	133	141	20.0	41.1%	32	19	113.0	55.0%
August	2	1	248.8	0.0%	146	134	17.1	38.8%	29	28	63.0	39.3%
September	1	-	0.0	0.0%	124	152	19.3	39.5%	42	25	58.8	44.0%
October	0	2	277.7	0.0%	134	151	18.2	41.1%	29	41	33.0	80.5%
November	0	1	186.6	0.0%	127	166	14.2	53.6%	23	9	51.8	66.7%
December	0	2	272.4	0.0%	110	104	16.4	39.4%	19	5	43.1	60.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	12	128.3	0.0%	1,185	1,325	17.6	42.5%	277	214	55.4	57.5%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives 2017-2018

300

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly
06/09/2017	A McAlarney	Cllr Curran
12/09/2017	A McAlarney	Cllr Devlin
15/09/2017	A McAlarney	Colin McGrath
21/09/2017	G Kerr	Cllr David Taylor
05/10/2017	A McAlarney	Colin McGrath (Office staff Carmel OBoyle attending)
05/10/2017	A McAlarney	Sean Doran
6/10/17	A Hay	Cllr Walker + Jim Shannon MP
06/10/2017	A McAlarney	Cllr Walker Jim Shannon
06/10/2017	G Kerr P Rooney	Cllr David Taylor
09/10/2017	G Kerr	Cllr Brian Quinn
20/10/2017	G Kerr O O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey
03/11/2017	G Kerr	Cllr D McAteer
06/11/2017	G Kerr	Cllr G Fitzpatrick

Record of meetings between Planning Officers and Public Representatives 2017-2018

301

07/11/2017	L O'Hare	Cllr D McAteer
15/11/2017	A McAlarney	Colin McGrath
17/11/2017	G Kerr	Cllr Brian Quinn
20/11/2017	G Kerr P Rooney	Cllr Brian Quinn
24/11/2017	A Davidson	Cllr David Taylor
28/11/2017	A Davidson	Cllr Terry Hearty
01/12/2017	G Kerr	Cllr J Tinnelly
11/12/2017	A McAlarney	Cllr Walker Jim Shannon MLA
18/12/2017	A McAlarney	Cllr W Clarke
31/01/2018	A McKay	C Hazzard MP

Current Appeals

302

AUTHORITY Newry, Mourne and Down

ITEM NO 1
Planning Ref: LA07/2016/0381/ **PAC Ref:** 2016/A0185
APPELLANT Mr Matt Burns **DEA** Crotlieve
LOCATION Opposite No. 107 Kilbroney Road
 Rostrevor
PROPOSAL Proposed farm retirement dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 15/12/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 2
Planning Ref: LA07/2016/0802/ **PAC Ref:** 2016/A0192
APPELLANT Darren O'Hagan **DEA** Crotlieve
LOCATION 60m NE Of 11a New Line Road
 Hilltown
PROPOSAL ^{Newry}
 Site for dwelling and detached garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 30/12/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals**303**

ITEM NO	3	PAC Ref:	2016/A0224
Planning Ref:	LA07/2016/0365/	DEA	Rowallane
APPELLANT LOCATION	Mr And Mrs McCluskey Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2016/A0226
Planning Ref:	LA07/2016/0477/	DEA	Slieve Gullion
APPELLANT LOCATION	Mr Caolan Quinn 50m South-east Of No 106 Carrickgallogly Road Carrickgallogly		
PROPOSAL	Belleek Erection of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

304

ITEM NO	5		
Planning Ref:	LA07/2015/0946/	PAC Ref:	2017/A0028
APPELLANT	Mark Rice	DEA	Newry
LOCATION	Lands Adjacent And North Of No.46 Lower Foughill Road Jonesborough Armagh.		
PROPOSAL	Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	10/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2017/0077/	PAC Ref:	2017/A0071/F
APPELLANT	Gary O'Hare	DEA	Crothieve
LOCATION	Lands Between No. 20B And No. 22 Derrycraw Road Newry		
PROPOSAL	RT34 1RG Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	24/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

305

ITEM NO	7	PAC Ref:	2017-A0076
Planning Ref:	LA07/2015/1381/	DEA	Slieve Croob
APPELLANT	Mr And Mrs E Kerr		
LOCATION	154a Downpatrick Road Teconnaught Ballvnahinch		
PROPOSAL	Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2017/A0094
Planning Ref:	LA07/2017/0624/	DEA	Crotlieve
APPELLANT	Mary Rooney		
LOCATION	80A Kilbroney Road Rostrevor BT34 3RI		
PROPOSAL	Single storey side and rear extension		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

306

ITEM NO	9		
Planning Ref:	LA07/2017/0172/	PAC Ref:	2017/A0114
APPELLANT	SCS	DEA	Newry
LOCATION	Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street Newry BT34 1DD		
PROPOSAL	Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	25/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2015/1270/	PAC Ref:	2017/A0119
APPELLANT	Michael Teggart C/O Agent	DEA	Newry
LOCATION	Approximately 70 Metres East Of 51 Ayalogue Road Newry		
PROPOSAL	Erection of dwelling with detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	28/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

307

ITEM NO	11	PAC Ref:	2017/A0121
Planning Ref:	LA07/2017/0563/	DEA	Crotlieve
APPELLANT	Mr John Morgan		
LOCATION	Land 20m North Of 24 Ballyvally Mayobridge		
PROPOSAL	RT34 2RT 2 dwellings with detached garages to rear		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2017/A0129
Planning Ref:	LA07/2016/1219/	DEA	Downpatrick
APPELLANT	Mr Alan Montgomery		
LOCATION	Approx 60m North Of 21 Downpatrick Road Killough		
PROPOSAL	Downpatrick Erection of agricultural building		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

308

ITEM NO	13		
Planning Ref:	LA07/2015/0545/	PAC Ref:	2017/A0133
APPELLANT	Mr P Smith	DEA	Crotlieve
LOCATION	40 Metres South West Of 23a Castlewellan Road Hilltown		
PROPOSAL	Erection of dwelling and detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2016/1537/	PAC Ref:	2017/A0141
APPELLANT	P & T Miskelly	DEA	Rowallane
LOCATION	Site Adjacent To 35 Darragh Road Darragh Cross Downpatrick		
PROPOSAL	Erection of 2no detached houses and associated works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

309

ITEM NO	15		
Planning Ref:	LA07/2017/0145/	PAC Ref:	2017/A0151
APPELLANT	Cathal Sloan	DEA	The Mournes
LOCATION	Lands Approximately 55 Metres South Of 14 Sandy Brae Attical		
PROPOSAL	Site for dwelling and detached garage at existing cluster of development in the countryside		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	30/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2017/0371/	PAC Ref:	2017/A0158
APPELLANT	Kieran And Briege King	DEA	Newry
LOCATION	56a Drumintee Road Meigh Newry		
PROPOSAL	Retention of existing caravan port at rear of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	07/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

310

ITEM NO	17	PAC Ref:	2017/A0161
Planning Ref:	LA07/2015/1123/	DEA	Newry
APPELLANT LOCATION	Quayside Propoeties Ltd 2-3 Sugarhouse Quay Lisdrumgullion Newry		
PROPOSAL	Demolition of remaining parts of building for health and safety reasons		
APPEAL TYPE	DC - Refusal of LB Consent		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2017/A0165
Planning Ref:	LA07/2017/0370/	DEA	Slieve Gullion
APPELLANT LOCATION	Fergal Rafferty 16 Ummeracam Road Silverbridge Newry		
PROPOSAL	Retention of two storey projection to southern gable of dwelling, alterations to bay windows at front of dwelling and alterations to window fenestration to side and front elevations of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

311

ITEM NO 19
Planning Ref: LA07/2017/0687/ **PAC Ref:** 2017/A0168
APPELLANT Steven And Diane Campbell **DEA** The Mournes
LOCATION 30m North Of 94 Greencastle Road
 Kilkeel
 RT34 47F
PROPOSAL Infill site for new dwelling and garage in existing cluster (amended plans)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged**
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 20
Planning Ref: LA07/2016/1647/ **PAC Ref:** 2017/A0169
APPELLANT DBM Contracts **DEA** Newry
LOCATION 20 Metres East Of 6 Daisy Hill
 Carnagat
 Newry
PROPOSAL Erection of two dwellings and retention of retaining walls

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 22/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

312

ITEM NO	21		
Planning Ref:	LA07/2017/1039/	PAC Ref:	2017-A0170
APPELLANT	Blackgate Property Developments	DEA	Newry
LOCATION	Lands 25 Metres North Of No. 42 Parkhead Crescent Newry		
PROPOSAL	On Down Erection of detached single storey garage and change of house type 1 to include sunroom at plot 1, of previously approved planning application (P/2009/0198/F).		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/11/2017
Date of Hearing		14/03/2018	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2017/0375/	PAC Ref:	2017/A0177
APPELLANT	Mr Declan Kearney	DEA	Slieve Gullion
LOCATION	30m West Of 34 Station Road Adavoyle Killeavy		
PROPOSAL	Farm Dwelling and Garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

313

ITEM NO	23	PAC Ref:	2017/A0178
Planning Ref:	LA07/2017/0786/	DEA	Slieve Croob
APPELLANT	Walter Watson		
LOCATION	4 Drumnaquoile Road Castlewellan		
PROPOSAL	Replacement dwelling and detached garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2017/A0181
Planning Ref:	LA07/2017/0856/	DEA	Slieve Gullion
APPELLANT	Brian Hollywood		
LOCATION	20 Lough Road Mullaghbawn RT35 QXP		
PROPOSAL	Proposed change of use from Spa Centre Business to dwelling with some minor renovations		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	06/12/2017
Date of Hearing		15/03/2018	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

314

ITEM NO	25	PAC Ref:	2017/A0186
Planning Ref:	LA07/2017/1174/	DEA	Slieve Croob
APPELLANT	Brendan McCartan Esq		
LOCATION	Approx 18m North Of 156 Downpatrick Road Rallynahinch		
PROPOSAL	Dwelling & garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2017/A0188
Planning Ref:	LA07/2017/0319/	DEA	Slieve Gullion
APPELLANT	Mr Sean O'Hare		
LOCATION	10A Limekiln Road Newry		
PROPOSAL	RT35 71 X Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	12/12/2017
Date of Hearing		18/04/2018	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

315

ITEM NO 27
Planning Ref: LA07/2017/0018/ **PAC Ref:** 2017/A0189
APPELLANT Rozanna Huq **DEA** Downpatrick
LOCATION To The South Of 24 Crossgar Road East Crossgar
 BT30 9ER
PROPOSAL Proposed 2no infill dwellings and garages
 (Amended site plan received re: Site splays).

APPEAL TYPE DC - Conditions of Approval
Appeal Procedure **Date Appeal Lodged** 11/12/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 28
Planning Ref: LA07/2017/0114/ **PAC Ref:** 2017/A0202
APPELLANT Mr Vincent McGuinness **DEA** Newry
LOCATION 210m South 30 Low Road
 Killeavy
PROPOSAL ^{Newry} Retention of existing industrial units and yard area for use as a waste
 transfer station. Includes associated car parking, external storage are
 and weighbridge.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 22/12/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

316

ITEM NO 29
Planning Ref: LA07/2017/1138/ **PAC Ref:** 2017/A0209
APPELLANT Bernard Morgan **DEA** Newry
LOCATION Adjacent To And Immediately South East Of No.1 Newtown Court
 Newtown Road
PROPOSAL ~~Clinhogue~~
 Erection of Agriculture Buildings

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 11/01/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 30
Planning Ref: LA07/2016/0952/ **PAC Ref:** 2017/A0213
APPELLANT D & M Downey **DEA** Newry
LOCATION 113-117 Dublin Road
 Newry
PROPOSAL ~~RT35 RQP~~
 Sub-division of part of existing bulky goods retail warehouse (No 115)
 to provide 3 No. ground floor class A1 retail units with new shopfronts
 (the 3 No. units to operate without compliance with the bulky goods
 condition on approval P/1993/0605); and western extension of site area

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 18/01/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

317

ITEM NO 31
Planning Ref: LA07/2016/1331/ **PAC Ref:** 2017/A0214
APPELLANT Ms Joanna Magee **DEA** Downpatrick
LOCATION Lands Adjoining And Between 57 And 61 Churchtown Road
Downpatrick
PROPOSAL Two detached dwellings and garages

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 23/01/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 32
Planning Ref: LA07/2017/1078/ **PAC Ref:** 2017/AO163
APPELLANT Clear Channel NI LTD **DEA** Newry
LOCATION Buttercrane Quay Opposite
Buttercrane Shopping Centre
PROPOSAL ^{Newry} Conversion of existing six sheet display unit incorporated into an
existing Adshel Bus Shelter to a six sheet digital display screen

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Written Reps** **Date Appeal Lodged** 15/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

318

ITEM NO	33		
Planning Ref:	LA07/2017/0053/	PAC Ref:	2017/E0027
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East Of 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newry This application has been submitted to demonstrate that the planning approval P/2010/1299/F has been lawfully implemented		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	13/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2017/1400/	PAC Ref:	2017/E0046
APPELLANT	Nu Screen Ltd	DEA	Slieve Croob
LOCATION	70 Ballywillwill Road Castlewellan		
PROPOSAL	RT31 91 G Erection of engineering workshop and the carrying on of a fabrication and glazing business		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

319

Appeal Reference:	2017/A0075
Appeal by:	Mr P Kelly
Appeal against:	The refusal of an application for full planning permission
Proposed Development:	The retention of a dwelling with associated granny flat building, garden shed/store and ancillary site works, as built
Location:	140m north of 22 Newry Road, Hillown (No. 21 Newry Road)
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0805/F
Procedure:	Written representations and accompanied site visit on 6 th December 2017
Decision by:	Commissioner Julie de-Courcey, dated 15 th January 2018

Decision

1. The appeal is allowed in part and full planning permission is granted in respect of retention of the dwelling, garden shed/store and ancillary works, as built.
2. The appeal is dismissed in part and full planning permission is refused for retention of the associated granny flat building, as built.

Reasons

3. Planning permission was granted in 2012 for the erection of a dwelling and double garage on part of the appeal site (P/2012/0052/F). On the basis that the principle of development had already been established, the Council advised that it has no objection to retention of the dwelling, garden shed/store and ancillary site works. Accordingly, the main issues in this appeal are whether:
 - The "granny flat"; or
 - A dwelling based on special personal and domestic circumstances
 are acceptable in principle in the countryside.
4. The Banbridge, Newry and Mourne Area Plan (2015) operates as the relevant statutory Local Development Plan (LDP) whereby the site is located in the countryside and outside any specific designation. However, the LDP contains no provisions that are specific to the appeal proposal.

5. There is no conflict between the provisions of the Strategic Planning Policy Statement for Northern Ireland "*Planning for Sustainable Development*" and the retained policies regarding issues relevant to this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21: "*Sustainable Development in the Countryside*" (PPS 21) and the first Addendum to Planning Policy Statement 7: "*Residential Extensions & Alterations*" (the Addendum).
6. The appellant considers that the proposal falls within one of a range of types of development, set out in Policy CTY 1 of PPS 21 as acceptable in principle in the countryside, namely an extension to a dwelling in accordance with the Addendum. Although the proposal is not for an extension, the Preamble to the Addendum states that proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under its provisions.
7. Policy EXT 1 of the Addendum states that planning permission will be granted for a proposal to extend or alter a residential property where all of four stated criteria are met. It adds that the guidance set out in its Annex A will be taken into account when assessing proposals against those criteria.
8. Criterion (a) requires the scale, massing, design and external materials of the proposal to be sympathetic with the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area. The "granny flat" is finished in the same materials as the dwelling. Both buildings have a gable-fronted projection on the front elevation, clad in natural stone and subsidiary in scale to the main ridge. Both have an eclectic mix of window sizes and proportions. Their form comprises single and two-storey elements and split-level ridgelines. Accordingly, there is uniformity on their materials and similarity in their design.
9. The dwelling has an overall width of 22.8m and is 19.2m deep. Although set at an angle to Newry Road, its width is the most apparent dimension from that vantage. The main ridge is 7.1m high. The "granny flat" is 16m long by 7.1m wide, with a single storey projection on one side that extends to approximately 13 sq.m. Its two-storey element is approximately 6.1m high. It is orientated gable end on to Newry Road. Although its length is apparent on the approach from the south-west, when one is near enough to appreciate that the buildings are separate entities, its gable is the most obvious elevation. Although its scale and massing are subsidiary to the adjoining dwelling, when nearing the site from the south-west and level with it, the "granny flat" is seen as a sizeable, separate building. Due to the length and increasing obliqueness of the view, views of the buildings are less critical from the opposite approach.
10. The 2012 planning permission is a material consideration. The main difference in the approved and proposed site layouts is that the approved dwelling would have been perpendicular to Newry Road whereas its reorientation reduces the gap between the two buildings. The overall building is 13.2m deep by 6.9m wide and the main ridge is the same height as the existing building. It too would be gable end to the road with a projecting porch element presented to Newry Road when level with the site. The 2 doors for vehicles to access the garage space are on the side

- elevation facing the dwelling. Despite the: comparative length of the approved building and what was built (a 2.8m difference); the increase in its area; changes to floorplan/layout; introduction of a chimney on the rear elevation; the increase in the number of window openings and greater variety in their proportions and form; and that it is no longer set behind the front building line of the dwelling in its entirety; its scale, massing and impact on the appearance and character of the surrounding area are comparable to what was considered acceptable in 2012. In this context, the "granny" flat is consistent with criterion (a) of Policy EXT 1 of the Addendum.
11. The Council has no concerns about criteria (b) – (d) of Policy EXT 1 but considers that this element of the proposal is at odds with Annex A of the Addendum. Paragraph A49 of Annex A requires that an extension to a residential property to provide an ancillary use such as additional accommodation for elderly or dependent relatives should be designed to demonstrate dependency on the existing residential property. The appellant lives in the "granny flat", which has an open-plan kitchen/dining/ living area with a bedroom, bathroom, porch and utility room downstairs. Upstairs is a "guest" bedroom and bathroom. It shares an access, curtilage, turning/parking area, garden/amenity space and septic tank with the dwelling that is occupied by his daughter, son-in-law and their family. At their nearest point, the buildings are approximately 7m apart and there is no physical boundary or demarcation between them. Nevertheless, the "granny flat" has not been designed in such a manner as to easily enable it to be later used as an integral part of the main residential property. It does not provide limited accommodation, shared facilities, for example kitchens, and is not physically linked internally to the host property. It could practically and viably operate on its own.
 12. Contrary to the Justification & Amplification text to Policy EXT 1 (paragraph 2.9), the accommodation provided by the "granny flat" is physically separate to the main dwelling and is not subordinate to it. Whilst Mr Kelly may take most meals, watch television and spend time with his family in the main house, the function of the "granny flat" is not supplementary to the use of the his family's dwelling. The appellant says that it was purpose built for he and his wife and that they sold their former home at No. 22 Newry Road during construction of the new dwelling. On this basis, there is no persuasive evidence that the latter could not have been designed to provide a bedroom for each of his daughter's 4 children and a modest scale of accommodation for him and his wife.
 13. Paragraph 2.10 of the Addendum says that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable unless a separate dwelling would be granted permission in its own right. Even if two dwellings were acceptable in principle, there is no evidence that they would be acceptable in their own right in terms of proximity, orientation, provision of an adequate standard of residential amenity for the occupants of both and that they could be satisfactorily serviced in terms of access, amenity space and provision for turning/manoeuvring given the significant difference in levels through the appeal site.
 14. Cognisant of the provisions of paragraph 2.11 of the Addendum, the appellant is amenable to imposition of a condition on any forthcoming planning permission

- whereby the "granny flat" would only be used for ancillary residential purposes in connection with the main dwelling and not as a separate unit of accommodation. However, this does not overcome the proposal's inconsistency with Policy EXT 1 when read in the round. That both buildings are registered on the same Land Registry folio does not outweigh the conclusion that the proposal conflicts with Policy EXT 1 and does not constitute development ancillary to a residential property in accordance with the Addendum that is set out in Policy CTY 1 as acceptable in principle in the countryside.
15. Policy CTY 6 of PPS 21 states that planning permission will be granted for a dwelling in the countryside for the long-term needs of the applicant, where there are compelling, and site-specific reasons for this related to his personal or domestic circumstances and provided that 2 stated criteria are met.
 16. The appellant is 74 years of age. The stress caused by break up of this marriage of more than 40 years' had led to depression, what his GP describes as "*severe mental health problems*", suicide attempts and exacerbated existing health issues. Mr Kelly's GP says that he has relied heavily on support from his daughter and that it has been necessary for him to live as close as possible to her and her family. However, no evidence was given either by his GP or family as to: his physical health issues; the level of care and assistance that he requires in his day to day life; the nature, duration and frequency of care that the family, including another daughter and her family, who bought No. 22 Newry Road, provide for him; his long-term prognosis; or why this is considered the only solution to meeting his long-term needs.. Whilst Mr Kelly's GP refers to the "granny flat" as enabling him to live independently, she refers to "*the luxury*" of him having family beside him 24 hours a day.
 17. This does not amount to persuasive evidence that, as required by criterion (a) of Policy CTY 6, what equates to an independent unit of accommodation is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. As required by criterion (b) it has not been shown that there are no alternative solutions to meet the particular circumstances of the case. The appellant's evidence that his recent health and personal issues have led to him spending much of his time in the main dwelling reinforces the conclusion that there are not compelling and site-specific reasons for a separate dwelling related to his personal or domestic circumstances. Accordingly, the proposal is at odds with Policy CTY 6 of PPS 21 and does not comply with Policy CTY 1 in this respect.
 18. Account has been taken of the appellant's desire that the "granny flat" would be his legacy to his daughter and her family. However, this is not an overriding reason why this aspect of the development is essential and could not be located in a settlement. As the "granny flat" element of the proposal is contrary to both Policy EXT 1 of the Addendum and Policy CTY 1 of PPS 21, both the Council's reasons for refusal are sustained. This conclusion is consistent with previous Commission decisions cited by the Council (2006/A2378, 2009/A0362, 2012/A0024 and 2015/A0138). As this element of the proposal does not comply with prevailing planning policy, allowing the appeal would set an undesirable precedent for other

such developments in the countryside. Accordingly the appeal fails in respect of retention of the "associated granny flat".

19. However, as the Council has no objection to retention of the dwelling, garden shed/store and ancillary works, the appeal is allowed and planning permission is granted, in part, in respect of retention of these elements of the development. As the Council is content that the visibility splays required in connection with the 2012 planning permission have been provided, there is no need to attach any conditions to the planning permission. The steel storage container that is sited on the plot's lower (northern) section is not subject of this planning permission. If the Council considers that the storage of boats in that area is not incidental to enjoyment of the dwelling as such, the permission conveys no consent for a more intensive use of part of the appeal site.

The decision in respect of retention of the dwelling, garden shed/store and ancillary works, as built related to the following drawings:

- Site Location Map;
- Block Plan and garden shed/store (save for the granny flat);
- Ground Floor Plan (Dwelling); and
- First Floor Plan/elevations as built (Dwelling)

The decision in respect of retention of the "*associated granny flat building*" is based on the following drawings:

- Site Location Map;
- Block Plan and garden shed/store – only as it relates to the granny flat;
- Floor Plans as built (Granny Flat); and
- Elevations as built (Granny Flat)

COMMISSIONER JULIE DE-COURCEY

List of Appearances

Planning Authority: Mrs L Grant Newry, Mourne & Down District Council

Appellant: Mr N Coffey, Planning Services
Mr S O'Neill, Appellant's son-in-law

List of Documents

Planning Authority: PA1 Statement of Case with 5 attachments

Appellant: A1 Statement of Case
A2 Rebuttal



Appeal Decision

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Appeal Reference:	2017/A0119
Appeal by:	Mr Michael Teggart
Appeal against:	Refusal of full planning permission
Proposed Development:	Dwelling with detached garage on a farm
Location:	Approximately 70m east of 51 Ayalogue Road Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/1207/F
Procedure:	Informal Hearing on 9 th January 2018
Decision by:	Commissioner Helen Fitzsimons on 16 th January 2018

Decision

1. The appeal is allowed subject to conditions.

Reasons

2. The main issues in this appeal are whether proposed development would be acceptable in principle in the countryside and whether it would have an adverse impact on rural character.
3. The Banbridge Newry and Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the area where the appeal site is situated. The appeal site lies in the open countryside and there are no plans or policies within BNMAP pertaining to the proposed development. The policy framework provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is material in the determination of this appeal.
4. 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. One of these is development in accordance with Policy CTY10 'Dwellings on Farms'. The Planning Authority consider that the proposed development meets all of the requirements of Policy CTY 10, as it is associated with an active and established business; that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application; and that the new buildings are sited to cluster with an established group of buildings on the farm. In addition the Planning Authority also agreed that the proposed development would meet the guidance for dwellings on farms set out in 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'. However, and notwithstanding all of this the Planning Authority raised objections under Policy CTY 8 'Ribbon Development' and Policy CTY 14 'Rural Character' of PPS 21.

5. Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY 14 allows for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area; however a new building will be unacceptable in a number of circumstances one of which is identified at criterion (d) of the policy 'it creates or adds to ribbon of development (see Policy CTY 8).
6. The appeal site forms the north-west portion of a field, within which the land falls away to the north and north east. A private laneway abuts the southern boundary of the host field. Immediately west of the appeal site are two modest agricultural outbuildings, only one of which is visible from Ayallogue Road. (Shed 1 see annotated PAC1) Some 70m west of the appeal site there is a dwelling located on land which is elevated above the appeal site and the two agricultural buildings. This dwelling, which is the farmhouse, is sited at the junction of the private laneway and Ayallogue Road. Its southern boundary is defined by mature vegetation. Notwithstanding its mature vegetation, distance and topography the farmhouse has some visual linkage with the two modest agricultural buildings.
7. The Planning Authority raised concerns regarding the impact of the proposed development on rural character along the laneway when viewed from the south. The appellant identified a number of viewpoints south of the appeal site on Ayallogue Road which the Planning Authority did not dispute. The proposed development would be seen with shed 1 from identified viewpoints 1 and 2. Notwithstanding its set back within the appeal site and its physical relationship to shed 1 it would create a ribbon of development when viewed with No 51 and that shed .
8. However, I must be mindful that there was no dispute that the proposed development would meet the requirements of Policy 10 of PPS 21 and that all parties agreed that it was sited to cluster with the established group of buildings on the farm. Paragraph 5.41 of Policy CTY 10 says that 'to help minimize impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular buildings 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 farmhouse does not read as part of the farm grouping due to its distance from its outbuildings; its roadside boundary vegetation and intervening topography. Consequently the two agricultural buildings are viewed as a discrete entity in the landscape when seen from the private laneway. The addition of the proposed development would form an integral part of that farm grouping and when seen from identified views on Ayallogue Road there is little appreciation of any physical separation that may exist between them. For that reason I find that compliance with Policy CTY 10 outweighs the requirements of Policies CTY 8 and CTY 14 of PPS 21 in this instance. Policy CTY 10 therefore carries determining weight in this appeal.
9. The Planning Authority referred to previous refusals of planning permission on sites 4 and 11 and an unsuccessful appeal on site 8 as identified on its planning history map. Notably the proposals on sites 8 and 11 were determined under a different policy context and are distinguishable from this proposal. In regard to site 11 that decision was based PPS 21 but within the jurisdiction that prevailed at that time. In any event the Planning Authority gave me no evidence in regard to that proposal

and how it would be on all fours with the proposed development. The Planning Authority also referred to 'previous refused applications for dwellings on the appeal site' but gave me no evidence as to what those proposals were. In the light of this evidential context I find no support for the Planning Authority's arguments regarding application of policy.

10. As I have concluded that the Policy CTY 10 attracts determining weight in this appeal the Planning Authority has not sustained its first and second reasons for refusal based on policies CTY 8 and CTY 14 of PPS 21.
11. Conditions are required to ensure the provision of satisfactory access arrangements in the interests of road safety, and a landscaping scheme is necessary to facilitate integration of the proposed development into the landscape.

Conditions

1. Prior to any building works commencing visibility splays of 2m x 45m shall be laid out in both directions at the junction of the access of the laneway with Ayalogue Road as shown on drawing numbered PO2A and thereafter permanently retained.
2. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing trees and hedgerows to be retained along the north and west boundaries of the site; the location, numbers, species and sizes of trees and shrubs to be retained within the site; and new native species planting along the southern boundary of the curtilage of the dwelling and garage as shown on drawing PO2A. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
3. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the 1:2500 scale site location plan and revised drawing numbered PO2A dated 5th December 2017.

COMMISSIONER HELEN FITZSIMONS

2017/A0119**List of Documents**

Planning Authority: -

LPA1 Written Statement

Appellant: -

A 1 Written Statement

Attendances

Planning Authority: -

Mr G Murtagh (Newry Mourne and Down District Council)

Appellant: -

Mr C O' Callaghan (O'Callaghan Planning)



Appeal Decision

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Appeal Reference:	2016/A0218
Appeal by:	Mrs Anne Murphy
Appeal against:	The refusal of full planning permission
Proposed Development:	Extension to existing camper van site
Location:	To the rear of No 35 Ballagh Road, Newcastle
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2016/0132/F
Procedure:	Hearing on 29 June 2017
Decision by:	Commissioner Pamela O'Donnell, dated 11 January 2018.

Decision

1. The appeal is dismissed.

Preliminary Point

2. Certificate A under Section 42 of the Planning Act (Northern Ireland) 2011 was submitted indicating that the Appellant owned the appeal site. This was queried by an Objector who said that he owned some of the land required for visibility splays. The Objector was present at the Hearing and aware of the appeal. Accordingly, even if the Section 42 certificate is inaccurate, no prejudice arises.

Reasoning

3. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
4. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations indicate otherwise. Section 45 (1) of the Act requires regard to be had to the plan, so far as material to the application, and to any other material considerations. In this case, the relevant statutory plan is the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP places the appeal site outside any settlement limit and within a Special Countryside Area (SCA). It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB).
5. The BNMAP recognises that there are some areas of the countryside with exceptional landscapes, such as the High Mournes, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. The areas with such exceptional landscapes are identified and designated as SCAs. Policy COU1 of the BNMAP relates to

development proposals within SCAs. It states that permission will only be granted to proposals which are of such national or regional importance as to outweigh any potential detrimental impact on the unique qualities of the upland environment. The second exception allows for the consolidation of existing development providing it is in character and scale, does not threaten any nature conservation or built heritage interest and can be integrated with the landscape. It was common case between the parties that the proposal did not meet the first requirement. However, the Appellant argued that the proposal satisfied the second.

6. No 35 Ballagh Road comprises a detached dwelling and outbuildings. It is accessed via a curved driveway from the Ballagh Road. A motor home site was approved at No 35 in December 2015 (P/2010/1041/F). This area extends some 60m from the rear of the dwelling, but it is not within the SCA. The appeal site comprises a tiered parcel of land that extends the motor home site by some 2900 sq. m. in a westerly direction further into the upland environment. The entirety of the appeal site is within the SCA. The land slopes steeply and affords panoramic views towards the sea. There is a concrete laneway through the site and some stone walls with various gravel areas. The Eastern Mourne Special Area of Conservation (SAC) and an Area of Special Scientific Interest (ASSI) are outside and to the west of the appeal site.
7. The word 'consolidation' is not defined in the BNMAP. However, the Collins Dictionary definition of 'consolidate' is to combine into a whole. To my mind 'the consolidation of existing development' must relate to the unification or the joining up of existing development, not extending development, as proposed. In expanding development by some 2900 sq. m. into the SCA, an upland environment and natural asset that the Plan seeks to protect, the appeal proposal does not satisfy the fundamental requirement of the second bullet point of Policy COU1. The remaining requirements of the policy are predicated on a proposal that consolidates development so they are not germane to the consideration of the proposal under this policy. For the reasons stated, the proposal is not in accordance with the Plan. The Appellant advanced other considerations to support his case and these are addressed below.
8. It was argued that the appeal site was always part of the domestic curtilage of No 35. However, an application that included the appeal site which sought a Lawful Development Certificate (LDC) for 'existing established curtilage of a dwelling' was refused in 2013 and that decision was not appealed. Therefore, as there is no LDC to support the Appellant's position, he cannot lawfully enact residential permitted development rights on the appeal site, as argued, to justify the appeal development. The site is now within a SCA and the decision to refuse the application for a LDC cannot be revisited in the context of this appeal. The Appellant indicated that he could also avail of agricultural permitted development rights on the appeal site. However, no documentary evidence was presented to corroborate this particular claim and no details were presented of any agricultural activity or development envisaged for the site. The Appellant has not established a valid fallback position as he has not demonstrated a realistic possibility of agricultural permitted development taking place on the site.
9. There is an extant Enforcement Notice (EN/P/2010/0210/CA/01) that covers the appeal site. It relates to the use of the land for the parking of motor homes/caravans and the provision of ancillary hardstanding areas, utility

connection points and a toilet block. There is additional development on the appeal site that is not within the remit of the Notice. This development includes a laneway and stone walls. In accordance with Section 140 (11) of the Planning Act 2011, the failure to include the additional development does not confer planning permission on it. Rather, all the requirements of the Notice must be complied with before permission is deemed to be granted, which is not the case in this appeal. The development outwith the Notice does not therefore justify the appeal development and I have not been provided with any LDC or planning permission for it. The previous approval for a motor home facility is distinguishable from this appeal as that was not located in the SCA.

10. The appeal development does not comply with the provisions of the BNMAP and the aforementioned additional considerations do not outweigh the provisions of the Plan for the reasons stated. Further material considerations were raised in the appeal and these are discussed below.
11. Regional planning policy is set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS). It says that the overall objective of the planning system is to further sustainable development and improve well being. The SPPS also describes the transitional arrangements that should operate until a local authority has adopted a Plan Strategy for the whole of the council area and it retains certain existing planning policy statements. Amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). As the SPPS is no more prescriptive than retained policies and given the transitional arrangements set out in the SPPS, PPS21 is relevant to the assessment of the appeal development.
12. The preamble to PPS21 indicates that its policy provisions will take precedence over those for Green Belts and Countryside Policy Areas as contained in existing statutory and published draft development plans. However, a number of exceptions are listed and these excepted areas were given the title Special Countryside Areas (SCAs). Thus PPS21 does not take precedence over the policy provisions for SCAs as identified in certain development plans and further to this, Policy CTY1 of PPS21 indicates that where a SCA is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan. Policy CTY1 goes on to say that there are types of development acceptable in principle in the countryside that will contribute to the aims of sustainable development. These include tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. These have since been superseded by policies in Planning Policy Statement 16: Tourism (PPS16). Policy TSM6 of PPS16 relates to new and extended holiday parks in the countryside where it can be demonstrated that the proposal will create a high quality and sustainable form of tourism development. Policy TSM7 of PPS16 outlines general criteria for tourism development.
13. Policy TSM6 of PPS16 states 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 and sustainable form of tourist development. Relevant to this appeal, criterion (a) requires that the site is located in an area that has the capacity to absorb the development without adverse impact on visual amenity and rural character. Criterion (f) relates to environmental assets including features of the archaeological and built heritage, natural habitats, trees and

- landscape features. It states that they should be identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout. Policy TSM7 of PPS16 states that a proposal for tourism will be subject to certain design criteria. Relevant to this appeal, criterion (d) seeks the use of sustainable drainage systems where feasible and practicable to ensure that surface run-off water is managed sustainably. Criterion (g) seeks that proposals are compatible with surrounding land uses and that neither the use nor built form will detract from the landscape quality and character of the surrounding area. Criterion (h) seeks to ensure that proposals do not harm the amenities of nearby residents and criterion (i) requires that proposals do not adversely affect features of the natural or built environment. Criteria (k) and (l) state that access arrangements must be made in accordance with published guidance and that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.
14. The appeal site is well screened from public viewpoints. Despite its dimensions, only glimpsed views can be obtained from the Ballagh Road and it is difficult to appreciate it within the broad panorama of the upland area when viewed from the surrounding coast. While trees were removed to facilitate the development, there is sufficient vegetation remaining to enclose the site and only limited additional planting would be necessary to aid with visual integration. The layout, topography and size of the appeal site mean that the number of motor-homes/camper vans that it could accommodate would be restricted. For these reasons, I am satisfied that the appeal development would not be overly obtrusive, even when at capacity. The development is broadly compatible with surrounding land uses given its spatial containment and size. Moreover, the existing boundary landscaping could be augmented and retained as part of this appeal by the imposition of a condition, which would further contain the use. As outlined below, noise levels could also be controlled. Adequate provision has been made for communal open space within the site and the design aesthetic is informal with the form, materials and detailing broadly acceptable overall. Though trees were removed to facilitate it, as there was no objection from the relevant competent authorities, I have not been persuaded by the evidence that the development has significantly impacted on any of the other environmental assets prescribed in Policy TSM 6. In addition, mains water supply is available and there is no impediment to the use of a septic tank.
 15. Noise levels could be controlled by an appropriately worded condition to ensure that the development would not cause unacceptable harm to the amenities of neighbouring residents. Any unacceptable overlooking from the appeal site into nearby properties could also be controlled by retaining existing boundary vegetation and the augmentation of same. Transport NI had no objection to the proposal so long as the splay to the north of the access is provided. While I note that this splay is currently blocked, there is no guarantee that this particular situation would remain indefinitely as circumstances can change over time. I am therefore satisfied that an appropriately worded negative condition could be imposed, in the event of an approval, to ensure that the splays were provided before the site could be occupied for the use proposed. It would be for the Appellant to secure the provision of the splays to satisfy the terms of the permission. As regards drainage systems, there is no objection from Water Management Unit or Environmental Health. Given this and the lack of compelling evidence to demonstrate that the appeal development is directly causing a drainage problem, I place limited weight on this particular objection.

16. For the reasons outlined above, I am satisfied that the appeal development broadly complies with the tourism policies of PPS16, as they apply within the general countryside. However, the appeal site is located within an SCA. As already concluded, the appeal development does not meet the specific policy provisions of the Plan, as it is neither 'exceptional' development nor consolidation in the generally accepted meaning of the term. Thus there is tension between the tourism policies of PPS16, under which the proposal is broadly acceptable and the provisions of the Plan. The question therefore arises as to how these policies should be weighed against each other. In considering the weight to be accorded to the policies in this case I consider it appropriate to go back to the relevant policy aims and objectives. There is also the statutory presumption in favour of the plan.
17. The SCA is an interest of acknowledged importance through its designation in the Plan and the objective of the Plan policy is to protect it from unacceptable development that would harm its landscape quality and amenity value. The aim of PPS21 is to manage development in a manner consistent with the strategic objectives of the Regional Development Strategy 2025 and in a manner which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The policy objectives of PPS16 include the facilitation of sustainable tourism development in an environmentally sensitive manner and to safeguard tourism assets from inappropriate development. The Appellant argued that the material considerations in this case were sufficiently strong to overcome the objections. These considerations included the general acceptability of the development under PPS16, the unobtrusive nature of the site and the limited precedent he felt approval would set.
18. Despite its visual integration, the appeal development has resulted in the clearance of tree cover within the SCA, a tourist and environmental asset of public value. An approval would sanction the loss of some 2900 sq. m. of the asset, even before the question of additional loss through precedent for further approvals is considered. In terms of precedent, if the appeal were approved, I do not consider that the precedent would be limited to further expansion of the appeal site, or to the extension of one or two similar facilities in the area. In my opinion, an approval would send a clear signal to others that development acceptable in principle in the general countryside under the terms of PPS21 would be tolerable on other unobtrusive sites within the SCA. This would set a widespread precedent which would allow for the piecemeal erosion of the SCA, thereby threatening its amenity value, landscape character and overall integrity. In essence, an approval would allow for the incremental loss of a unique landscape on which tourism itself relies.
19. For the reasons stated, if approved, I consider that the appeal development would fail to safeguard the tourism asset, a policy objective of PPS16 and cause demonstrable harm to the SCA. While advocating balance between the protection of the countryside and supporting local communities, PPS21 clearly stipulates a presumption against development in SCAs, save for the circumstances set out in the Plan which are not replicated here. All in all, I consider that support within the provisions of PPS16 does not outweigh the objections to the appeal development in respect of PPS21 and the BNMAP.
20. It is accepted that the SCA does not preclude development. However, the purpose of such a designation is to protect a highly scenic upland environment of unique

quality by prohibiting development except for the kind prescribed in the BNMAP. In this case the appeal development fails against Policy COU1 of the BNMAP and no persuasive exceptional circumstances were put forward to justify it. Policy CTY1 of PPS21 also says that other types of development will only be permitted where there are overriding reasons why that development is essential. No evidence was provided to demonstrate how the development is essential. The material considerations put forward do not outweigh these failures. Accordingly, I find that the reasons for refusal are sustained, insofar as specified.

21. I understand that works which have taken place outside of the appeal site are under investigation, but this is on land subject to additional environmental designations of no direct relevance to the appeal development. There is no requirement in policy to demonstrate a tourism need and any confusion around the name of the appeal site and that of a competing business is a matter for the respective parties. It is noted that the appeal is seeking retrospective approval for development. However, works that require planning permission are always undertaken at an Appellant's own risk. It is for the Council to investigate any alleged failures to comply with certain aspects of previous permissions at the site. Some of the other issues raised are civil matters that cannot be addressed in the context of this appeal. These and the additional objections, when considered both individually and cumulatively, would not warrant the dismissal of the appeal.
22. The SCA was identified and designated as part of the plan process following the outcome of countryside assessments and its extent was validated through that statutory process. The rationale for the SCA and its overall size cannot be reassessed in the context of this appeal. If the Appellant wishes to challenge the basis for designating a SCA in this particular area there are mechanisms for so doing through the impending development plan process.
23. The reasons for refusal are sustained, as stated. Accordingly, the appeal must fail.

This decision is based on the site location plan @ 1:2500 and site layout @ 1:500 stamped refused by the Council on 3 November 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:-	Ms L Grant (Newry, Mourne & Down Council)
Appellant(s):-	Mr A Stephens (Agent)
Third Parties:-	Mr T Gourley (Agent for some Objectors) Mr J Rogers (74 Ballagh Road) Ms M Brennan (71 Ballagh Road) Ms S Byrne (29 Ballagh Road) Mr & Mrs Doyle (37 Ballagh Road) Mr F Harper (77 Ballagh Road) Mr B Rooney (23 Ballagh Road) Mr & Mrs C Rooney (31 Ballagh Road) Mr J Wells (MLA)

List of Documents

Planning Authority:-	"A" Statement of Case "C1" Post Hearing Evidence
Appellant(s):-	"B" Statement of Case
Third Parties:-	"C" Statement of Case from Mr & Mrs Doyle "D" Statement of Case from Mr Harper "E" Statement of Case from Mr B Rooney "F" Statement of Case from Mr T Gourley



Appeal Decision

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Appeal Reference:	2017/A0099
Appeal by:	Mr John Tumelty
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Between 18 and 20 Commons Road and 24 Commons Road, Ballykinler, Downpatrick
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2017/0033
Procedure:	Written representations and accompanied site visit on 3 rd January 2018
Decision by:	Commissioner Diane O'Neill, dated 15 th January 2018

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development:
 - is acceptable in principle in the countryside
 - would create ribbon development
 - would be sited within an existing cluster of buildings
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within ADAP and is within the countryside. The ADAP has no material policies for dealing with dwellings in the countryside.
4. 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. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context for the appeal proposal.
5. 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. The appellant

- argued that the appeal proposal would be sited within an existing cluster of buildings in accordance with Policy CTY 2a of PPS 21 and would be the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
6. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of the following criteria are met: the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; the cluster appears as a visual entity in the local landscape; the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads; the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and development would not adversely impact on residential amenity. While the planning authority accepted that there is a grouping of mainly roadside development, it did not consider that it was a cluster which would appear as a visual entity in the local landscape. They also objected to the third criterion as the cluster was not associated with a focal point such as a social/community building or located at a crossroads.
 7. The appellant argued that the requirement under Policy CTY 2a for there to be a social/community building/facility or location at a crossroads was modified by the SPPS to ask for the cluster to be associated with a focal point. Para 1.12 of the SPPS however states that where it is silent or less prescriptive on a particular planning policy matter than retained policies, that this should not be judged to lessen the weight to be afforded to the retained policy. At any rate, relying on a dwelling that is under construction at No.20A due to its anticipated dominance is not an appropriate focal point and could be applicable at numerous locations throughout the countryside. Whilst it was claimed that historically and culturally there was a crossroads at this location which lead to Dundrum Bay, there is now no sense of a crossroads with a narrow lane to a number of residential and agricultural properties located opposite the laneway that serves the buildings at No.18, 20A which is under construction, No.20 and No.22. Although the appellant considered the development at this location to be a focal point, it is clear that the cluster has to be associated with a focal point rather than be the focal point.
 8. From both approaches along the Commons Road, whilst the existing development and topography screens views of the appeal site, the development here does not appear as a cluster which has a visual entity in the local landscape. Rather it appears as two separate ribbons of development one being along the Commons Road (Nos. 24, 26 and 28) and the other along the laneway to Nos.18, 20A, No.20 and No.22. The dwelling at No.25 Commons Road, located on the opposite side of the road, does not make the development here appear as a cluster. Despite the elevated nature of the development, there is no sense of arrival as claimed by the appellant.
 9. As the proposal would not be sited at an existing cluster of development, there is no support for the proposal in terms of Policy CTY 2a.

10. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met: the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met. The appellant made reference to the visual linkage of the development however this reference in paragraph 5.33 of Policy CTY 8 is in the context of identifying ribbon development as opposed to a test to be applied when identifying an infill opportunity.
11. Policy CTY 8 states that for the purpose of the policy that the definition of a substantial and built up frontage includes a line of 3 or more buildings along a *road frontage* (my emphasis) without accompanying development to the rear. The appeal site immediately abuts the Commons Road however would be accessed via a private lane off Commons Road. The appellant argued that the appeal site was both a gap site within a frontage of development along the Commons Road and also along the private laneway. In terms of the development along Commons Road, the appellant argued that the substantial and built up frontage was from and included the laneway serving No.18, No. 20A which is under construction, No.20 and No.22; the land to the west of No.18; the appeal site; and the buildings at Nos. 24, 26 and 28 Commons Road.
12. The reference in paragraph 5.33 of Policy CTY 8 to a road frontage including a footpath or private lane is however in terms of where you can assess a proposal. The laneway is simply an access to a number of buildings which have a frontage onto the laneway. Whilst No.18 faces onto and is accessed from the lane, the appellant argued that the rough grassed area to the west of the dwelling, and at the corner of the laneway and Commons Road, is part of its plot. The planning permission for No.18 Commons Road was not provided by the appellant in order to demonstrate the extent of the approved site and this western area is entirely enclosed by post and wire fencing. Irrespective of a pallet sitting on the western side of No.18 at the north-eastern boundary of the fenced off area, there is no more access via No.18 to this grassed enclosure than from any of the area's other boundaries. Irrespective of the arguments that this area is owned by the residents of No.18, was used in the past for recreational purposes by the then residents of No.18, that No.18 is located within a restricted curtilage and that the dwelling is visible from the road, I am not persuaded that this area makes No.18 have a frontage onto the Commons Road. There are therefore three buildings (Nos.24, 26 and 28) along the identified Commons Road frontage. As there is no building to the west of the appeal site along the frontage there is therefore no small gap within a substantial and built up frontage.
13. Only the access to the appeal site, between the dwelling at No.18 and that under construction at No.20A, would be from the laneway with the area where the proposed built development could be located having a frontage onto the Commons Road. There is therefore no small gap site along the laneway sufficient to accommodate up to two dwellings.
14. The appellant also suggested that the two adjoining frontages could be considered as one however Policy CTY 8 clearly states that the buildings have to be a

singular road frontage. The laneway is at a right angle to Commons Road and the buildings along it clearly form a separate frontage to the buildings located along Commons Road.

15. Being located to the north of No.24 Commons Road, despite the claims that the proposal would round off development, the appeal proposal would add to the ribbon of development (Nos. 24, 26 and 28) along the road which would be detrimental to the character of the countryside. The retention of the post and wire fencing along the Commons Road and taking the access from the laneway would not prevent this adverse effect from occurring. Whilst it would not create ribbon development as stated in the reason for refusal, it is clear from the planning authority's evidence what their concern related to and as the appellant availed of the opportunity to comment on this he has not been prejudiced in relation to this matter. Despite the presence of development to the east of the site, the appeal site acts as a visual relief between the development along the laneway and Commons Road. Accordingly, the second reason for refusal has been sustained.
16. As the proposal does not meet Policies CTY 2a or CTY 8, it is not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. As no overriding reasons were presented as to why the development is essential and could not be located in a settlement, it is contrary to Policy CTY 1 of PPS 21. Accordingly the first reason for refusal is sustained.
17. As the first and second reasons for refusal have been sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing 011:2500 site location map dated received by the planning authority on 10th February 2017

Drawing 02 1:500 block plan dated received by the planning authority on 5th January 2017.

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority (Newry, Mourne and Down District Council):- Ms Catherine Moane

Appellant:-

Mr John Tumelty
Mr Frederick Moore
(agent)

List of Documents

Planning Authority
(Newry, Mourne and Down District Council):-

Statement of Case (PA 1)

Appellant
(Frederic J Moore-agent):-

Statement of Case (A 1)
Rebuttal (A 2)



Appeal Decision

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Appeal Reference:	2017/A0097
Appeal by:	Mr Francis McGeown
Appeal Against:	The refusal of full planning permission.
Proposed Development:	Retention of dwelling partly constructed in substitution of previously approved dwelling.
Location:	Lands 350 metres West of Saval GFC Social Club, fronting Rathfriland Road, Newry, Co. Down
Application Reference:	LA07/2017/0556/F
Planning Authority:	Newry, Mourne and Down District Council.
Procedure:	Informal hearing 20 December 2017
Decision by:	Commissioner Alistair Beggs, 02 January 2018

1. The appeal is dismissed.

Reasons

2. The applicant contended that construction works had commenced on an approved dwelling sited to the west of the appeal dwelling's proposed location. This previous approval was granted under planning appeal 2010/A0287. However, the appellant's contention was disputed by the Council. The proper vehicle for determining whether a material start has been made to a development is through an application for a Certificate of Lawfulness under Section 169 of the *Planning Act (NI) 2011*. No such certificate has been issued in respect of the aforementioned works. Consequently no weight can be attached to the argument that the appeal proposal should be treated as a substitute for the dwelling approved under planning appeal 2010/A0287. The present appeal must therefore be determined in the context as to whether the dwelling would be allowed on the appeal site in its own right.
3. The main issues are therefore whether the appeal proposal is acceptable in principal in the countryside and whether it is visually prominent.
4. The Banbridge Newry and Mourne Area Plan 2015 identifies the appeal site as being in the open countryside, but it contains no policies or proposals relevant to the appeal proposal. The *Strategic Planning Policy Statement for Northern Ireland 2015* does not introduce a more stringent policy context in respect of the appeal development than *Planning Policy Statement 21 – Sustainable Development in the Countryside* (PPS21). PPS21 therefore remains the relevant policy context under which to consider this appeal.
5. Policy CTY1 of PPS21 specifies a range of types of development considered acceptable in principle in the countryside. No case was made that the appeal

dwelling fell within any of the specified ranges of development. Policy CTY1 also states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There was no evidence to demonstrate that the proposal is essential. The proposal is therefore contrary to Policy CTY1 as stated in the Council's first reason for refusal. This first reason for refusal is sustained.

6. Views of the proposed dwelling would be largely limited to when close to its proposed access / egress, particularly on approach from the south. The dwelling on a site sloping away from the road would be about 1.5 metres below road level. Given this, the limited extent of views, undulating topography and the extent of vegetation remaining once visibility splays are taken into account the proposed dwelling would integrate into the landscape. It would not appear prominent in the landscape or erode the rural character of the countryside. As such the Council's second and third reasons for refusal, based on Policies CTY 13 and CTY14 of PPS21 relating respectively to integration and rural character, are not sustained.
7. As the Council's first reason for refusal is sustained the appeal must fail.

This decision relates to the following plans stamped refused by the Council on 4 August 2017:

Council Ref:	Scale:	Description:
01	1:1250	Site Location Map
02	1:500	Site Layout Plan
03	1:50	Ground floor Plan
04	1:50 & 1:100	First Floor & Elevations
05	1:50	Sections

COMMISSIONER ALISTAIR BEGGS

2017/A0097**Attendance**

Council: Ms Grant

Appellant: Mr Young, Collins & Collin, agent
Mr Digney

Documents

Council: 'A' Statement of Case

Appellant: 'B' Statement of Case



Appeal Decision

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Appeal Reference:	2017/A0096
Appeal by:	Mr Raymond Rice
Appeal against:	Outline Planning Permission
Proposed Development:	Infill site for two dwellings
Location:	Land immediately north of No 36 Flagstaff Road Newry
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/0615/O
Procedure:	Written Representations with Commissioner's site visit on 5 th January 2018
Decision by:	Commissioner Helen Fitzsimons 15 th January 2018.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development : -
 - would result in ribbon development and be harmful to rural character;
 - is essential in the countryside;
 - would integrate into the countryside; and if
 - it would harm the special character of an Area of Outstanding Natural Beauty (AONB)
3. The appeal site lies outwith any settlement or designation as defined by the Banbridge Newry and Mourne Area Plan 2015 (BNMAP). There are no plans or policies pertaining to the appeal proposal within BNMAP. Planning Policy Statement 21 'Sustainable Development in the Countryside '(PPS 21) is material to this appeal.
4. 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. One of these is a dwelling in accordance with Policy CTY 8 'Ribbon Development'. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it also includes the exception that 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 will be permitted provided such development 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 purposes of this policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

5. Paragraph 5.34 of the policy states that 'Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.' The paragraph continues that 'In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.' The Planning Authority considers that the gap which exists could accommodate more than two dwellings.
6. The appeal site, which comprises the western and south-western portion of a larger roadside field, lies on the north eastern side of Flagstaff Road which is typified by a more or less continuous line of roadside dwellings located between No. 26 Flagstaff Road and beyond No. 36 Flagstaff Road. Within this line of road frontage development plots widths vary greatly and range from 30m to 79m. The southern side of Flagstaff Road is defined by an extensive number of road frontage dwellings on plots of varying sizes.
7. I am clear that it 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. For this reason, it is distinguishable from Appeal 2015/A0072 and planning permission LA07/2016/1689/F. The Planning Authority has sustained its second reason for refusal based on Policy CTY 8 of PPS 21.
8. Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable in five stated circumstances one of which is (d) it creates or adds to a ribbon of development (see Policy CTY 8). As I have already concluded that the proposed development fails Policy CTY 8 it must also fail Policy CTY 14 and the Planning Authority has sustained its third reason for refusal.
9. Policy CTY 1 also states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. I was given no evidence regarding overriding

reasons why the proposed development is essential and could not be located in a settlement. The Planning Authority has sustained its first reason for refusal based on Policy CTY 1 of PPS 21.

10. Policy CTY 13 of PPS 21 'Integration and Design of Buildings in the Countryside' says that planning permission will be granted for a building in the countryside where it can be visual integrated into the surrounding landscape and is of an appropriate design. It continues that a new building will be unacceptable in seven stated cases. Two of these are (b) the site lacks long established boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and (c) is that it relies primarily on the use of new landscaping for integration. Because the appeal site is carved out of a larger field its north-eastern boundary is undefined. Its north-western boundary is formed by post and wire fencing. The boundary with No 36 comprises ranch style fencing atop a 1m high wall, notwithstanding the roadside vegetation, much of which would have to be removed to facilitate the proposed access arrangements; none of these features would offer any degree of integration into the landscape for the proposed development and criterion (b) would not be met. In such circumstances the proposed development would rely solely on new planting and this is contrary to criterion (c) of Policy CTY 13 of PPS 21. The proposal granted planning permission under LA07/2016/1689/F benefited from mature boundary landscaping which it was proposed to retain, and it is therefore distinguishable from this appeal. The Planning Authority has sustained its fourth reason for refusal.
11. The appeal site lies within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). Policy NH 6 of Planning Policy Statement 2 'Natural Heritage' (PPS 2) states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all three stated criteria are met. The Local Authority raised objections under criterion (a) that the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The Planning Authority have given me no description of the quality of this AONB or told me how the siting of the proposed development is unsympathetic to it. From my own observations there is little awareness of any special character of the AONB in this location due to the substantial suburban nature of development on both sides of this part of Flagstaff Road. The addition of the proposed development within this heavily developed area would have no further adverse impact on the AONB and would not be unsympathetic to it. The Planning Authority has not sustained its fifth reason for refusal based on Policy NH 6 of PPS 2.
12. However, as the proposed development has failed Policies CTY 1, CTY 8, CTY 13 and CTY 14 of PPS 21 the appeal must fail and planning permission is withheld.

This decision is based on the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS

Documents

2017/A0096

List of Documents

Planning Authority: - PA 1 Written Statement and Appendices

Appellant: - A 1 Written Statement and Appendices