



May 8th, 2018

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 9th May 2018** at **10:00 am** in the **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

**Chair: Councillor G Craig**

**Vice Chair: Councillor K Loughran**

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

# Agenda

## 1.0 Apologies.

## 2.0 Declarations of Interest.

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

- **Item 6** - P/2014/0427/0 - Joseph McGivern - **Councillor Murnin** was not present for the first presentation and cannot take part in the discussion/decision on this application.

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 11 April 2018. (Attached).

📎 *Planning Committee Mins 11.04.18.pdf*

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### *For Discussion/Decision*

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

📎 *Addendum list - 09-05-2018.pdf*

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

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## 6.0 P/2014/0427/0 - Joseph McGivern - site for dwelling - to the rear and south of 2 Berkley Grove, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

(Representatives from Transport NI have been invited to attend for discussion on this item)

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

📎 *P-2014-0427-O Joseph McGivern.pdf*

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📎 *Item 6 - submission of support (Joseph McGivern).pdf*

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## 7.0 LA07/2017/0426/F - Norman McBriar & Son - proposed change of use from ground floor commercial unit to funeral home - 37 Saintfield Mill, Saintfield. (Case Officer report attached).

Rec: APPROVAL

- A written objection has been received from Sally and Peter Woods. **(Submission attached)**.
- A request for speaking rights has been received from Ellenmarie Ward objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from Mark McBriar, Donna Spiers and Barry Spiers, in support of the application. **(Submission attached)**.

LA07-2017-0426-F Norman Blair and Son.pdf Page 49

Item 7 - objection (Sally & Peter Woods).pdf Page 55

Item 7 - objection from Ellen Ward (McBriar & Son).pdf Page 56

Item 7 - submission of support (Norman McBriar).pdf Page 58

## 22.0 LA07/2018/0180/F - Derek and Rachel Elmore - 1 No. detached dwelling - directly opposite and east of Nos. 1 and 1a Alexander Drive, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Maureen McParland on some issues of concern re: the application. **(Submission attached)**.
- A request for speaking rights has been received from Colin McCaul, objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor M Carr. **(Attached)**.
- A request for speaking rights has been received from Barney Dinsmore, agent, in support of the application. **(Attached)**.

LA07-2018-0180-F Derek and Rachel Elmore.pdf Page 60

Item 22 - letter from M McParland (Elmore).pdf Page 68

Item 22 - objection from DEA Cllr. Carr (Elmore).pdf Page 69

Item 22 - submission of support ((Elmore).pdf Page 70

Item 22 - submission of objection Colin McCaul (Elmore).pdf Page 78

**8.0 LA07/2017/0825/RM - Education Authority of NI - Post primary school, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (Strangford Road and Quoile Road) and off site road improvements (outline approval R/2009/0476/O) - Lands located between and accessed from Strangford Road and Quoile Road and adjacent to former Down District Council Offices at Strangford Road Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

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

[LA07-2017-0825-RM Education Authority NI.pdf](#) Page 79

[Item 8 - submission of support \(Education Authority\).pdf](#) Page 91

**9.0 LA07/2017/1204/0 - Mr N Davis - site for farm dwelling - adjacent to and NW of 12 Brae Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from William Wallace, agent, in support of the application. **(Attached).**

[LA07-2017-1204-O Mr N Davis.pdf](#) Page 92

[Item 9 - submission of support \(N Davis\).pdf](#) Page 101

**10.0 LA07/2017/1258/0- Derek Jackson - farm dwelling and garage - adjacent to 18 Templeburn Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- Councillor Harvey has advised of his support for this application.
- A request for speaking rights has been received from David Burgess, agent and Peter Jackson, in support of the application. **(Submission attached).**

[LA07-2017-1258-O Derek Jackson.pdf](#) Page 106


[Item 10 - submission of support \(Derek Jackson\).pdf](#) Page 112



**11.0 LA07/2017/1326/F - Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo, Newry. (Case Officer report attached).**

Rec: REFUSAL

- Councillor Clarke has requested that this application be removed from the addendum list on the basis that an office meeting would resolve the issue - the applicant is willing to work with planning officers to locate the house so that it will cluster.


 [LA07-2017-1326-F Peter Morgan.pdf](#)

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**12.0 LA07/2017/1478/F - Mr P Bloomfield - infill dwelling - 40m south 64 The Heights, Loughinisland, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

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

 [LA07-2017-1478-F P Bloomfield.pdf](#)

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 [Item 12 - submission of support \(P Bloomfield\).pdf](#)

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**13.0 LA07/2017/1332/0 - Leanne Flannagan - proposed dwelling on a farm - adjacent to 11 Wateresk Road, Dundrum. (Case Officer report attached).**

Rec: REFUSAL

- Planning Officers have confirmed this application has been withdrawn from the planning process at the request of the agent.

 [LA07-2017-1332-O Leanne Flannagan.pdf](#)

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**14.0 LA07/2017/1712/F - Orlock Ltd - Alterations to access, removal of conditions 7 & 8 (Landscaping & Buffer Planting) of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and plans) - Site adjacent and south of 1 Rowallane Close Saintfield. (Case Officer report attached).**

Rec: APPROVAL

- A written letter of objection has been received from Gary and Angela Hutchison.

**(Attached).**

- A written letter of objection has been received from Nathan Scott. **(Attached).**
- A written letter of objection has been received from Stephanie Murray. **(Attached).**
- A written letter of objection has been received from D McGowan. **(Attached).**
- A written letter of objection has been received from John Haughey.
- A written letter of objection has been received from Mrs S Sloan. **(Attached).**
- A request for speaking rights has been received from Adrian Murray, objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Andy Stephens, Matrix Planning, in support of the application. **(Submission attached).**

 <i>LA07-2017-1712-F Orlock Ltd.pdf</i>	<i>Page 159</i>
 <i>Item 14 - written objection from G Hutchison).pdf</i>	<i>Page 168</i>
 <i>Item 14 - written objection from N Scott.pdf</i>	<i>Page 170</i>
 <i>Item 14 - written objection from S Murray.pdf</i>	<i>Page 172</i>
 <i>Item 14 - submission of objection from A Murray.pdf</i>	<i>Page 176</i>
 <i>Item 14 - submission of support (Orlock Ltd).pdf</i>	<i>Page 177</i>
 <i>Item 14 - written objection (D McGowan).pdf</i>	<i>Page 180</i>

## **15.0 LA07/2017/1854/0 - Mr J McIlmail - proposed dwelling and garage - lands contained between 71 & 73 Lisoid Road, Bright, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

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

 <i>LA07-2017-1854-O Mr J McIlmail.pdf</i>	<i>Page 183</i>
 <i>Item 15 - submission of support (J McIlmail).pdf</i>	<i>Page 190</i>

## **16.0 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

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission attached)**.

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

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📄 *Item 16 - submission of support (Wolfhill Developments).pdf*

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**17.0 LA07/2017/1624/0 - Thomas Stevenson - replacement dwelling - 50m NW of 18 Turloughs Hill Annalong and 80m NW of the dwelling which is to be replaced at 20 Turloughs Hill. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2017-1624-O Thomas Stevenson.pdf*

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📄 *Item 17 - submission of support (Thomas Stevenson).pdf*

*Page 208*

**18.0 LA07/2017/1721/F - Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - 147m SE of 21 Millvale Road, Bessbrook, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Jimmy McAdam, agent, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor Taylor, in support of the application, on the basis of the submission from the agent.

📄 *LA07-2017-1721-F Millvale Services Ltd.pdf*

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📄 *Item 18 - submission of support (Millvale Services).pdf*

*Page 214*

**19.0 LA07/2017/1764/F - Joe Harvey - dwelling and detached garage on a farm - 120m west of 15 Drummuckavall Road, 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)**.

📄 *LA07-2017-1764-F Joe Harvey.pdf*

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**20.0 LA07/2017/1826/F - Damien Reilly - single storey rear extension - 46 Parkview, Newtowncloughogue, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2017-1826-F Damien Reilly.pdf

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Item 20 - submission of support (Damien Reilly).pdf

Page 233

**21.0 LA07/2018/0034/F - Seamus Gregory - 2 storey rear extension to existing dwelling - 184 Concession Road, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2018-0034-F Seamus Gregory.pdf

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Item 21 - submission of support (Seamus Gregory).pdf

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*For Noting*

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**23.0 April 2018 Planning Committee Performance Report. (Attached).**

APRIL 2018 Planning Committee Performance Report.pdf

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

Record of Meetings report.pdf

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**25.0 April 2018 Appeals and Decisions. (Attached).**

April 2018 Appeals and Decisions.pdf

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# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@nmandd.org">terry.andrews@nmandd.org</a>
Cllr Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr Robert Burgess	<a href="mailto:robert.burgess@nmandd.org">robert.burgess@nmandd.org</a>
Cllr Pete Byrne	<a href="mailto:pete.byrne@nmandd.org">pete.byrne@nmandd.org</a>
Cllr Michael Carr	<a href="mailto:michael.carr@nmandd.org">michael.carr@nmandd.org</a>
Cllr charlie casey	<a href="mailto:charlie.casey@nmandd.org">charlie.casey@nmandd.org</a>
Cllr William Clarke	<a href="mailto:william.clarke@nmandd.org">william.clarke@nmandd.org</a>
Cllr Garth Craig	<a href="mailto:garth.craig@nmandd.org">garth.craig@nmandd.org</a>
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Ms Alice Curran	<a href="mailto:alice.curran@nmandd.org">alice.curran@nmandd.org</a>
Cllr Laura Devlin	<a href="mailto:laura.devlin@nmandd.org">laura.devlin@nmandd.org</a>
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Cllr Cadogan Enright	<a href="mailto:cadogan.enright@nmandd.org">cadogan.enright@nmandd.org</a>
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Mr Liam Hannaway	<a href="mailto:liam.hannaway@nmandd.org">liam.hannaway@nmandd.org</a>
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Mr Roland Moore	<a href="mailto:roland.moore@nmandd.org">roland.moore@nmandd.org</a>
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Cllr Barra O Muiri	<a href="mailto:barra.omuiri@nmandd.org">barra.omuiri@nmandd.org</a>
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Cllr David Taylor	<a href="mailto:david.taylor@nmandd.org">david.taylor@nmandd.org</a>
Cllr Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
Cllr John Trainor	<a href="mailto:john.trainor@nmandd.org">john.trainor@nmandd.org</a>
Cllr William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>
Mrs Marie Ward	<a href="mailto:marie.ward@nmandd.org">marie.ward@nmandd.org</a>

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL****Minutes of the Planning Committee Meeting held on Wednesday  
11 April 2018 at 10.00am in the Boardroom, Monaghan Row,  
Newry**

<b>Chairperson:</b>	Councillor G Craig
<b>Deputy Chairperson:</b>	Councillor K Loughran
<b>In attendance:</b>	<b>(Committee Members)</b>
Clarke	Councillor C Casey
Councillor G Hanna	Councillor W
Larkin	Councillor L Devlin
McAteer	Councillor V Harte
	Councillor M
	Councillor J Macauley
	Councillor D
	Councillor M Ruane
	<b>(Officials)</b>
	Ms M Ward
	Director, Enterprise, Regeneration, and Tourism
	Mr A McKay
	Chief Planning Officer
	Mr P Rooney
	Principal Planning Officer
	Ms A McAlarney
	Senior Planning Officer
	Ms J McParland
	Senior Planning Officer
Officer	Mr A Davidson
	Senior Planning
	Ms L Coll
	Legal Advisor
	Ms E McParland
	Democratic Services Manager
	Ms C McAteer
	Democratic Services Officer
	Ms P McKeever
	Democratic Services Officer

**P/027/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received for Councillor Murnin. It was noted that Councillors Clarke and Devlin would be late attending the meeting.

**P/028/2018: DECLARATIONS OF INTEREST**

No declarations were received

**P/029/2018:           DECLARATIONS IN ACCORDANCE WITH  
PLANNING COMMITTEE PROTOCOL PARA. 19  
-   MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item No. 6 - LA07/2016/1092** - Fitzpatrick SSAS - **Councillor Clarke** was not present for the first presentation and **Councillors Devlin, Hanna and Loughran** were not at the site visit and did not take part in the discussion/decision on this application.
- **Item No. 7 - LA07/2017/1394/F** - Mr and Mrs B Gibney - **Councillors Clarke, Devlin, Hanna and Loughran** were not present at the site visit and **Councillor Ruane** was not present for the first presentation and did not take part in the discussion/decision on this application.
- **Item No. 15 - R/2014/0499/RM** - Dunmore Construction - **Councillors Clarke and Devlin** previously declared an interest and withdrew from the first presentation and did not take part in the discussion/decision on this application.
- **Item No. 29 - LA07/2015/0248/F** - Sean Fitzpatrick - **Councillors Clarke and Devlin** were not present for the first presentation and did not take part in the discussion / decision on this application.

**P/030/2018:           MINUTES OF PLANNING COMMITTEE  
MEETING HELD ON WEDNESDAY 7 MARCH  
2018**

Read:                   Minutes of Planning Committee Meeting held on Wednesday 7 March 2018. **(Copy circulated)**

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 March 2018 as a true and accurate record.**

**P/031/2018:           ADDENDUM LIST**

Read:                   Addendum List of Planning Applications with no representations received or requests for speaking rights - **Wednesday 11 March 2018. (Copy circulated)**

**AGREED:           It was unanimously agreed to remove the following planning applications from the Addendum List:-**



- **Item 9 - LA07/2017/0426/F** - Norman McBriar & Son – proposed change of use from ground floor commercial unit to funeral home- 37 Saintfield Mill, Saintfield.

**APPROVAL - Removed from the addendum list at the request of Planners, to be presented at the May 2018 Planning Committee Meeting.**

- **Item 24 - LA07/2017/1804/F** - Paddy Murphy – change of house type (previously approved under P/2008/0396/F) – site approx. 300m west of 11 Cranny Road, Newry.  
**REFUSAL - Removed from the addendum list at the request of Councillor Larkin and deferred for one month to accommodate this applicant in his search for documentation supporting his case.**

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to approve the Officer recommendation in respect of the following Applications listed on the Addendum List for Wednesday 11 April 2018

- **Item 10 - LA07/2017/0950/F** - HWM Properties Ltd – housing development with 2 detached and 2 semi-detached dwellings and associated sit works – lands adjacent to and rear of 40 Queens Park, Crossgar, Saintfield.  
**REFUSAL**
- **Item 13 - LA07/2017/1588/F** - Philip Young – 2 storey side extension to a dwelling to allow kitchen/dining/living area with lounge above – 77a Cahard Road, Ballynahinch. **REFUSAL**
- **Item 14 - LA07/2017/1668/F** - Mr & Mrs Joseph Bell – conversion of stables to domestic annex to be used as a granny flat – 33 Cluntagh Road, Crossgar.  
**REFUSAL**
- **Item 17 - LA07/2017/0105/0** - Mr D Hanratty – proposed tourist camping site consisting of 12 No. glamping pods, shower/toilets/utilities building, children's play area and ancillary works – lands 110m SE of 53 Ballintemple Road, Killeavy.  
**APPROVAL**

- **Item 20 - LA07/2017/0945/F** - Board of Govenors St. Joseph's High School – sports facilities, open space and play areas. Access from Dundalk Road – 77 Dundalk Road, Crossmaglen.  
**APPROVAL**
- **Item 21 - LA07/2017/1633/F** - Winnie Hoey – erection of dwelling and associated site works – lands immediately NW and opposite 17 Newry Road, Crossmaglen.  
**REFUSAL**
- **Item 23 - LA07/2017/1802/F** - Bridget Hasson – proposed infill dwelling and domestic garage – 80m NE of 50 Malachy Conlon Park, Cullaville, Newry.  
**REFUSAL**
- **Item 27 - LA07/2018/0314/F** - Newry, Mourne and Down District Council - public art work – full scale replica of the Bessbrook Tram – lands approx. 95m west of 1-6 Derrybeg Villas, Newry. **APPROVAL**

**P/032/2018: APPLICATIONS FOR DETERMINATION**

The following applications were then determined by the Committee:-

(Councillors Hanna and Loughran withdrew from the meeting - 10.20 am)

**(1) LA07/2016/1092/F - Fitzpatrick SSAS**

**Location:**

Lands to the north and west of and the existing Leode Quarry, Leode Road, Hilltown, Newry, Co. Down, BT34 5TJ the site is located approximately 2 miles west of Hilltown.

**Proposal:**

A lateral extension in a predominantly westerly direction to the existing quarry, the construction of a screening landform, followed by the deepening of the enlarged quarry floor and the provision of a holistic restoration concept for the entire mineral development site

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Mandy McClean, resident, in objection to the application.

**Speaking rights:**

DEA Councillor Gillian Fitzpatrick, objecting to the application.

**Speaking rights:**

Andrew Scurfield, agent, and Paul Fitzpatrick, applicant, in support of the application.

During discussions, concern was raised regarding the type of fencing that should be used and it was agreed in the interests of health and safety particularly with regard to young children and vulnerable people that the fencing from neighbouring houses leading to the quarry should be of a more robust type than the 3 strand stock fencing that would be used to secure the entire perimeter of the quarry.

It was also agreed that a Liaison Committee be set up with regular meetings held to discuss any concerns residents may have including noise levels associated with the on-going blasting of the site.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of LA07/2016/1092/F as per the Case Officer report presented to Committee, with the following 3 conditions added to those already outlined in the Planning Officer's report :**

- 1. A Liaison Committee be set up to include Fitzpatrick SSAS and local residents. Representatives from NMDDC should also attend all scheduled meetings in the initial period until the Committee had become established.**
- 2. A more robust type of fencing to be used from the neighbouring houses leading to the quarry and any other identified vulnerable zones, than the 3 strand stock fencing that was to be used along the full perimeter of the quarry.**
- 3. An increased level of screening to be carried out by way of planting trees, shrubs and hedges with mature planting where appropriate.**

**Abstentions: 0**

(Councillors Loughran and Hanna re-joined the meeting - 11.05 am)

**2. LA07/2017/0290/0 - Mr and Mrs McMurray**

**Location:**

110m south of 52 Carsonstown Road, Saintfield

**Proposal:**

Single storey 200sqm house with outbuilding garage and stores

**Conclusion and Recommendation from Planning Official:  
Refusal****Speaking rights:**

Stephen Douglas, Agent, in support of the application.

During discussion on the application, Ms Coll advised Committee Members of the importance of basing any decision on the evidence before them and evidence held by Planners on file. She stressed if the Planning Officers were advising that documentary evidence was required, then that was what was needed.

Councillor McAteer proposed and Councillor Loughran seconded to accept the Officers recommendation to refuse the application.

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

**FOR: 2**  
**AGAINST: 6**  
**ABSTENTIONS: 1**

**The proposal was declared lost.**

Councillor Hanna proposed and Councillor Ruane seconded to defer Planning Application LA07/2017/0290/O for one month to allow the applicant time to submit documentary evidence to substantiate his claims that the farm was established and active.

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

**FOR: 7**  
**AGAINST: 1**  
**ABSTENTIONS: 1**

**The proposal was declared carried.**

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2017/0290/O for one month to allow the applicant time to submit documentary**

**evidence to substantiate his claims that the farm was established and active.**

**(3) LA07/2017/1394/F - Mr and Mrs Gibney**

(Councillors Hanna, Loughran, Devlin and Ruane withdrew from the meeting – 11.30 am)

**Location:**

Lands 80m east of No. 89 Demesne Road, Edendariff, Ballynahinch

**Proposal:**

Dwelling and garage on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Ewart Davis, Agent, in support of the application.

(Councillor Devlin joined the meeting at 11.40am)

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2017/1394/F contrary to officer recommendation on the basis that as a result of attending the site visit, he considered there was sufficient visual linkage with the other existing agricultural buildings.

This proposal fell as it was not seconded.

Councillor Larkin proposed and Councillor Casey seconded to issue a refusal in respect of Planning Application LA07/2017/1394/F as per the information and recommendation contained in the Case Officer report presented to Committee.

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

**FOR: 4**  
**AGAINST: 2**  
**ABSTENTIONS: 0**

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Casey it was agreed to issue a refusal in respect of Planning Application LA07/2017/1394/F**



**as per the information and recommendation contained in the Case Officer report presented to Committee.**

(Break 11.55am - 12.10pm)

(All Councillors re-joined the meeting)

**4. LA07/2017/1077/O - Eammon O'Rourke**

**Location:**

Lands to the SE of 32 Dromara Road, Leitrim, Castlewellan

**Proposal:**

Dwelling on a farm including garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

John Cleland, Agent, in support of the application

During discussion on the application a query was raised in relation to the views of NIEA.

Ms Coll reminded Committee Members of the need to assess the application based on information before them and the duty of applicants to provide full information and documentation. She advised to also be mindful of the comments of the Head of Planning and Senior Planner regarding planning requirements and policy.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2017/1077/O as per the information and recommendation contained in the Case Officer report presented to Committee.

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

**FOR: 7**  
**AGAINST: 3**  
**ABSTENTIONS: 1**

**The proposal was declared carried.**

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to issue a refusal**

**in respect of Planning Application  
LA07/2017/1077/O as per the information and  
recommendation contained in the Case Officer  
report presented to Committee.**

**5. LA07/2017/1405/O - Mr V McNabb**

**Location:**

65m SW of 7 Ballystrew Road, Downpatrick

**Proposal:**

Proposed site for infill dwelling, detached garage and associated site works

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Barry Fletcher, Agent, in support of the application.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2017/1405/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

**6. LA07/2017/1668/F - Mr & Mrs Joseph Bell**

**Location:**

33 Cluntagh Road, Crossgar

**Proposal:**

Conversion of stables to domestic annex to be used as a granny flat

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, Agent, in support of the application.

Councillor Ruane proposed and Councillor Hanna seconded to issue a refusal in respect of Planning Application LA07/2017/1668/F as per the information and recommendation contained in the Case Officer report presented to Committee.

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

**FOR: 6**  
**AGAINST: 5**  
**ABSTENTIONS: 0**

**The proposal was declared carried.**

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/1668/F as per the information and recommendation in the Case Officer report presented to Committee.**

(Councillors Devlin and Clarke withdrew from the meeting at 1.10pm)

**7. R/2014/0499/RM - Dunmore Construction**

**Location:**

Lands adjacent to 8 Middle Tollymore Road, and opposite No. 11, 13, 15 Middle Tollymore Road, Newcastle

**Proposal:**

Proposed housing development including alterations to existing junction on Middle Tollymore Road and Tollymore Road

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Ciaran MacFerran and Elizabeth Hardy, on behalf of Sharon Murphy, objecting to the application.

**Speaking rights:**

Colin D'Alton, agent; Michael Rodgers, applicant and David Donaldson, Planning Consultant, in support of the application.

During discussion on the application Ms Coll advised the reference made by Mr MacFerran to guidance on the use of planning conditions from the Ministry of Housing, Communities & Local Government applied to the UK and Wales and although informative, was not binding. In response to a query, she confirmed case law was more relevant and a negative condition could be imposed in line with what the Planning Department had recommended.



**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application R/2014/0499/RM as per information and recommendation in the Case Officer's report presented to Committee and draft conditions circulated at the meeting.

(Lunch break 1.30pm - 2.15pm)

**8. LA07/2017/1866/F - Mr & Mrs Murphy**

**Location:**

Approx. 35m NW of Mullaghduff Road, Ballymarea, Cullyhanna

**Proposal:**

Erection of dwelling and garage (change of house type and access position from that previously granted under planning application (P/2006/2029/RM))

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Stephen Hughes, Agent, in support of the application.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1866/F contrary to officer recommendation on the basis that documentary evidence confirmed that work had commenced on site before 15 November 2010.

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

**9. LA07/2016/1407/F - Richard Newell**

(Not audio recorded)

**Location:**

75a Glasdrumman Road, Annalong

**Proposal:**

Proposed extension of curtilage of existing dwelling house and retention of existing domestic boat house and yard

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Glyn Mitchel, Agent, in support of the application.

Ms Coll advised the Committee to exercise caution if they wanted to step away from the Area Plan and said they must consider whether the building was appropriate in the particular location applied for.

Councillor Hanna proposed and Councillor Larkin seconded to issue an approval in respect of Planning Application LA07/2016/1407/F contrary to officer recommendation on the basis that in their view the agent had demonstrated there was a need to extend the curtilage of the property to accommodate the applicant's need for a boat store; the proposal would not adversely affect the proposed housing development on these lands and the proposal was not out of character in the area given the size and extend of the building beside it.

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

<b>FOR:</b>	<b>4</b>
<b>AGAINST:</b>	<b>7</b>
<b>ABSTENTIONS:</b>	<b>0</b>

**The proposal was declared lost.**

Councillor McAteer proposed and Councillor Ruane seconded to issue a refusal in respect of Planning Application LA07/2016/1407/F as per information and recommendation contained in the Case Officer report presented to Committee.

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

<b>FOR:</b>	<b>7</b>
<b>AGAINST:</b>	<b>4</b>
<b>ABSTENTIONS:</b>	<b>0</b>

**The proposal was declared carried.**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to issue a refusal in**

**respect of Planning Application LA07/2016/1407/F  
as per officer recommendation.**

**10. LA07/2017/0562/F - John Perry**  
(Not audio recorded)

**Location:**

Approx. 320m NW of 21 East Council Road, Maghereagh, Ballymartin

**Proposal:**

Erection of dwelling and garage in substitution for dwelling approved under application P/2008/0825/RM

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Seanin Hann, Agent, in support of the application.

Councillor Hanna proposed and Councillor Macauley seconded to issue an approval in respect of Planning Application LA07/2017/0562/F contrary to officer recommendation on the basis that documentary evidence confirmed that works had already commenced on site.

Mr McKay reminded the Committee that this Planning Application had previously been refused by Council and there had been no change in circumstances since the last decision made by the Council. Mr McKay said this decision had been upheld by the PAC.

Ms Coll also cautioned the Committee against overturning this former decision. She said the PAC had determined that this application had not commenced and she would strongly caution the Committee against overturning the Planning Officer's recommendation.

Ms Coll said that each planning application had to be looked at individually and it could not be the view of Committee that every application that had pre commencement works should automatically be approved.

Councillor Craig stated that to allow the matter to be discussed in more detail, the Committee should go into closed session.

**AGREED: On the proposal of Councillor Macauley seconded by Councillor Devlin it was agreed to go into closed session in accordance with paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to the financial or**

**business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.**

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was agreed to come out of closed session.**

When the meeting came out of closed session, the Chairperson asked members to vote by way of a show of hands on the proposal that had been put forward by Councillor Hanna and seconded by Councillor Macauley to issue an approval in respect of Planning Application LA07/2017/0562/F contrary to the information and officer recommendation in the Case Officer report presented to Committee, on the basis that documentary evidence confirmed that works had already commenced on site.

**FOR: 3**  
**AGAINST: 4**  
**ABSTENTIONS: 4**

**The proposal was declared lost.**

Councillor McAteer proposed and Councillor Devlin seconded to defer Planning Application LA07/2017/0562/F to allow time to seek written legal advice on how to deal appropriately with this planning application and other similar planning applications.

The proposal was put to a vote and voting was as follows:

**FOR: 4**  
**AGAINST: 1**  
**ABSTENTIONS: 6**

**The proposal was declared carried.**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2017/0562/F to allow time to seek written legal advice on how to deal appropriately with this planning application and other similar planning applications.**

**11. LA07/2017/1697/F - Mr S Hughes**

**Location:**



90M north of 21 Barrawully Road, Jonesborough, Newry (previously Aghadovyle Road)

**Proposal:**

Erection of dwelling and garage (change of house type and garage to that approved under P/2005/1285/0 and P/2008/1063/RM)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr S Hughes Applicant and and Mr B Dinsmore, Agent in support of the application.

Councillor Larkin proposed and Councillor Clarke seconded to issue an approval in respect of Planning Application LA07/2017/1697/F contrary to the information and recommendation in the Case Officer report presented to Committee, on the basis that planning permission had been secured with works relating to the demolition of the former dwelling, sight lines and splays and that these works had already commenced on site before the outline approval had expired as shown by way of a receipt dated 20-09-2010, and that conditions be delegated to the Planning Officers.

Ms Coll reminded the Committee to consider the advice she had given previously with regard to overturning the planning officer's recommendation.

In relation to clarification sought, Mr McKay confirmed this application had not been appealed to the PAC.

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

**FOR: 5**  
**AGAINST: 1**  
**ABSTENTIONS: 5**

**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 LA07/2017/1697/F contrary to officer recommendation on the basis that works had already commenced on site.**

**It was also agreed that Planning Officials be granted authority to impose any relevant conditions.**

**12. LA07/2018/0210/F - Henry Noel Quinn**

**Location:**

260m SE of No. 4 Brackenagh Hall, Mission Road, Ballymartin

**Proposal:**

Change of house type for that approved under P/2004/1287/0 and P/2007/0613/RM

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Patrina Cunningham, Applicant's daughter and Barney Dinsmore, Agent, in support of the application.

Councillor Clarke proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application LA07/2018/0210/F contrary to the information and recommendation in the Case Officer report presented to Committee on the basis that photographic evidence indicated that works had already commenced on site; Building Control had inspected the foundations prior to October 2010; and advice given in generic letters from previous Planning Authority staff meant the applicant believed planning approval had been secured.

Ms Coll again reminded the Committee to consider the advice she had given previously with regard to overturning the planning officer's recommendation. She advised application for a CLUD was an appropriate way for applicants to proceed in such circumstances.

In relation to clarification sought, Mr Rooney confirmed there had been no PAC involvement in this application.

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

**FOR: 6**  
**AGAINST: Nil**  
**ABSTENTIONS: 5**

**The proposal was declared carried.**



**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2018/0210/F contrary to officer recommendation on the basis that photographic evidence indicated that works had already commenced on site; Building Control had inspected the foundations prior to October 2010 and generic advice had been given by the previous Planning Authority staff which led the applicant to believe planning permission had been secured.

**25. LA07/2016/1573/F - Ronald Sloan**

**Location:**

55m SE of 29 Leitrim Road, Kilkeel

**Proposal:**

Replacement dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Brendan Quinn, Agent, in support of the application.

The Planning Officer advised that the dwelling to be replaced had already been demolished and replaced and planning policy stated that a dwelling could only be replaced once.

Ms Coll advised the Committee that to grant planning permission to replace a dwelling, in circumstances, where there was no dwelling to replace, would set a dangerous precedent.

Councillor Devlin proposed and Councillor Ruane seconded to issue a refusal in respect of Planning Application LA07/2016/1573/F as per the information and recommendation in the Case Officer report presented to Committee.

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

**FOR: 6**  
**AGAINST: 4**  
**ABSTENTIONS: 1**

**The proposal was declared carried.**

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2016/1573/F as per the information and recommendation in the Case Officer report presented to Committee.

(Break 4.50pm – 5.00pm)

**26. P/2014/0427/0 - Joseph McGivern**

**Location:**

To the rear and south of 2 Berkley Grove, Warrenpoint

**Proposal:**

Site for dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Brendan Quinn, Agent, in support of the application.

**Speaking rights:**

DEA Councillor Michael Carr in support of the application.

Councillor McAteer proposed and Councillor Macauley seconded to issue an approval in respect of Planning Application P/2014/0427/O contrary to the information and recommendation in the Case Officer report presented to Committee based on the fact that TransportNI (TNI) had already adopted the roads in Berkeley Grove and road traffic statistics indicated no evidence of any traffic accidents at the junction between Berkley Grove and Well Road. It was also noted that this planning application was 'outline' at this stage and conditions could be imposed with regard to the size of the proposed dwelling in due course.

Ms Coll advised the Committee that road safety was of paramount importance and the reasons for going against officer recommendation and consultee advice would have to be comprehensively addressed and documented.

Councillor McAteer said there was a lot of green space remaining in that particular zone, there was a mixture of density and the permission could be subject to conditions, including that of size and the nature of the house.



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

**FOR: 3**  
**AGAINST: 3**  
**ABSTENTIONS: 4**

**The Chairperson used his casting vote and voted against the proposal stating that it would be unwise to go against TNI advice.**

**The proposal was declared lost.**

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Clarke it was unanimously agreed to defer Planning Application P/2014/0427/O for 1 month and to invite representatives from TNI to the next meeting in order that concerns regarding road safety issues could be clarified.**

(5.35pm - Councillor Macauley left the meeting)

**27. LA07/2017/1707/F - Kevin Teggart Senior**  
(Not audio recorded)

**Location:**

Approx. 270m SE of 51 Ayallogue Road, Newry

**Proposal:**

Erection of replacement dwelling with detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Colin O'Callaghan, Agent, in support of the application.

Councillor Larkin proposed and Councillor Casey seconded to issue an approval in respect of Planning Application LA07/2017/1707/F contrary to the information and recommendation in the Case Officer report presented to Committee on the basis that the building had all the characteristics of a former dwelling in that there was evidence of blocked up windows, additionally, its location in the middle of a farmyard would have been in keeping with the location of farmhouse dwellings in the 1800s.

Ms Coll advised the Committee that the Policy test was whether the building still had the characteristics of a dwelling in its current form.

Councillor Larkin said the building had evidence of window openings and a front door which, although now blocked up, would indicate there was an old farm house.

Councillor Clarke said he concurred with the view of Councillor Larkin.

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

**FOR: 7**  
**AGAINST: 2**  
**ABSTENTIONS: 1**

**The proposal was declared carried.**

**AGEED: On the proposal of Councillor Larkin, seconded by Councillor Casey it was agreed to issue an approval in respect of Planning Application LA07/2017/1707/F contrary to Officer recommendation.**

(6.00pm Councillor Hanna left the meeting)

### **LA07/2015/0248/F - Sean Fitzpatrick**

**Location:**

Form hardcore access track: 261m North West of 36A Council Road,  
Kilkeel

**Proposal:**

Erection of 225kw wind turbine with a 40m high monopole and a 3 blade 13.5m radius rotor. Erect equipment room to serve turbine. Form hardcore access track.

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

DEA Councillor H Reilly, on behalf of a group of objectors, objecting to the application.

**Speaking rights:**

Brendan Quinn, Agent, in support of the application.



Councillor Clarke proposed and Councillor Ruane seconded to issue an approval in respect of Planning Application LA07/2015/0248/F as per the information and recommendation in the Case Officer report presented to Committee which indicated that all Statutory Consultees were content with the application.

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

**FOR:** 6  
**AGAINST:** 2

**The proposal was declared carried.**

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2015/0248/F as per officer recommendation.

#### **FOR NOTING**

**P/033/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT MARCH 2018**

Read: Planning Committee Performance Report March 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Planning Committee Performance Report March 2018.

**P/034/2018: 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 Meeting between Planning Officers and Public Representatives.

**P/035/2018: APPEALS & DECISIONS**

Read: Report re: Appeals and Decisions – March 2018.  
**(Copy circulated)**

**AGREED: It was agreed to note the Appeals and Decisions March 2018.**

**P/036/2018: CONTACT FROM PUBLIC REPRESENTATIVES  
- 2 MARCH TO 30 MARCH 2018**

Read: Contact from Public Representatives from 2 March to 30 March 2018. **(Copy circulated)**

**AGREED: It was agreed to note the record of contact from Public Representatives from 2 March to 30 March 2018.**

The Meeting concluded at 6.25pm

For confirmation at the Planning Committee Meeting to be held on 9 May 2018.

**Signed: \_\_\_\_\_ Chairperson**

**Signed: \_\_\_\_\_  
Chief Executive**

## Item 5 - Addendum List

### **Addendum list - planning applications with no representations received or requests for speaking rights - Planning Committee Meeting on Wednesday 11 April 2018**

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

- **Item 11 - LA07/2017/1326/F** - Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo, Newry. **REFUSAL**

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



<b>ITEM NO</b>	<b>D1</b>			
<b>APPLIC NO</b>	P/2014/0427/O	Outline	<b>DATE VALID</b>	15/05/2014
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Joseph McGivern Nadaeven Well Road Warrenpoint BT34 3RS		<b>AGENT</b>	
<b>LOCATION</b>	To the rear and south of 2 Berkley Grove Warrenpoint			
<b>PROPOSAL</b>	Site for dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	2	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

1. 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 of the existing access at Berkeley Grove onto Well Road 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.

2. The proposal is contrary to Policy QD 1 of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments, in that the applicant has failed to demonstrate that the proposal: (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale; and (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

3. The Proposal is Contrary to Policy LC 1 of the Departments Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas in that it has not been demonstrated that a) the proposed density is not significantly higher than that found in the established residential area; (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

4. The proposal is contrary to Planning Policy Statement 6 Addendum Policy ATC 2 and Policy ATC WB 35 of the Newry and Mourne Area Plan 2015, in that it has not been demonstrated that the proposal maintains or enhances the overall character of the ATC zoning and respects the built form of the area.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2014/0427/O

**Date Received:** 20.05.2014

**Proposal:** Site for dwelling

**Location:** To the rear and south of 2 Berkley Grove Warrenpoint. The application site is included in the Mourne Area of Outstanding Natural Beauty (AONB) and within an Area of Townscape Character (ATC) as defined by the Banbridge / Newry and Mourne area Plan 2015. The application site is within the settlement development limits of Warrenpoint and is approximately 10 kilometres South East of Newry city.

**Site Characteristics & Area Characteristics:**

The site to be developed is located to the rear and south of 2 Berkely Grove, Warrenpoint. The application is irregular in shape and is bordered to the south and west by post and wire fencing, mature hedgerows or definable boundaries to the north and east. Land within the application site rises from the south, the site is not clearly visible from the public road. To the north of the site is Berkely Grove, a small housing development accessed via the Well Road. Access into the application site is proposed through Berkely Grove and between No's. 2 and 4. The access is currently overgrown with trees and shrubs.

The application site is just outside the main town centre. The surrounding area is made up of several large single dwelling plots.

**Site History:**

P/1977/0897	BROSSLEY, WALL ROAD, WARRENPOINT	PROPOSED ADDITION TO DWELLING	PERMISSION GRANTED
P/1986/0126	7 SHANDON DRIVE, KILKEEL	RETENTION OF DORMER WINDOWS IN DWELLING	PERMISSION GRANTED
P/1989/0001	SITE 2 BERKLEY GROVE WELL ROAD	Detached domestic garage	PERMISSION GRANTED



	WARRENPOINT		
P/1987/1229	SITE NO.1 NEW HOUSING DEVELOPMENT OFF WELL ROAD WARRENPOINT	Site for dwelling	<i>PERMISSION GRANTED</i>
P/1983/0216	WELL ROAD, WARRENPOINT	PROPOSED SITE FOR HOUSING DEVELOPMENT	<i>PERMISSION GRANTED</i>
P/1988/0023	WELL ROAD WARRENPOINT	Housing development(11 dwellings)	<i>PERMISSION GRANTED</i>
P/1987/1140	ADJACENT TO ROSEMOUNT WELL ROAD WARRENPOINT	Road lay-out for Housing Development	<i>APPLICATION WITHDRAWN</i>
P/2005/2580/F	Nadaeven, Well Road, Warrenpoint	Extensions to dwelling	<i>PERMISSION GRANTED</i>
P/1980/1006	NADARVEN, WELL ROAD, WARRENPOINT	EXTENSION TO DWELLING TO FORM SELF CONTAINED FLAT	<i>PERMISSION GRANTED</i>
P/1989/4071	'NADAEVEN' WELL ROAD WARRENPOINT	Alterations to dwelling	
P/1997/0202	NADAVEEN WELL ROAD WARRENPOINT	Extension to dwelling and domestic Garage	<i>PERMISSION GRANTED</i>
P/2012/0219/F	Nadaeven, Well Road, Warrenpoint, Newry, BT34 3RS,	Erection of single storey side extension to dwelling	<i>PERMISSION GRANTED</i>
P/2008/0550/F	'The Haven', 8a Well Road, Warrenpoint.	Demolition of existing conservatory and side glazed porch. Construction of new entrance porch and rear extension. Extension to kitchen, utility room and shower room.	<i>PERMISSION GRANTED</i>
P/2004/1406/F	Adjacent to The Haven, Well Road, Warrenpoint	Erection of dwelling, garage, and store room	<i>PERMISSION GRANTED</i>
P/2000/1463/F	The Haven, Well Road, Warrenpoint	Sun room/conservatory extension	<i>PERMISSION GRANTED</i>
P/1992/1277	"THE HAVEN"	Erection of building	<i>PERMISSION</i>



	WELL ROAD WARRENPOINT	to enclose existing swimming pool	<i>GRANTED</i>
P/2005/1830/F	Adjacent to 'The Haven' Well Road, Warrenpoint	Erection of dwelling - change of house type.	<i>PERMISSION GRANTED</i>
P/2011/0924/F	1 Broseley Lane - Formerly Well Road, Warrenpoint,	Extension and renovations to existing dwelling and erection of garage	<i>PERMISSION GRANTED</i>
P/2007/0900/F	Lands adjacent and east of Nos 17-19 and 27-30 Drumsesk Place and adjacent and south of Nos 2 and 4 Berkley Grove, Warrenpoint (on site of existing dwelling known as 'Broseley' ('Brosely') off Well Road)	Erection of 17.No residential units comprising 7 No. private dwellings (revised house types) and 2 apartment blocks, containing 5 No.apartments each with new access road leading onto Drumsesk Place.	<i>PERMISSION REFUSED</i>
P/2005/0631/O	Curtilage of Broseley, Well Road, Warrenpoint.	Site for 4 no. dwellings within the curtilage of existing dwelling "Broseley" with new access for "Broseley" and 4 no dwellings onto Drumsesk Place.	<i>PERMISSION GRANTED</i>
P/1980/0412	4 WELL ROAD, WARRENPOINT	PROPOSED ERECTION OF DWELLING	<i>PERMISSION GRANTED</i>
P/1975/0829	THE HAVEN, 4 WELL ROAD, WARRENPOINT	PROPOSED USE OF LAND FOR ERECTION OF BUNGALOW	<i>PERMISSION REFUSED</i>
P/1977/0318	WELL ROAD, WARRENPOINT	PROPOSED SITE OF TWO DWELLINGS	<i>PERMISSION REFUSED</i>
P/2002/0821/O	Curtilage of 'Broseley', Well Road, Warrenpoint - 125m NW of Well Road, Rostrevor Road Junction	Formation of new entrance onto Drumsesk Place, Warrenpoint and provision of 5 No new dwelling sites for detached dwellings within curtilage of existing	<i>PERMISSION GRANTED</i>

		dwelling.	
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### **Planning Policies & Material Considerations:**

The Strategic Planning Policy Statement for Northern Ireland

The Banbridge / Newry and Mourne Area Plan 2015

Planning Policy Statement 7 (PPS 7) - Quality Residential Environments

Planning Policy Statement 7 (Addendum) (PPS 7 Addendum)- Safeguarding the Character of Established Residential Areas

Planning Policy Statement 12 (PPS 12) Housing in Settlements

Planning Policy Statement 3 (PPS3) – Access, Movement and Parking

DCAN 15 – Vehicular Access Standards

### **Consultations:**

There were three consultations issued for this proposal, see details below.

- Department For Infrastructure (DFI Roads) - This application should be refused on grounds of road safety. (09/06/2014). Following receipt of additional information a further consultation was issued to DFI Roads which they responded "taking all matters into account in relation to road safety it is the Department's opinion that this proposal will result in the intensification in use of Berkley Grove" and their refusal comments in the initial response were still appropriate. (25/03/2015)
- NI Water – Generic response (21/07/2014)
- Environmental Health- No objections in principle to this proposal provided as per submission the development is connected to public sewerage system. (13/06/2014)

### **Objections & Representations**

There were seventeen neighbour notifications issued for this proposal. The application was advertised in the local press on 13<sup>th</sup> June 2014. There were two objections letters received which outlined concerns with access and accuracy of the amended P1 form and site location plan. These issues will be addressed in the consideration and assessment section below. One letter of support was received from the occupiers of Brosley.

### **Consideration and Assessment:**

The amended P1 for submitted to the Planning 16<sup>th</sup> December 2014 indicates this is an application for Full Permission, it can be confirmed that that is an application for outline permission only.

A concept plan submitted in December 2014 indicates how the proposed development will sit within the application site. It will be positioned 13 metres west of the adjoining dwelling to the east (Nadaeven) and 19 metres south of the adjoining dwelling to the north (No. 2 Berkely grove) with a F.F.L of 50.7m and will be orientated south.

The application site and immediate surrounds to the east, west and south are included in an ATC within the Banbridge and Newry and Mourne Area Plan with key features outlined as "*a suburban area of large and medium sized demi-detached and*

*detached houses of varied design set in well landscaped gardens and many with generous plots". PPS 6 Addendum Policy ATC 2 states that "The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. "*

Designation as an ATC puts an onus on prospective developers to produce a high standard of design, which respects and is sympathetic to the particular qualities of the area in question. Notwithstanding the acceptability of proposals in terms of other planning issues, the Department will operate a presumption against development that would detract from or fail to maintain the character of the distinct townscape displayed within an ATC. Proposals for residential development are also subject to the provisions of Policy QD 1 of PPS 7 'Quality Residential Environments'. This includes specific reference to ATCs and advises that in such areas: "housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances."

This site is located within the ATC WB35 within the Area Plan, and the proposal seeks to subdivide an existing plot to create a small separate residential site within the grounds of Brosely house. This would set a dangerous precedent within the ATC and open other large detached properties up for further redevelopment. The character of the immediate area within the ATC shows distinctly large plots, this proposal would adversely affect this established character and would result in higher density development within an area designated for its detached dwellings on large plots. The adjacent dwellings of Navaeven, Brosley, The Haven and Rosemount are all large dwellings set in large plots accessed from Well Road. This site is significantly smaller than these plots and would be out of keeping with the pattern of development and overall character of the established residential area as outlined by Policy ATC2 of PPS6 (Addendum) and is therefore contrary to the ATC WB 35 zoning of the Newry and Mourne Area Plan.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create quality and sustainable residential development. 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. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. In Areas of Townscape Character such as this site the housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts

of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

It is the opinion of the Planning Department that this site is out of keeping with surrounding development in that the adjacent land contains larger dwellings and plots. While it is acknowledged that the housing density within Berkley Grove is at a higher density than that existing within the ATC zoning, it must be recognised that Berkley Grove has the access road running through the development and does not have a back to back development that would be created here between this proposed site and No 2 Berkley Grove.

The access through the housing development of Berkley Grove is unacceptable as it would lead to an access road behind to the side and to the front of No 2 Berkley Grove which would have an adverse impact on the amenity of this property and its privacy. While the dwelling plot may be similar to those in Berkley Grove, it is to the rear of the housing development and is considered to be backland development, which is contrary to the character of the existing surrounding area. The Proposal is therefore contrary to Policy QD1 points a and h. As no exceptional circumstances have been forthcoming to warrant a relaxation of these policy grounds refusal is recommended.

Policy LC 1 of the Addendum to PPS 7 states *"In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met: (a) the proposed density is not significantly higher than that found in the established residential area; (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area"*

This proposal would significantly reduce the existing plot sizes within the Well Road ATC and those established within the surrounding area, together with introducing a form and scale of development which is not found within the surrounding area, given that the proposal represents a backland development and this proposal would represent a precedent for introducing a significantly higher density of residential development within the surrounding area. This would open up the remaining large garden sites for future development thus eroding the established character further. While it is acknowledge that Berkley Grove represents a higher density than that within the ATC along Well Road, the spacing between buildings along Berkley Grove is broke up with the presence of the Access road and the fact that none of the properties are back to back but inside have significant distances between the existing large detached properties and Berkley Grove. Therefore the proposal is contrary to both point a and b of LC 1.



AMP 2 states that *"Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic;"*

DFI Roads has recommended refusal on grounds of road safety due to the narrow nature of the existing entrance into Berkley Grove and the requirements for increased site splays onto Well Road, which involves third party lands not within the remit of this application site. Further information was submitted to the Planning Department for consideration in December 2014 which the agent considered highly material to the alleged inadequate visibility at the junction of Berkley Grove and the Well Road. Having re-consulted DFI Roads on this, their refusal reasons are remain unchanged. This proposal is therefore contrary to AMP 2 of PPS 3 in that the development would prejudice road safety due to the increase in intensification of traffic utilising this existing entrance.

**Recommendation:**

Refusal

<p><b>Case Officer Signature:</b> <b>Date:</b></p>
<p><b>Appointed Officer Signature:</b> <b>Date:</b></p>

**Refusal Reasons**

1. 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 of the existing access at Berkley Grove onto Well Road 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.
2. The proposal is contrary to Policy QD 1 of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments, in that the applicant has failed to demonstrate that the proposal: (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale; and (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

3. The Proposal is Contrary to Policy LC 1 of the Departments Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas in that it has not been demonstrated that a) the proposed density is not significantly higher than that found in the established residential area; (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
  
4. The proposal is contrary to Planning Policy Statement 6 Addendum Policy ATC 2 and Policy ATC WB 35 of the Newry and Mourne Area Plan 2015, in that it has not been demonstrated that the proposal maintains or enhances the overall character of the ATC zoning and respects the built form of the area.

# 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](mailto:brendanfrancisquinn@yahoo.co.uk)

Statement in support of planning application  
P/2014/0427/O

Proposal: Site for dwelling.

Location: To the rear and south of 2 Berkley Grove  
Warrenpoint

Applicant: Joseph Mc Givern



## **Background**

This application seeks outline permission for a new dwelling immediately adjacent to and west of the applicant's home at Well Road, Warrenpoint. Access is proposed onto the adopted estate road at Berkley Grove. The Berkley Grove estate road accesses onto Well Road.

TNI's actions in relation to the construction and subsequent comments on the existing junction are totally in-consistent.

As such the Planning Committee have deferred their decision on this application to allow TNI to explain their past and recent actions.

## **Consideration of the refusal reasons**

### **Refusal Reason No 1**

The first reason for refusal relates to the visibility at the junction of Berkley Grove and the Well Road.

In this case TNI has already adopted the roads and foot ways in Berkeley Grove. TNI now say that the visibility at the Well Road junction is unacceptable and

*"not in accordance with the standards contained in the Department's Development Control Advice Note 15".*

Transport NI is the statutory authority charged with responsibility for ensuring that road users' safety is not compromised by new development. Put another way TNI can not legally use tax payers money to adopt and maintain a road if it is not safe in the first instance.

It is therefore inconceivable that TNI would adopt and take into public ownership the Berkley Grove estate road if it joined the Well Road through a substandard junction.

## How is an estate road adopted?

When an estate road is under construction, a TNI engineer (known as the Private Streets Foreman) carries out numerous site visits to check compliance with TNI's standards and the PSD drawings. Once an estate road has been completed to a satisfactory standard, the road moves onto a 1 maintenance period. During this period, TNI inspect the road and the developer is asked to rectify any defects which have occurred such as a cracked kerb, or subsidence around an inspection chamber cover etc etc.

Once TNI are satisfied that the estate road complies with all the requirements, including those relating to visibility, then and only then can the road be adopted and become a public road.

TNI's processes for monitoring the construction of and then adopting an estate road haven't changed in a very long time.

The construction of the roads and junction at Berkley Grove was subject to the same process as that outlined above.

The PSD drawings for Berkley Grove indicate that 4 x 60m visibility splays were to be provided at the new junction. Providing the southern sight splay required the removal of a section of wall in front of Rosemount and the removal of my client's hedge/grass bank. The area in front of Rosemount and my client's hedge/grass bank were to be levelled to 100mm (4") above carriageway level.

Annex A shows the junction as it was approved.

The Developer never contacted my client with a view to removing his hedge/grass bank.

TNI did not insist that this work was undertaken before the road was adopted.

Bearing in mind that TNI's own legislation prevents them from adopting a road/junction which is un-safe, it can only be that case that TNI were content that the new junction was safe and fit for purpose and that the walls, hedges and grass banks mentioned above did not need to be removed.

The adoption papers for phase 1 of the road at Berkley Grove were signed on 26<sup>th</sup> August 1992. The Private Streets foreman who would have inspected the works on site did not have authority to sign such a document;

therefore, we know that at least 2 TNI staff were content with the junction in August 1992.

Annex B is a copy of the adoption statement and an extract from the adopted drawing for the junction with Well Road. As you will see the adoption statement was signed on 26<sup>th</sup> August 1992.

### **Application P/2007/0900/F**

Application P/2007/0900/F proposed 10 apartments and 7 dwellings on the site of Brosely. 16 of the 17 proposed units were to access the public road via Berkley Grove in the same manner as is now proposed.

Roads Service were consulted in relation to application P/2007/0900/F. They responded on 20<sup>th</sup> November 2008 with **no objection** to the proposed access and immediately asked for the drawings required to determine the new estate roads as private streets.

The consultation reply is attached as Annex C.

The initial reply was provided by a senior engineer. Furthermore, Roads Service did not raise any concerns in relation to the junction between Berkley Grove and Well Road.

During the consideration of application P/2007/0900/F, several objectors met with the same senior engineer who repeatedly contented verbally and in writing that the Well Road/Berkley Grove junction was safe and that it could safely provide access for an additional 16 units.

From the annexes, we know that at least 3 TNI engineers were content with the junction between Berkley Grove and Well Road.

2 of these were senior engineers.

We also know that TNI were more than content to allow this same access to serve a total of 27 units in November 2008.

## PSNI Accident Report

I have asked the PSNI for details of any traffic accidents at this junction and their reply is attached as Annex D.

The PSNI have confirmed that between 1<sup>st</sup> April 1998 – 30 November 2017 (19 years and 30 weeks) there are no records of accidents. The report also confirms that no accidents have been reported within 50m of the junction.

Using the widely accepted figure of 1 house generating 10 vehicular movements per day the existing junction has facilitated approximately 785,950 vehicular movements.

Rosemount is and has for a long time been 4 apartments. If we assume that 1 apartment generates 5 movements per day the access to Rosemount, which is right beside the Berkley Grove junction, has dealt with 142,900 movements during the time the PSNI have kept records.

To summarise, a junction which TNI would lead us to believe is currently sub-standard has not caused a traffic accident which was reported to the PSNI within a 19 and a half year period. During this period almost 786,000 successful and safe vehicular movements took place. During this same time almost 143,000 movements took place at the Rosemount access, right beside the Berkley Grove junction.

The nil accident figures coupled with the movement figures above would not immediately indicate that this is an unsafe junction.

## Intensification

The 11 houses in Berkley Grove generate 110 movements per day. The additional dwelling proposed would take the expected average to 120, an increase of 9%.

Paragraph 1.2 in Development Control Advice Note 15 advises that intensification is only considered to occur when a proposed development would increase the traffic flow using an access by 5% or more. Given this long established '*rule*', it is difficult to reconcile how an increase of 5% is not considered as intensification of use, yet an increase of 9% can lead to refusal reasons such as reason no 1.

This situation becomes increasingly frustrating when one considers that the junction which gave rise to refusal reason no 1 was considered safe and fit for purpose in 1992 and 2008.



Before this application is decided, TNI need to answer the following questions:

- **Why did TNI not insist on 4 x 60m splays being provided when the road/junction was constructed?**
- **Given that TNI are legally prevented from adopting an unsafe road/junction, does TNI consider the existing junction to be safe?**
- **If it isn't considered to be safe, how was it adopted?**
- **The junction between Berkley Grove and Well Road safely facilitated almost 786,000 successful and safe vehicular movements in just under 20 years. If so, why can't the movement numbers increase by just 10 per day?**

## **Refusal Reason No 2**

P/2007/0900/F proposed 10 apartments and 7 dwellings. It was recommended for approval after being considered against Policy QD 1 in PPS7.

It is therefore difficult to understand the Council's decision to use Policy QD 1 to reject the subject application which only proposes 1 unit.

In the layout now proposed the new dwelling sits back to back with no 2 Berkley Grove. In keeping with the area, all of the new site boundaries will be formed by hedging.

The mature trees and hedging between the application site and Nos 2 and 4 Berkley Grove ensure that the rear of the new dwelling is well screened.

Finally, the shrubs which will be removed to create the access road will be replanted between the access road and walls which form the boundaries to Nos 2 and 4 Berkley Grove.

This approach will help '*soften*' these walls.

We feel that the application as submitted reflects the surrounding context, character and topography of the site.

If this application were to be approved, the applicant is quite happy to take whatever additional steps are necessary to ensure the new dwelling

respects the surrounding context and to ensure the new dwelling is in keeping with the character of the area.

The new dwelling will sit 19.5m from No 2 Berkley Grove, 30.5m from No 4 Berkley Grove, 13m from the applicant's home and 25m from Brosely.

Given the separation distances involved, the presence of mature vegetation, and the fact that the new access lane will run between 2 existing brick walls which are at least 1.6m tall, I would strongly contend that siting a new dwelling as shown will not lead to any adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

### **Refusal Reason No 3**

The subject site extends to 1153 m<sup>2</sup>; with the access excluded the remaining plot area extends to 924 m<sup>2</sup>.

The plot at No 1 Berkley Grove is 593m<sup>2</sup>, No 2 is 621m<sup>2</sup>; No 4 is 923m<sup>2</sup> while No 6 is 712 m<sup>2</sup>.

The new dwelling beside 'The Haven' (south east of the application site) is 1119 m<sup>2</sup>. The former dwelling known as 'Rosemount', which backs onto 2 Berkley Grove has been converted to four apartments. It has a plot area of 1500m<sup>2</sup>.

The proposal is clearly in keeping with the density in the adjoining area.

## Refusal Reason No 4

### Designation WB 35 Area of Townscape Character Well Road

**An ATC is designated as identified on Map No. 3/06a –Warrenpoint/Burren.**

Key features of the area, which will be taken into account when assessing development proposals, are as follows:

- Well Road / Rostrevor Road is a suburban area of large and medium sized semi-detached and detached houses of varied design set in well landscaped gardens and many with very generous plots;
- This suburban residential quality contrasts with the other elements of the town. The mature landscaping of the houses give the narrow road the ambience of a country lane. This rural character is endorsed by the native boundary hedging.

From the above you will see the BNMAP advises that the main features in the Well Road AOTC are the well landscaped plots, the large and medium sized houses of varied design and the boundary hedging.

The proposed plot is larger than many of the plots in the area and the proposed dwelling would be similar in size to many of the houses in the locality. In keeping with the area, all of the site boundaries would be formed by either existing or proposed hedging. In addition, the mature trees and hedging between the application site and numbers 2 and 4 Berkley Grove would ensure that the rear of the new dwelling would be well screened.

During the last PC meeting, Miss Mc Parland advised the Committee that sub-division of the plots in the AOTC was not acceptable.

Rosemount and The Haven are both located in the AOTC.

Rosemount was converted to 4 apartments in the 1980's and a new dwelling was constructed right beside The Haven in the mid 2000's.



Against this background there is a precedent for sub-division of plots in the AOTC.

The AOTC was proposed in the Draft area plan which was published on 22<sup>nd</sup> August 2006. Application P/2007/0900/F which proposed 10 apartments and 7 houses on the plot of Brosley was submitted after the publication of the draft plan.

The refusal decision for P/2007/0900/F which was signed on 19<sup>th</sup> December 2011 confirms that constructing 10 apartments and 7 houses on the plot of Brosley which is inside the AOTC was acceptable.

Finally, the new dwelling will not be visible from the Well Road.

Against this background it is difficult to understand how the proposal is contrary to Policy ATC WB 35.

## **Conclusion**

TNI have acted very in-consistently in relation to the construction off, the subsequent adoption and their recent consideration of the Well Road junction.

Hopefully they will be able to explain their actions to the Committee.

I would ask the committee to give determining weight to the fact that TNI can not adopt an unsafe junction and to the planning history in the area which confirms that until a few years ago TNI were quite content to allow the junction where Berkley Grove joins Well Road to serve an additional 16 houses/apartments.

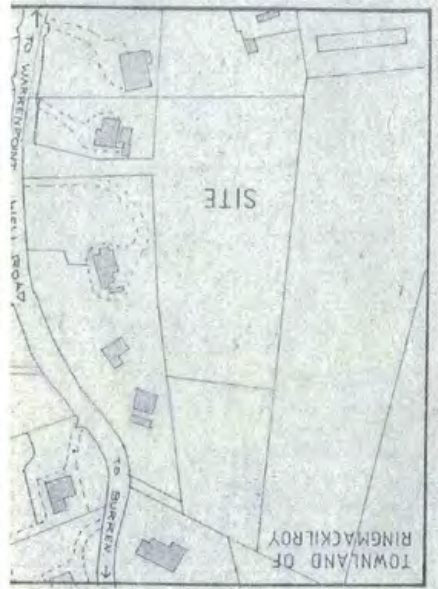
In stark contrast this application requires the existing access to serve 1 additional house.

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



LOCATION PLAN  
SCALE 1:2500  
O.S. DOWN 54-2  
CROWN COPYRIGHT RESERVED

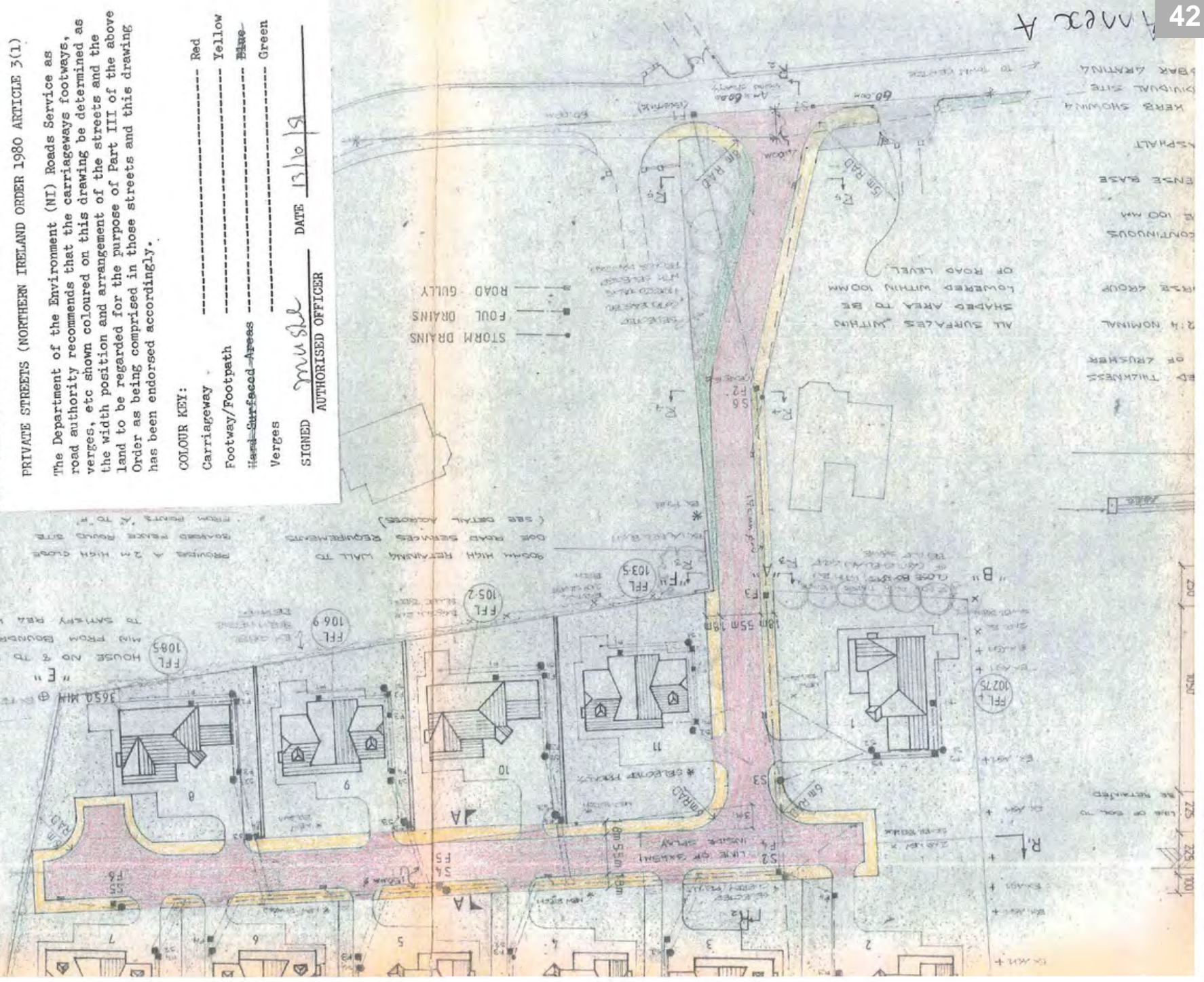


PRIVATE STREETS (NORTHERN IRELAND ORDER 1980 ARTICLE 3(1))

The Department of the Environment (NI) Roads Service as road authority recommends that the carriageways footways, verges, etc shown coloured on this drawing be determined as the width position and arrangement of the streets and the land to be regarded for the purpose of Part III of the above Order as being comprised in those streets and this drawing has been endorsed accordingly.

- COLOUR KEY:
- Carriageway ----- Red
  - Footway/Footpath ----- Yellow
  - Head-surfaced Areas ----- Blue
  - Verges ----- Green
- SIGNED Musbl DATE 13/10/19  
 AUTHORISED OFFICER \_\_\_\_\_

PROPOSED LAYOUT



Annex A



Peter

Newry East

File Ref. PSP/88/0023

Article 7 Adoption

**DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND  
PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980  
ADOPTION OF STREETS DEALT WITH UNDER ARTICLE 3**

**DECLARATION**

Description of Streets Berkley Grove  
Well Rd, Warrenpoint  
Stage 1, Sites 1,2,3&11

Plan Reference No. 246-15D as prepared by O'Hagan & Associates and showing streets determined by the Department on 25 October 1988

**WHEREAS**

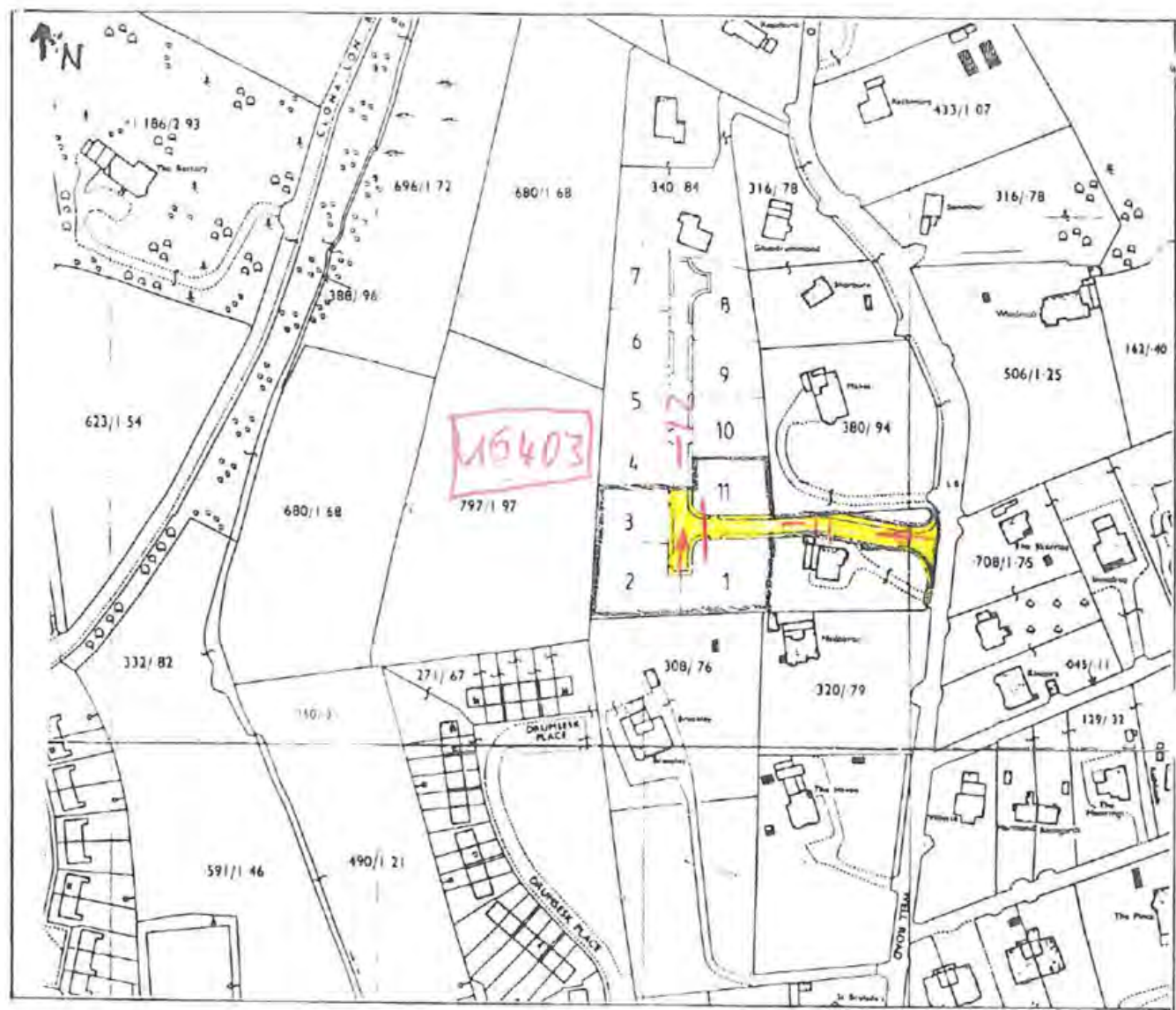
- a. a preliminary certificate has been issued under Article 7(2) of the Order in respect of the above-named streets ; and
- b. a certificate has been issued under Article 7(3) in respect of the said streets.

**NOW THEREFORE** the Department in exercise of the powers conferred on it by Article 7(4) of the said Order hereby declares the street to be a public road.

Signed *M. O'Hagan*  
Authorised Officer.

Date 26 August 1992





JOB: HOUSING DEVELOPMENT AT  
WELL ROAD  
WARRENPOINT

O.S. 277-9

CLIENT: MURDOCH CONSTRUCTION  
THE AVENUE  
BURREN  
WARRENPOINT

O'HAGAN & ASSOCIATES  
27 BRIDGE STREET  
NEWRY  
TEL: 66011/2

DRAWING: SITE LOCATION MAP  
WITH SITE LAYOUT

SCALE: 1:2500

LP/PSP/88/0023



Before any drainage work commences the local D.O.E. Water Service is to be informed and all drains to be inspected and approved by the Water Service before covering up.

Manholes to be constructed in accordance with details in standard British Specification.

Step irons to be provided to manholes at 300 vehicle centres and staggered 225 mm horizontally.

Clared earthware channels to be used in manholes. Benching slopes to be 1 in 6 towards channels.

Provide P.C. lintol where pvc pipe passes through brickwork in manholes.

no property to be connected through ing property to the main sewer.

Where main sewers pass through properties there must be a minimum clearance between the sewer and house gable end and 6 m between the sewer and rear house.

No garages or fuel bunkers etc., to be constructed over proposed sewers.

A concrete fall to be constructed to any street water discharges point to any street.

CONCRETE MIXES

027P Sewer production

025P Manhole (jobs and jobs)

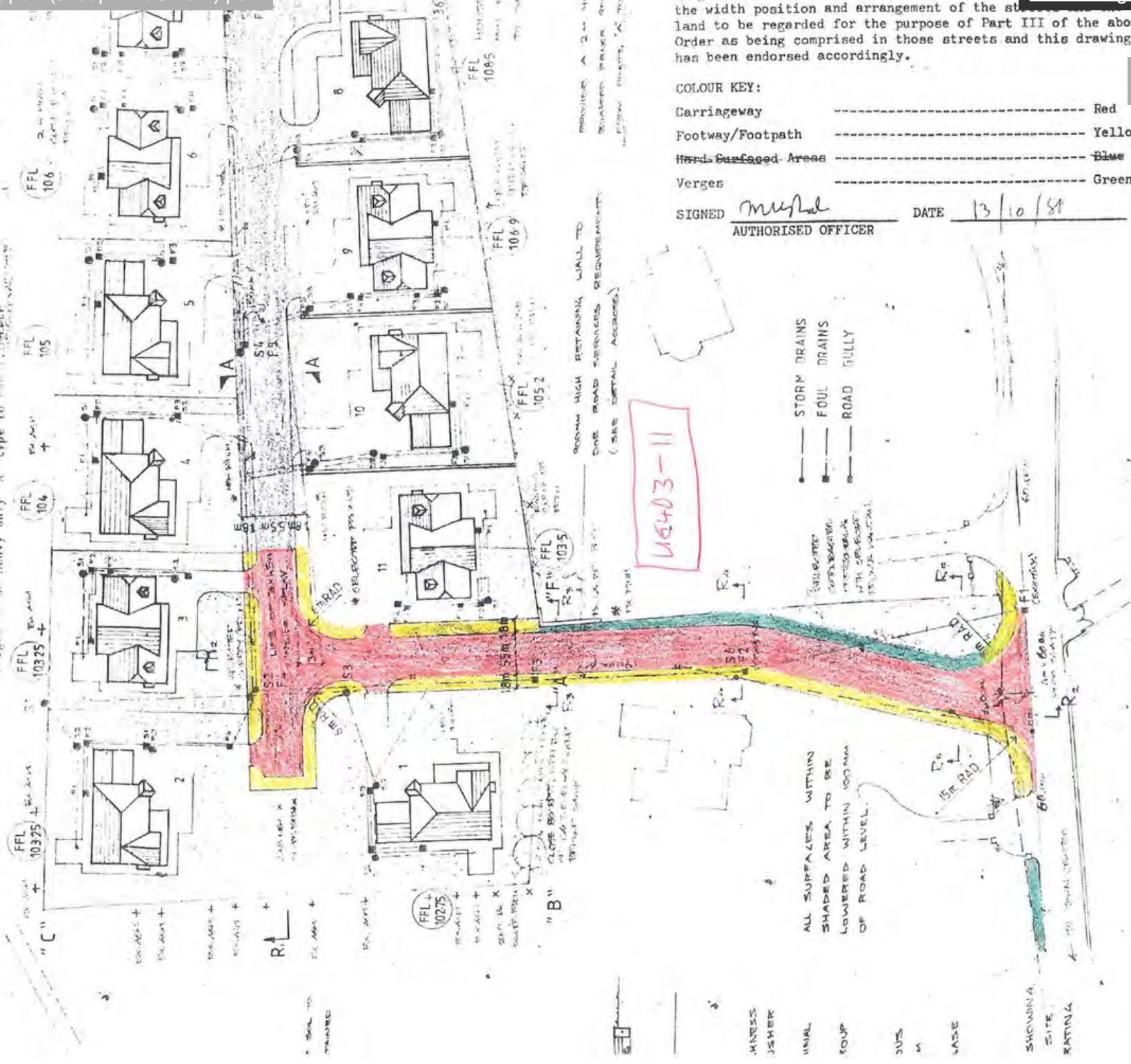
FFL 106

FFL 105

FFL 104

FFL 10375

FFL 10275



COLOUR KEY:

- Carriageway ----- Red
- Footway/Footpath ----- Yellow
- Hard Surfaced Areas ----- Blue
- Verges ----- Green

SIGNED M. J. Fisher AUTHORIZED OFFICER DATE 13/10/81

- STORM DRAINS
- FOUL DRAINS
- ROAD GULLY

ALL SURFACES WITHIN SHADDED AREA TO BE LOWERED WITHIN 100MM OF ROAD LEVEL.

PROPOSED LAYOUT

ADDRESS FISHER  
 UNVAL  
 ROUN  
 SUR  
 W  
 WISE  
 SHOWING DATE RATING

Roads Service  
Rathkeltair House  
Downpatrick

Planning Application Number P/2007/0900  
Location Lands adj and to the east of Nos 17-19  
and 27-30 Drumsesk Place and adj to  
and south of Nos 2 and 4 Berkley  
Grove  
Applicant TSC Developments  
Application Type FULL  
For the attention of B. McFall

No objections to plan reference PL-S.08 dated 12 November 2008.

Please ask the applicant to submit 7 No. coloured drawings for determination

M.J. Edgecombe

Date 20 November 2008.

Not Protectively Marked

COLLISION HISTORY OF REPORTED INJURY ROAD TRAFFIC COLLISIONS

AT

WELL ROAD / BERKLEY GROVE JUNCTION, WARRENPOINT

ACCOUNTING PERIOD 1 APRIL 1998 – 30 NOVEMBER 2017

**NIL RETURN**

PLEASE BE AWARE THAT THESE INCLUDE COLLISIONS AT OR WITHIN 50 METRES OF  
THE ABOVE JUNCTION

DUE TO ONGOING VALIDATION, THIS INFORMATION MAY BE SUBJECT TO CHANGE

Source: PSNI Statistics Branch, Lisnasharragh

Not Protectively Marked

**Requests for speaking rights - Item 6 - Joseph McGivern, Warenpoint**

I wish to request speaking rights in my role as Crotlieve DEA Councillor, at the Planning Committee **on** Wed 9th May 2018 in support of the applicant and his planning application P/2014/0427/O.  
Cllr Michael Carr



**PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

**Council Newry, Mourne and Down**

**Date 09/05/2018**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	LA07/2017/0426/F	Full	<b>DATE VALID</b>	13/03/2017
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Norman McBriar & Son 33A Main Street Saintfield BT24 7AB		<b>AGENT</b>	The Bowsie Partnership 3 Lower Clay Road Toye Downpatrick BT30 9PL

**LOCATION** 37 Saintfield Mill  
Saintfield

**PROPOSAL** Proposed change of use from ground floor commercial unit to funeral home

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	9	0	1	0
			<b>Addresses</b>	<b>Signatures</b>
			15	17
			<b>Addresses</b>	<b>Signatures</b>
			0	0



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

**Application Reference:** LA07/2017/0426/F

**Date Received:** 13th March 2017

**Proposal:** Proposed change of use from ground floor commercial unit to funeral home

**Location:** 37 Saintfield Mill, Saintfield

**Site Characteristics & Area Characteristics:**



The site is located at No 37 Saintfield Mill which is part of a large terraced block with three storey elevation and four storey rear elevation. This terrace is comprised of retail / commercial space to ground floor level and residential units to first and second floor. This terrace is sited in a mixed residential and commercial area with mainly two-storey semi-detached and terraced housing with an off-street parking area at lower level to the rear.

This is a large rectangular shaped building with a pitched roof and large glazing units to shop units on ground floor front elevation. The building frontage is set adjoining the public footpath adjacent to the Lisburn Road and is near a busy round-a-bout where Main Street (the main thoroughfare through the town), Ballynahinch Road and Lisburn Roads meet.

### **Characteristics of Area:**

The site is located on the edge of Saintfield town centre but within the settlement limit of the town. This site is just outside an Area of Archaeological Potential and Conservation Area. It is located alongside a protected route and near the Old Rectory Local Landscape Policy Area as stated in the Ards and Down Area Plan 2015 and shown on Map No.03/015a.

### **Site History:**

LA07/2017/0398/A 37 Saintfield Mill Saintfield  
Shop Sign, hand painted on flat fascia

LA07/2016/0616/F 37 Saintfield Mill Saintfield  
Proposed change of use from storage unit to veterinary surgery with training rooms, creation of a shop front, associated site works and car parking.  
Application Withdrawn

LA07/2016/0560/A 73 Saintfield Mill Saintfield  
Advertisement consent to erect 3 No sign  
Application withdrawn

R/2013/0141/F 37 Saintfield Mill Saintfield  
Change of use from vacant shop to 1No office  
Permission Granted 24.10.13

R/2013/0142/F 35 and 37 Saintfield Mill Saintfield  
Change of use from 2No shops to 3No Offices  
Permission granted 24.07.13

R/2005/1390/F Former Saintfield Yarns, Mains Street / Lisburn Road Saintfield  
Proposed residential development (118 Dwelling – apartments, townhouses and detached), three retail units and associated landscaping / road improvements.  
Permission Granted 22.11.06

### **Planning Policies & Material Considerations:**

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3, in addition, to the history and any other material consideration.

The application was advertised in the local press on 05.04.17

### Consultations:

In assessment of the proposal consultations were carried out with Transport NI, NIEA Water Management Unit and NIW. No objections have been received

The following neighbours were notified of the proposal 28.03.17 and 09.05.17

- Nos 1-10 Fairview Saintfield
- Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 Lisburn Road Saintfield
- Nos 1, 2, 3, 4, 5, 6, 7, 8, 25, 27, 29 and 31 Mill View
- Nos 1 – 11 Wicket Mews Saintfield
- Nos 59-61 and 63 Mains Street Saintfield
- 

### Objections & Representations

7 objections have been received in addition to a petition of objection containing 17 signatures from 15 addresses. These are summarised below

22 Mill Road, Saintfield – objects to the proposal on the grounds that it is not in keeping with the area, the proposal will cause parking issues and will be an eyesore.

2 Millview, Saintfield – object to the proposal on the grounds that they do not wish to live above a funeral parlour, the proposal will affect the value of their property, they will be negative parking implications, the business would disturb them through the night.

13 Lisburn Road, Mill Road, Saintfield – object on the grounds of the traffic and parking generation, failure to enhance the area generally.

7 Lisburn Road, Mill Road, Saintfield – object on basis that this is an inappropriate location for a funeral home.

A petition with 17 signatures was received objecting to the proposal on the following grounds

- Residents do not wish to live above a funeral parlour
- Concerns regarding the capacity for preparation and storage of bodies
- Safety concerns regarding the chemicals used in preparation of bodies and the disposal of such chemicals
- Object to disposal bins being located properties
- Concerns about the level of noise from refrigerators etc.
- Concerns regarding the potential of the business to operate on a 24hr basis and thereby cause disruption
- Negative parking implications
- Concerns regarding how the proposal will affect the daily routines of residents
- Proposal will detract from current pleasant appearance and have negative visual impact on the character of the area.



**Consideration and Assessment:**

The proposal seeks full planning permission for the change of use of ground floor commercial unit to funeral home.

The proposal will involve some minor changes to the front elevation with the introduction of a new door opening in the existing shop front. To the rear, the existing vehicular access at lower ground level, is to be increased in size. The internal arrangement of the unit at lower and ground floor level will be altered to create office space, viewing rooms, service room, embalming, storage etc.

It is noted from the drawings that the existing finishes of the building, including the colours to be retained, apart from the fascia above the vestibule area which will be painted black following removal of existing signage. The office and quiet room areas will have obscure glazing. It is noted from the proposed plans that the existing car parking area (containing 10 spaces and 1 space for disabled visitors) to the rear of the building will be used to facilitate staff and visitors to the business.

In assessment of the above, it is noted that The Planning (Use Classes) Order (Northern Ireland) 2015 details a use for the purposes of a funeral undertaker as Sui Generis, as such there are no specific policies which relate directly to funeral undertakers. As the proposal is a change of use of an existing building and in the absence of specific policy criteria, it falls to the Planning Authority to consider the generic issues of traffic / parking, noise / nuisance and impact on the character of the area, particularly in light of its position adjacent to the Conservation Area, and make an assessment as to whether the proposal will create any demonstrable harm in terms of residential amenity.

In consideration of the sites location adjacent to the Conservation Area, it is considered that the change of use from a commercial premises to a funeral home, will not detrimentally affect the character of the Conservation Area, the building will remain as existing albeit with a few minor changes and its approval will bring a currently vacant building into use.

In terms of the access and parking, the Planning Authority has consulted with Transport NI (Roads Service) who have no objections to the proposal from a road safety perspective.

Parking requirements for this proposal are assessed against PPS3 Parking Standards, whilst the published standards are silent for funeral homes/parlours, the Planning Office have considered the closest use to the proposal is that for Churches and Church Halls, which requires 1 parking space per 3 seats. As this is a 90 seat facility, there is therefore a requirement for 30 parking spaces. It is noted that there are 11 existing parking spaces to the rear of the building and that the funeral home anticipates that on average 6 vehicles will be attracted to the site daily, therefore 5 spaces will remain for those residents above the application site. There are 5 2 bedroom apartments above the site – parking standards indicate that 1.5 spaces would be required per apartment therefore 7.5 are required. In consideration of this there must be some flexibility in the arrangement in that it is unlikely all residents, staff and visitors would be parked at the development at the same time given the

operational hours of the proposal. It is acknowledged that the parking provision falls short of the required level however having full consideration of the context for the proposal it is considered that within Saintfield, there are a number of church car parks i.e. Saintfield Presbyterian Church and Saintfield Parish Church, who have written to the Planning Office advising that visitors to the funeral could avail of their carparks to accommodate visitors to the proposed development.

In addition, there is ample on-street car parking and public car parks within Saintfield which would be available to the visiting public and it is not considered unreasonable for visitors to park and walk to the funeral home for a service.

On this basis the parking provision, whilst falling short of the required, can be provided for within a short distance from the proposed development and would not be justification to reject the proposal. It is noted that the Applicant currently operates his funeral business from the Main Street Saintfield which has no designated parking provision.

In assessment of noise and nuisance the Planning Authority consulted with the Environmental Health Department of Newry, Mourne and Down District Council, who replied with no objections. It is noted that there are other requirements to which the funeral home should comply that are outside the remit of planning i.e. health and safety requirements associated with embalming etc. In terms of noise, objectors have mentioned the use of refrigerators, of which the proposed floor plans do not show any, therefore no comment can be made on this issue. The agent has advised that hours of business will be 9am – 5pm Monday to Friday but that there will be attendance at the weekend should there be a funeral. He also advised that the embalming of bodies will take place in a controlled space and in compliance with EC Regulations.

I note the concerns of neighbours / objectors of the proposal regarding the affect the proposal will have on their general amenity in that they may feel obliged to curtail their activities out of respect for those attending the premises, however, the proposed hours of business are not considered to detrimentally affect their amenity.

On the basis of the above **approval** is recommended.

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. Hours of operation 9am – 5pm Monday to Friday.

Signed ..... Date .....

Signed ..... Date .....

LAO7/2017/0426F – Norman McBriar & Son

I understand this proposal will be presented to Council at the April 11<sup>th</sup> meeting with a recommendation for adoption.

My husband and I are resident at 2 Millview, Saintfield (the apartment block above these premises). As such this funeral home will be directly beneath our living room. As Council is aware, residents of the area registered numerous objections to this business being located at 37 Saintfield Mill. We have in various emails, petitions, phone calls and discussions with local representatives presented our reasons for these objections.

It would appear from your letter of March 26, 2017 (which I presume is a typo otherwise this decision was reached over a year ago?) That a decision to approve this change of use will be pushed through despite the strong objections of ourselves and other residents in the area.

I will not repeat all the valid reasons we have stated previously except to offer a further observation. My neighbour has listed her property for sale. She was asked by two prospective viewers what is proposed for the premises below and both viewers have decided not to proceed further. So as we suspected our property values will immediately be impacted by this decision and may well result in us being unable to sell at any time in the future. Is Council prepared to make a decision that will further affect our investment?

I understand that many of those making this decision have not even visited the location to see how this business will in fact form an integral part of our homes.

I ask you, if you were faced with a funeral home going beneath your living room would you be equally quick to vote in favour of it? We expect our representatives to consider our views and give them equal weight. By proceeding you are putting the interests of one ahead of the majority.

I urge you to give this decision careful consideration and put yourself into our shoes. We bought our homes in good faith that we would be permitted to live there in peace and enjoyment. This decision takes that right and privilege away.

Sincerely  
Sally and Peter Woods

## PROPOSED FUNERAL PARLOUR AND CHAPEL OF REST

PRIOR TO PLANNING APPROVAL VERY FEW RESIDENTS WERE NOTIFIED OF THE PROPOSAL – SOME LETTERS THAT WERE SENT WERE SENT TO THE WRONG ADDRESS. MY LETTER WAS ADDRESSED TO 22 MILL VIEW – MY ADDRESS IS 22 MILL ROAD.

AFTER CANVASSING A LARGE PROPORTION OF RESIDENTS IN THE AREA IT BECAME OBVIOUS THAT MOST OF THEM WERE UNAWARE OF THE PROPOSAL.

THE COUNCIL'S RESPONSE TO THIS IS THAT IT WAS ADVERTISED IN A NEWSPAPER & THAT SATISFIES THEIR OBLIGATION. IN THIS ERA OF ONLINE TECHNOLOGY NEWSPAPER PURCHASES ARE AT A MINIMUM AND IS CERTAINLY THEREFORE "NOT" AN EFFECTIVE METHOD OF ALERTING THE PUBLIC.

THE UNIT IS BEING LET BY MCGUINNESS FLECK WHO ARE ALSO THE MANAGEMENT COMPANY FOR SAINTFIELD MILL, THERE IS CERTAINLY A CONFLICT OF INTEREST IN THAT THEY SHOULD BE CONSIDERING THE INTERESTS OF THE RESIDENTS. ONE RESIDENT TO DATE (WHO LIVED ABOVE THE UNIT) ON HEARING OF THE PROPOSAL PUT HER APARTMENT UP FOR SALE IMMEDIATELY AS SHE KNEW THIS WOULD GREATLY AFFECT MARKET VALUE.

THE MAJOR ISSUE TO BE CONSIDERED IS TRAFFIC CONGESTION IN THIS AREA. THE SITE IS ON A CORNER AND ACCESS IS STRAIGHT ON TO A MINI ROUNDABOUT. THIS PARTICULAR AREA IS ALREADY AT A STANDSTILL IN PEAK TIMES (AND OTHER PERIODS) AS IT IS THE MAIN THOROUGHFARE FOR TRAFFIC COMING FROM BALLYNAHINCH TO BELFAST & BELFAST TO OUTLYING AREAS. I HAVE A RELATIVE WHO LIVES IN CROSSGAR WHO WILL NOT DRIVE THROUGH SAINTFIELD AT PEAK TIMES AS THE TRAFFIC CONGESTION CAN ADD 20 MINUTES TO HER JOURNEY TO WORK IN THE ROYAL HOSPITAL.

I HAVE INCLUDED A PHOTO OF A DELIVERY LORRY DOUBLE PARKED IN SAINTFIELD MAIN STREET FOR LESS THAN 10 MINUTES WHICH BROUGHT TRAFFIC TO A STANDSTILL & THE TRAFFIC LIGHTS CHANGED 4 TIMES BEFORE I MYSELF WAS ABLE TO MOVE MY CAR IN THE QUEUE – THIS WAS ONE LORRY – IMAGINE THE IMPACT OF 2 HEARSEES AND FAMILY MEMBERS VISTING DECEASED RELATIVES.

ALSO, HAVING SPOKEN TO RESIDENTS, I HAVE BEEN INFORMED THAT PARKING BELONGING TO SAINTFIELD MILL IS ALREADY BEING USED BY THOSE USING THE AMENITIES IN SAINTFIELD MAIN STREET, WILL THOSE



VISITING DECEASED RELATIVES ALSO BE USING RESIDENTS' PARKING?  
THIS IS AN ISSUE THAT CANNOT BE ADDRESSED AFTER THE FACT.

THIS IS A "RESIDENTIAL" BUILDING WITH PEOPLE LIVING DIRECTLY ABOVE IT. IT MAY BE CLASSED AS A COMMERCIAL UNIT ON THE GROUND FLOOR BUT HOW MANY PEOPLE WOULD WANT TO LIVE ABOVE A FUNERAL PARLOUR AND, MORE PARTICULARLY, A CHAPEL OF REST? I HAVE ALSO BEEN INFORMED BY ONE RESIDENT THAT THERE ARE MEDICAL CONCERNS ABOUT EMBALMING PROCEDURES IN A RESIDENTIAL BUILDING. THIS HAS TO BE A MAJOR CONCERN.

FINALLY, THIS APPLICATION IS BEING CONSIDERED BY PEOPLE WHO DO NOT LIVE IN THIS AREA AND I AM SURE WOULD NOT COUNTENANCE SUCH A DEVELOPMENT ON THEIR OWN DOORSTEP.  
THE OWNERS OF THE FUNERAL PARLOUR DO NOT LIVE IN SAINTFIELD MILL SO I AM SURE HAVE NOT CONSIDERED THE IMPACT ON THIS COMMUNITY.

I WOULD URGE YOU TO CONSIDER THIS APPLCATION FROM THE PERSPECTIVE THAT IF SOMEONE WAS PROPOSING TO OPEN A FUNERAL PARLOUR NEXT DOOR TO YOU – WOULD YOU BE SO QUICK TO PASS THE APPLICATION?

**PROPOSED FUNERAL HOME - 37 SAINTFIELD MILL, SAINTFIELD**  
**APPLICATION REF:- LA07/2017/0426/F**

This family run Funeral Directors business was established in 1999 and, since then, has been operating from rented premises at 33a Main Street, Saintfield.

After a considerable search for suitable larger premises, an application for 'Change of Use' relating to the property at 37 Saintfield Mill, Saintfield was submitted in March 2017.

We moved to purchase the property in October 2017, after being informed by the estate agent that a like-minded business was also interested in the property and we had to decide whether to go ahead with the purchase. The Funeral industry is very competitive and we are under constant pressure from other local Funeral Directors in the area, through leaflet drops and targeted advertising.

We feel that after being established for 19 years our business now requires more suitable and substantial premises. Two other local businesses in the town have or are in the process of moving to bigger premises in the Main Street which will hopefully allow new start-up businesses to take on the smaller property, which can only be good for the vibrancy of Saintfield and the local economy.

As this property was already approved, in 2006, as commercial premises we had not envisaged any difficulty with our proposals as the ground floor of the property, which fronts onto Main Street, at the junction of the Ballynahinch and Lisburn Roads remains largely aesthetically unchanged by our proposals, and contains offices and service room.

The lower ground floor, accessed from a small parking area at the rear, will accommodate general and vehicle storage associated with the business. It is our intention that loading and unloading of funeral vehicles will take place within the lower ground floor with the vehicular entrance door closed.

As stated in our application the business will generally operate from 9 am to 5 pm when the offices will be open. Outside these hours we may be called out to make a collection and that would mean that a car would leave from the lower ground floor garage and return later. This would be no different than a resident leaving their dwelling late evening or arriving early morning and would create no more disturbance than the busy adjacent 'A' class public roads.

In our proposals a room has been set aside for services where a family who has no connections to a church, but wishes for mourners to gather. This type of service would be expected to occur only around three or four times a year, and would be arranged for during the day.

While the ground floor of the property will comprise mainly office accommodation our proposals have paid special attention to soundproofing the underside of the floor to the residential accommodation for air-borne noise. Impact noise will not transfer to the accommodation above.

In conclusion we do not feel that our proposals pose any sort of hazard or eyesore to the area and in particular to the adjoining residents. We would go as far as saying, that we believe our occupation of these premises will enhance this area from its current vacant state. We would also again point out that this is a previously approved commercial premises and residents must have been aware of this when they purchased their dwellings.

The objections that have been raised against this application are subjective in nature, and are not based, in any respect, on breach of planning policy. The objections raised have all been fully considered and addressed in the professional planning officer's report, and we would hope that the elected members of this committee will support the approval recommendation brought by their planning authority.

<b>ITEM NO</b>	<b>16</b>			
<b>APPLIC NO</b>	LA07/2018/0180/F	Full	<b>DATE VALID</b>	29/01/2018
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Derek and Rachel Elmore 14 Riverfields Warrenpoint BT34 3FG		<b>AGENT</b>	Bernard Dinsmore Chartered Architect 24a Duke Street Warrenpoint BT34 3JY
<b>LOCATION</b>	Directly opposite and East of No's 1 and 1a Alexander Drive Warrenpoint			
<b>PROPOSAL</b>	1 no. detached dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	7	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

1. The proposal is contrary to Policy OS1 of Planning Policy Statement 8: Open Space, Sport and Outdoor recreation, in that it would result in the loss of existing open space of public value.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 (Criteria a, b, c, g & i) of Planning Policy Statement 7: Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas, Planning Control Principles 1 & 2 of Planning Policy Statement 12: Housing in Settlements, and policies SP18 and DES2 of A Planning Strategy for Rural Northern Ireland, in that it would result in overdevelopment of the site and would not create a quality and sustainable residential environment.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality, it fails to conserve an existing landscaped amenity area and it does not respect local architectural styles, development patterns and materials.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0180/F

**Date Received:** 25<sup>th</sup> January 2018

**Proposal:** 1 no. detached dwelling

**Location:** Directly opposite and East of No's 1 and 1a Alexander Drive, Warrenpoint

**Site Characteristics & Area Characteristics:**

This is a relatively flat rectangular urban site comprising a set of garages, an enclosed yard and an area of green landscaped amenity space. The garages are block built with a brick frontage, black painted doors and a low monopitch roof. The plot is very shallow with its depth ranging from 6m to 10m whereas others in the estate are at least 20m deep. There are 7 other dwellings in the estate, all opposite the site and arranged in an L-shape. Over half of the application site serves as shared open space including lawn and mature trees and although it is privately owned by the applicants, it appears to be maintained by local residents.





Existing garages



Enclosed yard



Existing housing opposite

The site is within the development limit of Warrenpoint, as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is unzoned white land and is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The main land use in the area is residential. There are a range of detached and semi-detached dwellings surrounding the site, most of substantial size. There are some smaller terraced dwellings further east at Slieve Foy Place.

#### Site History:

The applicants applied for a dwelling on a smaller part of the site last year (Ref: LA07/2017/0180/F). The site included only the garages and yard, and not the area of open space. The application was recommended for refusal based on PPS7 and PPS12 and policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland as it was considered overdevelopment of the site and would harm the character of the area. The Committee deferred the application to allow consideration of the additional land (amenity space) and delegated the decision to officers. However, as this land was outside the red line and developing it would have been contrary to PPS8, the application was withdrawn on 4<sup>th</sup> January 2018.

Two applications (Refs: P/2005/1648/O and P/2007/0623/O) for a dwelling immediately north of the current site were refused for similar reasons.



**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
- 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 – Requested that the fence defining the rear garden was moved back from the edge of the road. They now have no objections subject to standard conditions regarding the provision and gradient of the access.

NI Water – Standard informatives.

**Objections & Representations**

The application was advertised in local newspapers on 22<sup>nd</sup> February 2018. 14 neighbouring properties were notified of the proposal on 13<sup>th</sup> February 2018 as required under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Objections to the proposal were received from 6 dwellings in Alexander Drive and a further objection challenging the applicant's title to a small part of the site was received from the owner of 17 Slieve Foy Place.

The main issues raised by neighbours include the narrow entrance, inadequate parking, loss of part of the amenity space, development is out of keeping with the existing properties, overdevelopment / town cramming and loss of privacy. The Planning Department considers that privatising part of the existing shared amenity space is contrary to PPS8. We also agree with the objectors that the development does not respect the character of the area and represents overdevelopment / town cramming. As DFI Roads are content with the access arrangement and two in-curtilage car parking spaces are provided, we cannot give significant weight to these concerns. The proposal will not result in a loss of privacy as it does not directly overlook any neighbouring property.

One neighbour challenged the submitted land ownership certificate for the southern tip of the site as outlined in red. This is a small strip of land between the turning head and the rear boundary of her garden at 17 Slieve Foy Place. She provided a letter from Roads Service dated June 2010 suggesting that they own some of the land between her property and Alexander Drive, but did not provide the accompanying

map which it referred to. The Planning Department wrote to the agent on 6<sup>th</sup> April 2018 seeking clarification on title to this specific part of the site. On 12<sup>th</sup> April he submitted a copy of a Land Registry search on the lands demonstrating that the site was in the full ownership of the applicants and that the land ownership certificate was therefore correct. It appears that there has been a long-running dispute regarding the ownership of this particular boundary and that the planning application is being used to pursue it. Having given both parties the opportunity to state their case, and in view of the fact that there is no development proposed at this end of the site and therefore no impact on the land in question, the Planning Department is satisfied that there will be no prejudice to either party if the application is now determined. A planning decision does not confer title and should not be read as such.

### **Consideration and Assessment:**

The proposed dwelling is 2 storey and would be orientated with its gable towards Alexander Drive to the west. The walls would be roughcast rendered with flat black concrete tiles to the roof and white PVC windows. There would be a driveway across the northern end of the building providing in-curtilage parking for 2 cars. A 10m deep rear garden would be provided for private amenity space. Approximately half of this would be taken from existing public amenity space in the estate. It would be enclosed by a 1.5m high timber fence to ensure privacy.

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 of these areas. The Planning Department considers that this proposal represents town cramming and would harm the character of the area. The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment. In this case the design and layout is not considered to be in keeping with the established character of Alexander Drive.

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 unzoned. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. There are no specific policies in the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal is considered contrary to two of these principles, particularly the first one: increased housing density without town cramming. The proposal is also contrary to the principle of good design. While higher density development is promoted in principle, it must not be at the expense of local



character and environmental quality. The form of this development (it will appear to sit sideways and right on the edge of the road) is not found elsewhere in the estate and it would appear incongruous when viewed with other local properties. The layout is poor as it has a high proportion of blank walls and several bathroom windows facing the road. The close board fence which defines the rear garden will also reduce the sense of openness in the estate and result in a loss of existing amenity space. This is a classic case of a dwelling being crammed onto a site that cannot accommodate it without harm to the character of the area.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout should draw on the positive aspects of the character and appearance of the area. In this case, the design and layout appears to have been drawn solely from the desire to squeeze a house onto the site, without regard to the character of the area. It does not draw on local traditions of form, materials and detailing. The external wall finish (roughcast) is not found elsewhere in Alexander Drive where the dwellings are brick built. There are 7 other dwellings in the estate, set in plots around 20m deep when measured from the road. This plot is only 6 to 10 metres deep and results in a development proposal that would dominate the estate and that fails to respect the established character and architectural style of most of the neighbouring dwellings. The existing dwellings have front gardens with tasteful soft landscaping whereas there is no attempt to soften the appearance of this development with planting. The existing green in the estate is a landscape feature that ought to be protected for the benefit of residents, not reduced to provide a private garden as proposed. While doing so would meet the requirements of *Creating Places* for open space at the proposed dwelling, it is not in the public interest to permit a loss of public open space to cram a house and garden into the site. The provision of two in-curtilage car parking spaces is considered adequate for a dwelling of this size. As the proposal will not rely on other parking within the estate, we cannot consider the parking problems raised by the objectors. DFI Roads are now content with the layout and access arrangement subject to conditions. The gradient condition is unnecessary as the site is flat. There will be no impact on public rights of way and the issue regarding land ownership at the southern end of the site (which is unaffected by the proposal) has been addressed above. The site is within walking distance of public transport and local services. No traffic calming measures are required. The proposal should not impinge on the privacy of neighbouring properties given the layout and window positions. As none of the main rooms face onto the estate road to add to informal surveillance, the development has not been designed to deter crime and promote personal safety. In summary, the proposal is contrary to criteria (a), (b), (c), (g) and (i) of policy QD1. The Council has won a planning appeal on a similar proposal for residential development on a narrow amenity area in an established residential area elsewhere in Warrenpoint (Tudor Mews) – application Ref: LA07/2015/1109/F & appeal Ref: 2016/A0125.

Policy LC1 of the Addendum to PPS7 must also be considered as the site is in an established residential area. Squeezing a house onto this site would result in a significantly higher housing density than that found in the area. The established housing density in Alexander Drive is 28 dwellings per hectare (dph). The erection of a dwelling on a plot of this size would result in a proposed density of 50 dph which is clearly not in keeping with the area. It would be more akin to inner urban areas in

cities. The pattern of the development does not respect the overall character and environmental quality of Alexander Drive. The floorspace of the dwelling exceeds the space standards in Annex A. In summary, the proposal is contrary to criteria (a) and (b) of the policy.

The proposal is also contrary to policies SP18 and DES2 of the Planning Strategy for Rural Northern Ireland. The design is poor and does not relate satisfactorily to the townscape setting of the site and the lack of an attractive frontage to the road harms the integrity of the street. The site is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. While urban development in this location would not harm the special character and appearance of the AONB in general, the proposal is not of an appropriate design for the locality, it fails to conserve an existing landscaped amenity area and it does not respect local architectural styles, development patterns and materials. To that extent, it is contrary to policy NH6 of PPS2.

Policy OS1 of PPS8 relates to protection of open space. Development that would result in the loss of existing open space will not be permitted. Annex A of PPS 8 defines open space: "For the purpose of this planning policy statement, open space is taken to mean all open space of public value". It goes on to set out a typology, comprising 9 categories of land use, intended to illustrate the broad range of open spaces that are of public value. This includes amenity green space, regardless of whether it is zoned as open space in an area plan. The site includes an area of approximately 135 sq.m grassed amenity area with several mature trees. The local residents have indicated that they have maintained this area as shared open space for over 40 years. This proposal would result in the loss of 21% of the existing amenity area. It is not in the public interest to permit this. The proposal will not result in any community benefits that decisively outweigh the loss of the open space and no alternative provision has been proposed by the developer. The proposal is contrary to Policy OS1 and should be refused.



Existing amenity area



In summary, the proposal is unacceptable: a) in principle because it would result in the loss of public amenity space and; b) with regard to design and detailing because it represents town cramming and overdevelopment of the site without regard to the character and appearance of the area.

**Recommendation:** Refusal

**Refusal Reasons:**

1. The proposal is contrary to Policy OS1 of Planning Policy Statement 8: Open Space, Sport and Outdoor recreation, in that it would result in the loss of existing open space of public value.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 (Criteria a, b, c, g & i) of Planning Policy Statement 7: Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas, Planning Control Principles 1 & 2 of Planning Policy Statement 12: Housing in Settlements, and policies SP18 and DES2 of A Planning Strategy for Rural Northern Ireland, in that it would result in overdevelopment of the site and would not create a quality and sustainable residential environment.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality, it fails to conserve an existing landscaped amenity area and it does not respect local architectural styles, development patterns and materials.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

17 Slieve Foy Place

Warrenpoint

Newry

Co.Down

BT34 3NR

Ref: LA07/2018/0180/F

To Whom it May Concern

Regarding my concerns which were delivered by hand to Newry, Mourne and Down Council Planning Office on 4th April 2018 regarding the above planning reference number.

There appears to an error on the NI Planning Portal (Ref: LA07/2018/0180/F), in my correspondence. I **did not object** to planning permission for the property. I want the reference on the planning portal changed from Objection.

I was asking a question and pointing out that the red line area. I did provide the folio and a copy of the map dated 06 October 2009, as provided to me by Roads Service, which clearly shows that Roads Service adapted road map showing public road coloured green, leading to the rear of my garden. The red line infringes on my boundary with the Roads Service. I have a gate at the rear of my garden which leads on to the public road.

It's unfair to state that the planning application is been used to clear up ownership of this boundary. In my opinion the major objections are parking, access, plus narrow lane I don't agree it is not true reflection on the ground. At least five houses have a garage plus of road parking and if the turning head was not being used as parking area by the objecting residents, the emergency services etc could enter an exit in safety, it is only in recent years that this turning head has been blocked.

I fully support Mr & Mrs Elmore's Application for planning permission.

Happy to discuss

Maureen McParland

*Maureen McParland*



I wish to request speaking rights in my role as Crotlieve DEA Councillor, at the Planning Committee on Wed 9th May 2018 in support of the objectors, and the planning case officer's report to oppose planning application LA07/2018/0180/F.

Cllr Michael Carr



24a Duke Street  
Warrenpoint  
Co. Down, BT34 3JY  
Northern Ireland  
t el: 028 4175 3698

**STATEMENT IN SUPPORT OF PLANNING APPLICATION  
FOR A DETACHED DWELLING**

**LOCATION:** DIRECTLY OPPOSITE AND EAST OF NOS 1 AND 1A  
ALEXANDER DRIVE,  
WARRENPOINT

**APPLICANT:** RACHEL AND DEREK ELMORE

**REFERENCE:** LA07/2018/0180/F



BD 2<sup>nd</sup> May 2018

## Introduction

As stated in the Planners Professional Report a similar application to this was referred to the Planning Committee previously on 8<sup>th</sup> November 2017

At that meeting a number of committee members were broadly sympathetic to the proposal in as much as :

1. Transport NI had no issues.
2. Planning Services had acknowledged that the development would not result in loss of privacy, and was designed to avoid overlooking and loss of light.
3. The proposed dwelling would be a vast visual improvement on the current buildings and yard and presented finishes in keeping with its near neighbour's no.'s 1 and 1a, planning approval.
4. Minor improvements to design could overcome perceived loss of character issues.

The Planning Committee acknowledged that the applicant had acquired additional land to address planners perceived cramming and overdevelopment concerns. They deferred the application to allow consideration of this additional land. (As the Case Officer has noted this land was outside the red line and required a new application and a new fee). This new application addresses these issues.

## Consideration & Assessment

In relation to Planner's Report "Consideration and Assessment" I reject their assertion that the design is "poor" and that the finishes and layout are not in keeping with Alexander Drive

**Figure 1** is the dwelling as proposed in the current application.

**Figure 2** is the dwelling with material adjustments proposed in response to Planners design concerns.

**Figure 3** is a photograph of the near neighbours, 1 and 1a Alexander Drive. Note the gable feature facing Alexander drive and window styling.

I also reject the assertion that the side fence which defines the rear garden will reduce the sense of openness. It will simply replace the boundary wall that already exists. It will also be lower and be set back a further 500mm at the request of Transport NI.

It is acknowledged that the small portion of additional land required for private amenity space has been taken from applicant owned "open space". With respect it is less than 15%, excluding the rather scraggy and overgrown shrubs **Figure 4**. The applicant is willing to replace these shrubs with appropriate shrubs to soften the proposed rear fence. This can be further augmented with soft landscaping along the side fence within the 500mm wide strip required by Transport NI **Figure 5**. All other landscaping will remain unaffected. The proposal cannot be compared with the Tudor Mews case in respect to loss of amenity space.

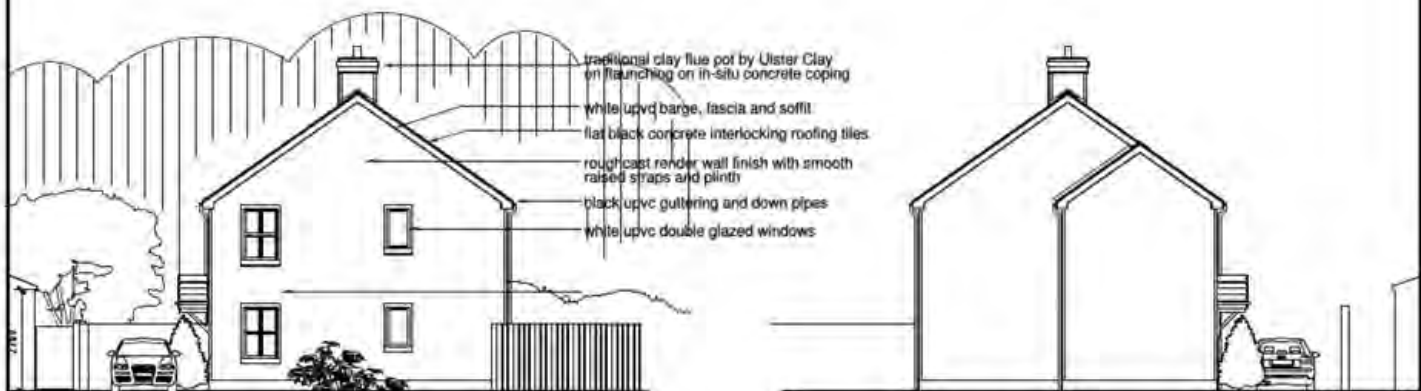
## Conclusion

In conclusion and with particular reference to the three reasons for the refusal recommendation.

- I believe I have demonstrated that the proposal will not result in the detrimental loss of existing open space.
- The proposal would not result in overdevelopment of this existing and visually poor site. Instead it would replace it with a quality and sustainable addition to the established residential environment.
- The design is in keeping with adjacent architectural styles, development patterns and materials, and protects, to the most part, the existing landscaped amenity area.



FIG.01  
DWELLING SUBMITTED WITH PLANNING APPLICATION : LA07/2017/0180/F



- traditional clay flue pot by Ulster Clay on launching on in-situ concrete coping
- white upvc barge, fascia and soffit
- flat black concrete interlocking roofing tiles
- roughcast render wall finish with smooth raised straps and plinth
- black upvc gutting and down pipes
- white upvc double glazed windows

PROPOSED FRONT ELEVATION  
(Facing West / Alexander Drive)

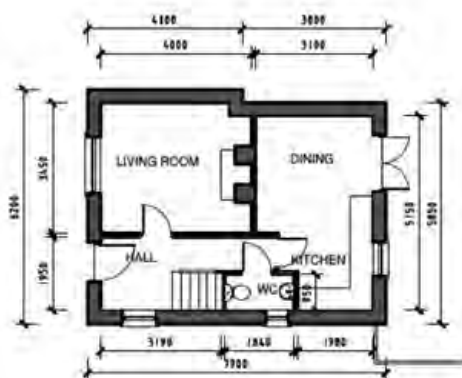
PROPOSED REAR ELEVATION  
(Facing East)



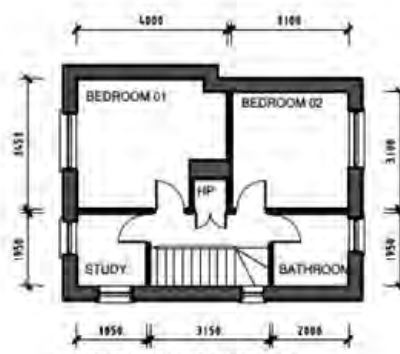
PROPOSED SIDE ELEVATION  
(Facing South)



PROPOSED SIDE ELEVATION  
(Facing North / Springfield Road)



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

**bernard dinsmore**  
chartered architect



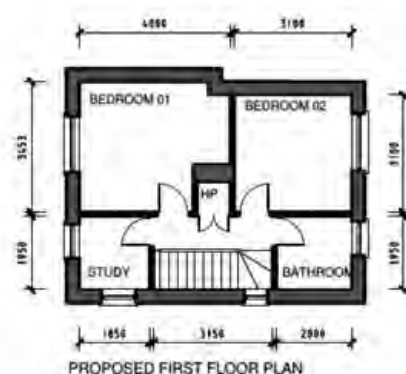
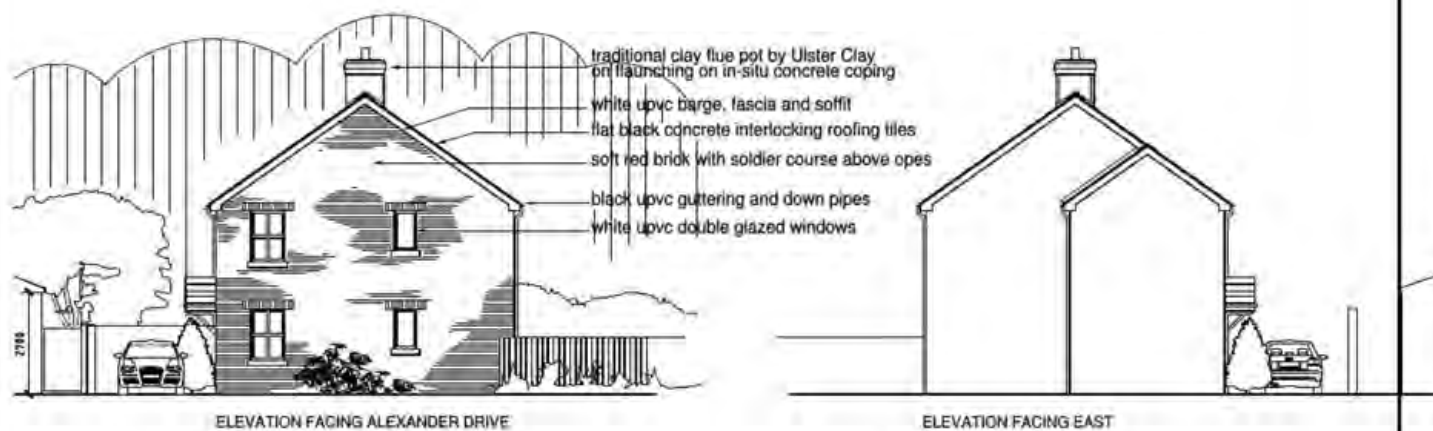
Project: PROPOSED DETACHED DWELLING OPPOSITE AND EAST OF No.1 + No.1A ALEXANDER DRIVE, WARRENPOINT

Client: DEREK AND RACHEL ELMORE

24a duke street, warrenpoint, co.down, bt34 3jy  
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Title: SITE PLAN		Status: PLANNING (PREVIOUS)	
Scale: NTS	Date: May 2018	Drawn By: CC	Checked By: BD
Job No.: J1524-1	Drg No.: FIG.01	Rev.:	Sheet Size: A4

**FIG.02**  
**DESIGN PROPOSED WITH MATERIAL ADJUSTMENTS**



**bernard dinsmore**  
 chartered architect



Project: PROPOSED DETACHED DWELLING OPPOSITE AND EAST OF  
 No.1 + No.1A ALEXANDER DRIVE, WARRENPOINT

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Scale: NTS

Date: May 2018

Drawn By: CC

Checked By: BD

Job No.: J1524-1

Drg No.: FIG.02

Rev.: A

Sheet Size: A4

**Figure 3**





**Figure 4**




“The Scraggy Hedge”



“Open Space Largely Undisturbed”





<b>bernard dinsmore</b> chartered architect				<b>Project:</b> PROPOSED DETACHED DWELLING OPPOSITE AND EAST OF No.1 + No.1A ALEXANDER DRIVE, WARRENPOINT					
24a duke street, warrenpoint, telephone (028) 4175 3698 email : info@bdinsmore.co.uk		co.down, bt34 3jy fax (028) 4175 3699 www.bdinsmore.co.uk		<b>Client:</b> DEREK AND RACHEL ELMORE		<b>Title:</b> SITE PLAN		<b>Status:</b> PLANNING	
<b>Scale:</b> NTS		<b>Date:</b> May 2018		<b>Drawn By:</b> CC		<b>Checked By:</b> BD			
<b>Job No.:</b> J1524		<b>Drg No.:</b> FIG.05		<b>Rev.:</b>		<b>Sheet Size:</b> A4			

**planning permission alexander drive w/point – LA07/2018/0180/F**

Dear Sir

I Colin Mc Caul from no 3 alexander drive warrenpoint would like to request to speak on behalf of the residents of alexander drive warrenpoint at the up coming planning meeting

Ref no: la07/2018/0180/f

The issues I would like to object to are

- 1 Entrance in and out of the avenue not wide enough there already has been a few near collisions (1 with the applicant)
- 2 The flow of traffic in and out of said junction
- 3 The communal green area which has maintained by the residents for the past 50 years
- 4 Over development of the avenue
- 5 parking for residents and visitors very narrow road and no turning space would have reverse onto a major road
- 6 access for emergency vehicles and bin collection lorries (which there is already an issue with as it is)

Thanks for your help with this matter

Regards

Colin Mc Caul





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0825/RM

**Date Received:** 26.05.2017

**Proposal:** Post primary school, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (Strangford Road and Quoile Road) and off site road improvements (outline approval R/2009/0476/O)

**Location:** Lands located between and accessed from Strangford Road and Quoile Road and adjacent to former Down District Council Offices at Strangford Road Downpatrick

#### **Site Characteristics & Area Characteristics:**

The site is comprised of a 10.9 hectare portion land positioned between Quoile Road and Strangford Road. The main body of the site is comprised of undulating farm land which is defined by mature vegetation.

The site is accessed from the Strangford Road via the former Council site, with a secondary access to the Quoile Road.







### Site History:

R/2009/0476/O

Lands located between and accessed from Strangford Road and Quoile Road and adjacent to Down District Council Office at Strangford Road

Post Primary School, ancillary sports pitches and car parking together with all associated works including landscaping and accesses ( accesses from Strangford Road and Quoile Road) and off site road improvements)

Approval Granted 07.012.09

### Planning Policies & Material Considerations:

The Planning Act (Northern Ireland) 2011, RDS, Strategic Policy Statement Northern Ireland (SPPS), Ards and Down Area Plan 2015, PPS2, 3, 6, 11, 13 and 15.

### Consultations:

In assessment of the proposal consultations were carried out with the following

Transport NI – No objections subject to conditions

NIEA Drainage and Water – No objections

NIEA Natural Heritage and Conservation Areas – Conditions apply

Historic Environment Division – Content in principle

Shared Environmental Services – No likely significant effect on selected features

Environmental Health – No objections in principle

NIW – standard response informative apply.

### **Objections & Representations**

Jack Price 2 Orchard Way – raises concerns about parking , litter and fencing / screening.

Mr S Taggart – 15 Quoile Brae – raises concerns about the potential for the proposal to have an adverse environmental effect, unfavourable traffic impact and significant negative impact on the established character of the Quoile and Quoile Pondage area.

David Hayes – 31 Lecale Park – raises concerns about traffic, noise during construction, protection of the graveyard, right of way access and seating within the area and protection of the badger setts within the area.

C Watson – 10 Orchard Way – raises concerns regarding Noise Pollution and implications for traffic

### **Consideration and Assessment:**

The access to the site is located within the settlement limit of Downpatrick, while the site to be developed for buildings and pitches etc is located outside the development limits of Downpatrick and located within a Local landscape Policy Area as designated in the Ards and Down Area Plan 2015.

The principle of the development has been established through the granting of outline planning permission under R/2009/0476/O on 7<sup>th</sup> December 2009. The conditions of approval are summarised below

- Time limit 12 years from date of decision
- Submission of details of reserved matters
- Submission of plan showing existing and proposed contours, finished floor levels of the buildings and the position and height of any retaining walls
- No site works until program of work to record archaeological remains at the site has been implemented
- Access shall be afforded to archaeologist
- Submission of badger management plan
- Drainage system shall be designed to minimise the risk of wrongly connecting foul sewage
- Buildings shall not be occupied until necessary sewerage infrastructure is in place
- Storm drainage shall be designed to the SUDS principle
- Construction of SUDS shall comply with the standard un the manual for Scotland and NI
- Construction programme shall be submitted to and approved prior to commencement of works on site
- Development shall not commence until the developer has submitted to and received approval for a Highway improvements scheme

- Submission of a 1:500scale plan showing access constructed in accordance with the RS1 form
- Details of parking etc within the curtilage are submitted to an approved
- Submission of Full Planting detail along with a 25 year landscape management plan

It is considered that the proposal has complied satisfactorily with the conditions of outline.

In assessment of the proposal the main issues for consideration are:

- Design
- Visual Impact
- Natural Heritage
- Roads, Traffic and Parking
- Built and archaeological heritage
- Rivers
- Impact on neighbouring properties
- landscaping

### **Design**

The proposed building will be modern in design with a low pitched roof and finished with white rendered walls and timber boarding to external walls with stone finish where shown. It will be positioned approximately 300m from the public road with the proposed tennis courts and playing fields located to the west, north-west and north of the site.



The height of the building ranges from 10m to 16m, providing up to three floors of accommodation. It is considered that the building has been designed for its purpose and is acceptable.

### **Visual Impact**

The character of the surrounding landscape is typically that of a drumlin landscape. The site occupies an elevated position on the northern and north-western slopes of two drumlins.



As described in paragraph 4.02 of the landscape and visual impact assessment, the proposed development has been designed to work with the existing topography of the site and reduce the extent of earthworks.

It is noted that the school will have a low pitch roof and finished with simple materials.

It is acknowledged however, that the critical views of the site will be from the Old Belfast Road and Quoile Bridge areas in particular. However, the proposed planting scheme should effectively screen the school from these critical views (see the landscape and visual impact assessment the photomontages which show the mitigating measures).

Views of the site from the Strangford Road will be comprised of the entrance which slopes steadily upwards from the public road. From the top of the laneway it is considered that the building will become visible, however, when viewed from the public road network along the Strangford Road and surrounding residential development i.e. Meadow Hill it is considered that the school will group with existing buildings and dwellings in the immediate vicinity.

Views can also be achieved from Killyleagh Road and Saul Road Downpatrick, these longer distance views will be lessened in time following the mitigating planting measures.

It is considered that the planting scheme is essential for the successful integration of the proposal.

### **Natural Heritage (PPS2)**

The site is adjacent and hydrologically connected to Strangford Lough SPA, Strangford Lough RAMSAR and Quoile ASSI which are of international and / or national importance and are protected by Conservation (Natural Habitats, etc) regulations (NI) 1995 (as amended) and/or the Environment (NI) Order 2002. In assessment of this the Planning Authority consulted with NED and SES who have concluded that the proposal is not connected with or necessary for the conservation management of the designated sites.

With regard to Natural heritage considerations, it is noted that within the site there a number of badger setts. NED have recommend that no site clearance of development activity shall occur within 25m of badger setts, inactive badger setts and outlier setts until badger have been exclude and the setts have been closed under the terms of a licence issued by the NIEA.

### **Roads / Traffic / Parking (PPS3 / Parking Standards)**

In assessment of the proposal a consultation was carried out the Transport NI who have concluded that they have no objections to the proposal subject to conditions

Parking Standards require 1 space per teaching staff, 1 space per 2 ancillary staff and 1 space per 4 students over age 17 and 1/3 of total staff provision for visitors.



Such requirements would require approximately 155 spaces, the proposal provides in excess of this and is therefore considered to comply with the standards.

It is noted from the submission that the school will also be served by a number of buses transporting pupils to and from the site. It is anticipated that 14 buses will drop off in the morning and 13 in the evening. Provision has been made within the site for these buses will layby installed at the Strangford Road boundary and at the site access on Quoile Road for those buses arriving from Comber, Shrigley and Killinchy – pupils will walk to and the main building from these drop off points.

The Planning Authority has received a number of representations regarding the impact of the proposal on traffic generation in the area. It is acknowledged that Transport NI find the proposal to be safe in terms of road safety, however, the issue of increase numbers of vehicles cannot be ignored. It is considered, however, that while congestion may occur, it will do so at regular times and for very short periods – such conditions are not considered to be detrimental.

### **Archaeological and Built Heritage (PPS6)**

The site includes a historic graveyard associated with the Downpatrick Workhouse (a Grade B2 listed building) which itself lies immediately adjacent to the site.

An archaeological evaluation of the graveyard was undertaken. It identified extensive human remains across the area of the graveyard. It is proposed to install the main access route to the school through this graveyard, consequently these remains will have to be relocated and it is proposed to do so in an area immediately adjacent and north of another graveyard to the north east of the proposed main school building. As such, an archaeological excavation of these remains should be conducted and appropriate mitigation strategy has been recommended.

In assessment of the proposal and its impact on the archaeological remains and the listed building / monuments within the area a consultation was carried out with Historic Environment Division. While they note that they are content in principle and it is considered the proposal complies with Policy BH 11, HED have expressed concerns about the impact of the proposal upon the workhouse graveyard. In assessment of this opinion, it is the Planning Authorities view that it has always been the intention to install the main access route to the proposed new school through the existing graveyard and HED were aware of this in all previous applications and discussions of the proposal, prior to submission of this application.

The developer has submitted an Archaeological Impact Assessment detailing historical sites and monuments within the vicinity. An assessment of the impacts of the proposal has been made and it is noted that archaeological mitigation will be required during construction phase if archaeological material exists.

It is considered in this case that it would be appropriate to replicate those outline planning conditions requiring the developer to submit a program of work to record archaeological remains at the site and affording access to any archaeologist to observe operations and monitor the implementation of archaeological requirements.

### **Rivers (PPS 15)**

A culverted watercourse is located along the southern boundary of the site which is designated under the terms of the Drainage (NI) Order 1973 and known as Strangford Rd Stream.

In consideration of this a consultation was carried out with DfI Rivers. They have advised that the site is located within the 1 in 100 fluvial flood plain and that a portion of the proposed pupils bus stop is located within this area. As such the proposal would have the effect of exposing a vulnerable group to flood risk. The Planning Authority consider this proposal to be an exception to the FLD 1 given its approval in principle at outline stage, and it is therefore considered appropriate to ensure that adequate flood warning procedures and safe means of evacuation from the bus stop is addressed.

### **Impact on neighbouring properties**

The site lies adjacent to a number of residential properties at Orchard Crescent, Lecale Park, Old Belfast Road and Quoile Road. The scheme has been designed to ensure that the main school building is orientated away from the adjacent houses at Orchard Crescent and Lecale Park. The southern elevation of the school building will face onto the common boundary with Lecale Lodge Care Home. The intervening vegetation along the northern boundary of Lecale Lodge is currently in place and will screen any views of the new school building. It is noted that additional planting is proposed along the common boundary.

In assessment of the impact of those dwellings located at Lecale Park, it is noted that a single storey element is proposed and along with a 20m planting belt.

Those buildings at 15, 17 and 19 Orchard Crescent will lie adjacent to the proposed tennis courts, while the access road to the proposed building will run to the rear of 5, 7, 9, 11 and 15. A belt of planting is proposed between the site and these properties.

It is noted that there are no proposal to flood light the site.

It is considered therefore that the adjacent dwellings, will not be detrimentally affected by loss of amenity from overlooking or overshadowing. It is acknowledged that residents will experience some disturbance during construction, however, this is considered, while inconvenient, to be temporary.

### **Landscaping**

A landscape management plan has been submitted which aims to conserve the existing vegetation along the boundaries of the site, where possible and to development a planting scheme that will supplement them and enhance the environment of the proposed development, ensuring its integration on to the surrounding area.

The landscaping plan details tree planting throughout the scheme, along the main access route and parking areas, thereby softening the hard surfaced areas.



The areas surrounding the pitches and recreation areas and those adjacent to the neighbouring residential properties are to be defined by wood land planting of mainly native species and amenity shrub planting. As discussed above this planting is essential to the successful integration of the proposal.

Given the levels within the site retaining walls are noted at the access into the site along the boundary with Lecale Lodge and to the north at the pedestrian walkway from the Quoile Road entrance.

Protective planting is to be provided where existing trees are to be retained.

The landscaping scheme is considered to be acceptable.

### **Summary**

In assessment of the above and in light of the history of the site, it is considered that the proposal is acceptable. Those concerns raised by neighbours of the site have been noted. In addition, those concerns raised by Historic Environment Division and Rivers Agency have been noted and it is considered in this case appropriate to set them aside, given that the principle of the development has been established and the fact that mitigating measures can be put in place to address the concerns regarding archaeological remains and flooding.

### **Recommendation**

Approval



## Conditions

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

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

2. The development hereby permitted shall not become operational until the road works indicated on Drawing No 113 bearing the date stamp 16/01/2018 have been designed in accordance Design Manual for Roads and Bridges and fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time and are designed and constructed in accordance with DMRB.

3. No development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No 113 bearing the date stamp 16/01/2018 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.

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

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

5. There shall be no site clearance or development activity within 25 metres of badger setts inactive badger setts and outlier sett, as shown on the badger survey map, date stamped 26 May 2017, until badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

REASON: To protect badgers and their setts.

6. All pollution prevention, mitigation and avoidance measures as outlined within the Outline Construction Environmental Management Plan (date stamped,



24th January 2018), Flood Risk Assessment and Drainage Assessment (dated, April 2017) and all additional submitted information should be adhered to. Any changes/deviations should be agreed, with the Council and other relevant bodies, in advance of works.

REASON: To ensure that the development does not result in any significant effect on the features of any European site.

7. 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 Department. 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.

8. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department 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 completed in accordance with the approved programme.

9. All hard and soft landscape works shall be carried out in accordance with the approved details as shown in Drawing Nos LA07/2017/0825/32 and 33 date stamped received 16th November 2017 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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

10. The open space and amenity areas indicated on the stamped approved Drawings LA07/2017/0825/33 and 34 date stamped 16 th November 2017 shall be managed and maintained in accordance with the Landscape Management Plan DOC received on 26th May 2017 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

- 11. 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.

Signed .....

Date.....

Signed .....

Date .....

**Application:** LA07/2017/0825/RM

**Description:** Post primary school, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (Strangford Road and Quoile Road) and off-site road improvements (outline approval R/2009/0476/O)

Thank you Chairperson.

Good morning/afternoon everyone,

On behalf of the the Education Authority, I would like to express my thanks to the planners for progressing this application for reserved matters.

We welcome the recommendation to approve. It has been carefully considered by Roads Service, NIEA, Rivers Agency, Environmental Health, Shared environmental services and NI Water and is entirely compliant with planning policy and guidance.

The re-development of Down High School on this site will bring a much needed and long-awaited building and sports pitches for the staff and students of Downpatrick and the surrounding area.

I trust this committee will concur with the planners recommendation and allow this approval to be passed.

I would welcome any questions at this time.

Thank you.

<b>ITEM NO</b>	<b>4</b>				
<b>APPLIC NO</b>	LA07/2017/1204/O	Outline	<b>DATE VALID</b>	07/08/2017	
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Mr N Davis 16 Brae Road Ballynahinch BT24 8UN		<b>AGENT</b>	WHW Design 9 Crossgar Road Dromara BT25 2JT	
<b>LOCATION</b>	Adjacent to and North West of 12 Brae Road				
<b>PROPOSAL</b>	Ballynahinch Site for farm dwelling				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0	0	0	
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>	
			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 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would open up the opportunity for future infill development which would erode the rural character of the area and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.





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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1204/O

**Date Received:** 07.08.2017

**Proposal:** The application is for outline planning permission for a site for farm dwelling.

**Location:** The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. The site is approx. 3mile north of Ballynahinch.



24/08/2017

#### **Site Characteristics & Area Characteristics:**

The site is located just off Brae Road and comprises a roughly rectangular roadside plot. The site has a well maintained hedge along the roadside and a tarmac laneway exists to the west of the site which serves No 16 and a number of sheds/outbuildings. The boundary towards No 12 rises from the laneway towards No 12 and also the site

rises from the roadside to the rear of the site. No 12 has a boundary comprising mature Castlewellan Gold firs.



**Site History:**

R/2013/0484/O 16 Brae Road Lands At Ballynahinch, Retirement Bungalow For Farm Manager Adjacent To Stables Application Withdrawn 20.03.2014

R/1973/0072 13 Brae Road, Creevytenant, Ballynahinch. Replacement Bungalow. Permission Granted



R/1993/1058 Land East Of 16 Brae Road Creevytenant Ballynahinch Dwelling  
Application Withdrawn

### **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 a condition

NIEA Water management – No objections

DAERA - farm business has been in existence for more than 6 years, the business does not make a single farm payment, less favoured area compensatory allowance or agri environment schemes in the last 6 years and farm business Id is 655273.

### **Objections & Representations**

In line with statutory requirements three neighbours have been notified on 18.08.2017. The application was advertised in the Mourne Observer and the Down Recorder on 23.08.2017. No objections or letters of support have been received in relation to the application.

### **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 and site location plan 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 (now known as DAERA) 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 but the applicant has not claimed single farm payment or similar within the last 6 years. The policy, however, allows for other evidence to prove active farming over the required period. A flock number and a herd number were indicated on the P1 form, however, no other evidence in terms of receipts/invoices etc were presented.

The total area of land is 1.633 ha. This land is located at Brae Road.

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.

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)". The existing buildings in association with the farm are indicated as being to the rear of the site and comprise a dutch barn style shed and a number of stables. The site, excluding of the use of the existing access would be very limited in size and the levels of the site would require a significant degree of manipulation of the natural



topography to facilitate a dwelling on the site. However, the site would be clustered with established buildings (dutch barn and stables) on the site.

Notwithstanding the above the application must also be considered taking into account the following policies: -Policy CTY8- Ribbon Development and associated policies CTY13-16.

Policy CTY13 of PPS21 relates to the integration and design of buildings in the countryside. The Justification and Amplification to Policy CTY13 indicates at paragraph 5.62 that a group of existing buildings, such as a farm complex may provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character. Paragraph 5.41 of the Justification and Amplification to Policy CTY10 acknowledges that the existing farm group or the application site may not be well landscaped and allows the presence of vegetation to be discounted in assessing visual linkage. In offering advice on the general topic of integrating with the landscape, Building On Tradition suggests that developers should look for sites with at least two boundaries and preferably three. It suggests linking with hedges and trees only where the dwelling is to be located away from the existing farm cluster. The site has some integrating features with some vegetation along the roadside, and some existing boundary vegetation along the boundary with No 12. There is an existing access in place which serves the existing agricultural building, and the registered farm business at No 16. The overall thrust of PPS21 is to group new development with existing built commitments in the landscape and in this case, the proposal would visually link with existing development, as stated. When taking into account the relevant policy and guidance on this matter, while the proposal fails to meet some of the integration requirements of Policy CTY13 these are outweighed by its ability to achieve the level of integration required for farm dwellings under Policy CTY10.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While the policy does not provide a comprehensive definition of ribbon development, paragraph 5.33 gives examples of instances that can represent ribbon development. It states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

A dwelling on this road frontage plot would have common frontage with No 12 this would result in a built up appearance as it would open up the opportunity for future infill development along this stretch of road (adjacent land owned in blue). This would be perceived as a stretch of ribbon development and would be contrary to CTY 8.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The introduction of a dwelling that would visually link with the established farm buildings would not be unduly prominent. However, the proposal would lead to ribbon development by opening up the potential for infill development and this would result in a suburban style build up of development when viewed with the existing buildings. Therefore, it is contrary to Policy CTY14 and Policy CTY8.

#### Policy CTY 16 - Sewerage

The proposal could be served by a septic tank and soakaway system within the red line.

#### Access, Movement and Parking

Transport NI have offered no objections to this proposal providing the access is provided in line with the RS1 form at reserved matters stage. The proposed dwelling is using the existing access onto Road.

#### Impact on Residential Amenity

A dwelling on the site according to the proposed layout would be approx. 6m from the dwelling at No 12 and 3m from the common boundary. The site is quite restricted and this is the open countryside with the perception of greater spacing between buildings expected. However, on balance an appropriately designed dwelling could be accommodated on the plot with appropriate conditions.

The agent was notified that the application had been discussed with an opinion to refuse the application. A subsequent meeting was held at the request of Cllr Walker, whereby he was in attendance, along with the agent and applicant. The agent thus wanted the application to be considered under the keeping and breeding of horses of CTY 10.

Paragraph 5.34 of CTY 10 requires that applicants must provide sufficient evidence to demonstrate a level of involvement commensurate with commercial activity over the requisite 6 years including things like:- statement of commercial rateable history for the business, copies of appropriate insurances, copies of horse passports and any other relevant information.

Further information was submitted by the agent 26<sup>th</sup> February 2018, whereby the agent has submitted

- Letter from Mckelvey Bros dated 06/02/2018 – stating applicant purchases farm supplies. Period unspecified.
- Letter from Mr A Foreman – stating he has carried out maintenance work for Mr Davis for more than 6 years.

- Letter from Mr Moore – he has supplied hay and bedding for agricultural purposes. Period unspecified.
- DN Fencing – carried out fencing and installation of water troughs during past 6 years.
- Screen shot from Show Jumping Ireland.ie webpage details of Glenvar Sparky owned by Mr Davis for a show jumping event. Unspecified.

No other information was supplied to verify the commercial activity of the equine business. It is concluded that the information provided is insufficient to demonstrate that the business is at a level of involvement commensurate with commercial activity.

The agent in his supporting statement of 26 February 2018 considers that the application site itself represents an infill opportunity. The agent maintains that the application site represents a gap between the built development of No.14, the agricultural sheds of No.16 and the dwelling house at No.16 itself. However No.16 cannot be considered to be part of a substantial and continuous built up frontage along the Brae Road as only its access adjoins the Brae Road. Similarly the Dutch barn cannot be considered to be part of a continuous frontage along the Brae Road as it too does not present a frontage to the Brae road, it fronts onto the lane.

There is therefore not a substantial and built up frontage in existence along this portion of the Brae Road. No.14 and No.18 are the only dwellings presenting a frontage to the Brae road and the gap between them is sizeable with the gap being bisected by the access lane, therefore no continuously built up line of development.

The agent has also asked that the application be considered under CTY 6 – Personal and Domestic Circumstances.

Under CTY 6 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 the applicant's personal or domestic circumstances and provided the following criteria are met:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

The agent has outlined the applicant, his wife and his daughter's medical issues and while the Council is sympathetic to these issues, no site specific case has been made as to the need for a dwelling here, nor has it been presented that genuine hardship would be caused if planning permission were to be refused. Thus the application would not meet the policy tests of CTY 6.



Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal is not acceptable in this countryside location for the attached reasons.

**Recommendation:**

Refusal

**Refusal Reason:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 farm business is currently active and has been established for at least six years.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.
3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would open up the opportunity for future infill development which would erode the rural character of the area and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer Signature

Date

Appointed Officer Signature

Date

VAT Number 201 4432 68  
Company reg. nr. NI49154

**WHW Design Limited**  
9 Crossgar Road, Dromara, Co. Down BT25 2JT  
Telephone: 028 97 532 740  
Fax: 028 97 532 740  
E-mail: [william@whwdesign.co.uk](mailto:william@whwdesign.co.uk)

Date: 30<sup>th</sup> April 2018

RE: Mr N Davis – Proposed dwelling under PPS21 CTY10 – adjacent to and north west of 12 Brae Road, Ballynahinch

Planning ref nr. – LA07/2017/1204/O

Dear Sir, Madam,

In response to the case made by the Department and a rebuttal statement by WHW Design.

#### Case summary facts

- Objections and representations – **no objections.**
- Consultees
  - NI Water – **no objections;**
  - Transport NI - **no objections;**
  - NIEA – **no objections;**
  - DAERA – **confirmed farm business has been in existence for more than 6 years.**
- Planning report - statement that 'the proposed site achieves the level of integration required for farm dwellings under CTY10.'
- Planning report – statement that 'any proposed dwelling would visually link with the established farm buildings and would not be unduly prominent.'
- Planning report – statement that 'an appropriately designed dwelling could be accommodated on the plot.'

WHW Design Ltd



## Rebuttal against refusal reasons

### Policy CTY1

I believe this policy to be met if CTY10 is satisfied.

### Policy CTY6 – Personal and domestic circumstances

This application was made under CTY10. We are not seeking this application to meet CTY6, and believe the department are incorrect in using this as reason to refuse this application. Admittedly we did submit evidence and information to be used as contextual background information only. At no point did we ask or indicate that we wished this application to be measured against this policy and therefore ask to have this reason removed.

### Policy CTY8 – Ribbon Development

This application was made under CTY10. Nevertheless the department has given an opinion in that if granted a ribboning opportunity would arise which falls under CTY8 and therefore I address it.

The planning report states the proposed dwelling would have common frontage along Brae Road resulting in a built up appearance opening up the opportunity for future infill development saying that 'this would be *'perceived'* as a stretch of ribbon development.

I would like to highlight two points.

1. The highlighting in several passages of the *ribboning along the Brae Road*. The report relates to para 5.33 CTY8 giving examples of instances that can represent ribboning development. *The report does not however highlight the start of that clause where it states that road frontage includes private lane.* Shown is an image with the private lane highlighted in green, the proposed site in red and neighbouring buildings in blue [although discounting the house further up the lane]. CTY 10 as does the planning report states a ribbon does not have to be in a straight line, nor to have a uniform building line and buildings may be sited back, staggered or at angles and gaps between them, they can still represent ribbon development if they have a common frontage *or are visually linked*. The planning report states that the dwelling would be visually linked and not be unduly prominent to these established farm buildings. I would argue that the report actually supports the site as an infill opportunity.





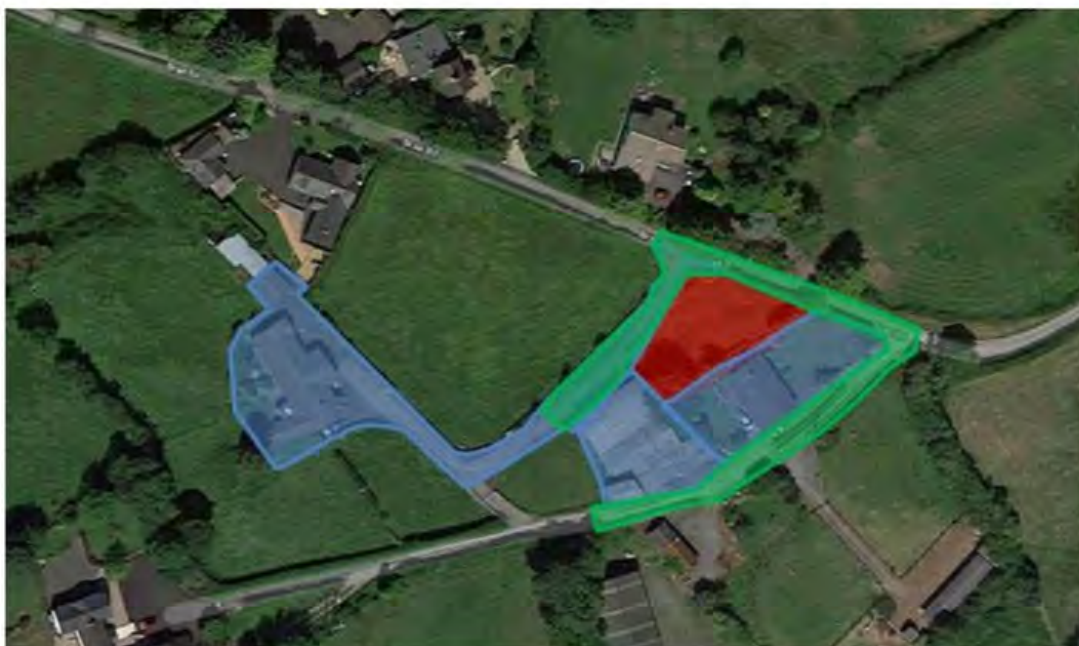


Image 1- site [red] occupying an infill opportunity with an existing ribbon around the private lane [green]

The use of the word 'perceived' here is interesting which I feel is open to ambiguity or interpretation. Whilst one is aware of a gap between numbers 12 and 18, it is my opinion that the planning viewpoint or 'perception' is flawed in that when the surrounding lands are examined, looking at the below images, a gap exists regardless of whether this dwelling is approved or not. CTY8 allows for the development of up to 2 houses which would occupy the lands sitting to the front of my client's house.



Image 2 aerial view [Google maps] showing the field highlighted to the front of my clients house.







Image 3 Image from Google Maps showing the view towards east illustrating the infill opportunity in the roadside field.

The planning report states that if this application was to be approved that it would open the potential of for infilling development between this and the neighbouring properties. It is my view that, in this case, the potential already exists. Whilst, I feel, an infill opportunity already existing along the Brae Road regardless of whether this application is approved or not, my client has no appetite nor does he wish to apply for these as he does not wish to be looking into the rear of two houses from his house, detract from his views nor donate good grazing lands over to construction.

### **CTY10 – Dwellings on farms**

This was the initial policy under which this application was made. I believe the main point here is that the department does not accept that the farm is currently active and has been established for at least 6 years. As part of the consultee exercise DAERA has stated that the farm business has existed for more than 6 years, so am a little confused as to how or why the planning department would suggest that the farm has not been when quite clearly it has. Para 1.13 of the Strategic Planning Policy Statement [SPPS] issued September 2015 states that the policy provisions of PPS21 are to be retained and that agricultural activity can include maintaining the lands in good agricultural and environmental condition. My client has provided the department with letters of support and receipts. This work has included, but is not limited to, spraying, weed-killing, fertilising and topping and lands in keeping with good land management practices as well as fencing





and hedge cutting the boundaries to ensure that these are also kept in good order. This approach has been accepted and supported by several appeal cases [2009/A0297, 2012/A0170, 2013/A0109].

Notwithstanding the above activity my client also keeps show jumping horses. These horses are of a very high quality and are most certainly not for hobby purposes as the department would portray. The time involved with all these animals such as the purchase of bedding, feed and other equipment relating to the welfare of the animals, as well conversations with trainers, jockeys and other owners, organising entry fees, organising transportation to and from meetings, vet appointments and treatments as well payment of all these items is reflection of a commercial scale. Keeping and managing these animals, given the geographical spread of the races as well as the regularity of the meetings dictates that this is certainly not a hobby but does certainly reflect a commercial scale.

I would submit that my client meets the criteria as set out in CTY10 [a].

### Conclusion.

I feel the case has been made overly complex with additional information being sought from the planning department which has perhaps diluted the case somewhat.

To conclude the application was made under CTY10, however

- This application was never to be measured against CTY6. I or the client never asked for this application to be considered under CTY6. Medical evidence was given so as to restrict or limit any subsequent approval to this case as well as giving contextual background.
- It is my opinion that an infill opportunity exists around the private lane which is permissible under policy CTY8.
- It is my opinion that the approval of this application would not open up an infill opportunity fronting the Brae Road as that potential already exists.
- DAERA has confirmed that the farm business has been in existence for more than 6 years.
- My client has carried out agricultural activity through maintaining the land in good agricultural and environmental conditions during that time.

I submit this report to the Planning Committee and respectfully ask that this application be approved.

Regards William Wallace. Bsc(Hons) Dip Arch ADPPA ARB RIBA

For WHW Design Limited

*William Wallace*

WHW Design Ltd





<b>ITEM NO</b>	<b>5</b>			
<b>APPLIC NO</b>	LA07/2017/1258/O	Outline	<b>DATE VALID</b>	18/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Derek Jackson 18 Templeburn Road Road Crossgar BT30 9NG		<b>AGENT</b>	David Burgess 24 Templeburn  Crossgar BT30 9NG
<b>LOCATION</b>	Adjacent to 18 Templeburn Road Crossgar BT30 9NG			
<b>PROPOSAL</b>	Farm dwelling & garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	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 does not merit being considered as an exceptional case in that it has not been demonstrated that access to the dwelling cannot be obtained from an existing lane.

2. The proposal is contrary to the SPPS and Policies CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along the Templeburn Road and would therefore result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1258/O

**Date Received:** 18<sup>th</sup> August 2017

**Proposal:** Erection of Farm Dwelling and Garage

**Location:** The site is located on lands adjacent to No 18 Templeburn Road, Crossgar



#### **Site Characteristics & Area Characteristics**

The site is comprised of a 0.22 hectare portion of land cut out of a larger agricultural field, currently used for grazing. The site is level with the road and is defined at the roadside and the north-eastern boundary with mature vegetation, while the remaining boundaries are currently undefined.

The site is visible on approach from both directions along the Templeburn Road.

Templeburn Road, has experienced increased pressure for development and a number of single dwellings have been erected in recent times, however, the area general remains predominantly agricultural in use, with the surrounding fields used for grazing.

**Site History:**

There is no previous history on this site for this type of application.

**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 2 – Natural Heritage
- 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

DARDNI – Confirmed 6 years active business and payments claimed

**Objections & Representations**

The following neighbouring properties were notified on 5<sup>th</sup> September 2017:

- 15, 17, 18 and 19 Templeburn Road, Crossgar

The application was advertised in the local press on 6<sup>th</sup> September 2017:

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

**Consideration and Assessment:**

The proposal is an application for outline planning permission for a farm dwelling and garage.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.



The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

It is considered that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25<sup>th</sup> November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25<sup>th</sup> November 2008, therefore the proposal meets criteria (b)

The proposed site is located directly to the south west of the existing farm dwelling and surrounding farm buildings. It is considered that the dwelling would cluster and visually link with the established group of buildings on the farm. The site is visible on approach from the south west along Templeburn Road. The application proposes two potential access points as indicated A and B on the Access Plan, neither of which are from an existing lane as per policy requirement instead with access taken directly from the Templeburn Road along the frontage of the site. Access would appear to be achievable from the existing access serving the farm, it has not been demonstrated by the agent/applicant why the existing access can not be utilised to serve the proposal. Proposal therefore offends this element of policy in that the access is not obtained from an existing lane.

Criterion (c) has not been met.

### CTY13

The site is located adjacent the existing farm dwelling and associated buildings and would visually link and be sited to cluster with these buildings. The land is relatively flat and defined on all sides except that to the south west. It is considered therefore that a single storey dwelling could successfully integrate into the site. The proposal is therefore compliant with Policy CTY 13.

The detailed design would be required at the reserved matters stage, however given the public views of the site from the south west it is considered that a condition limiting the ridge height to 6m would be appropriate.

### CTY14

It is not considered that a single storey dwelling would appear prominent in the landscape, however, approval of a dwelling at this site has the potential to create an opportunity to develop the land south-west of the site and shown outlined in blue on the site location plan for infill development. It is considered that the development

has the potential to create a sub-urban style build up by creating a ribbon of development as well as opening up the opportunity for infill development along Templeburn Road and therefore damaging to rural character.



It is noted from the submitted maps that there are other opportunities within the farm holding to site a dwelling, which would allow a dwelling to visually link with the existing buildings and integrate into the landscape without damaging rural character i.e. that land to the rear and east of No 18 and that land to the immediate NE of the existing farm complex.

#### CTY16

A septic tank is proposed. Details of its location would be submitted at reserved matters stage and the necessary permission from NIEA Water Management Unit and NI Water are required. The proposal is not contrary to CTY16.

#### **Summary**

The proposed farm dwelling meets the criteria of policy CTY10, however, it is my opinion that a dwelling sited in the proposal location is contrary to CTY 14 as detailed above and should therefore be recommended for refused on this basis.

**Recommendation:**

REFUSAL

**REASON:**

The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that access to the dwelling cannot be obtained from an existing lane.

The proposal is contrary to Policies CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along the Templeburn Road and would therefore result in a detrimental change to the rural character of the countryside.

Signed: .....

Date: .....

Signed: .....

Date: .....



## Statement for Planning Committee

Farm dwelling & garage

Adjacent to 18 Templeburn Road Crossgar BT30 9NG

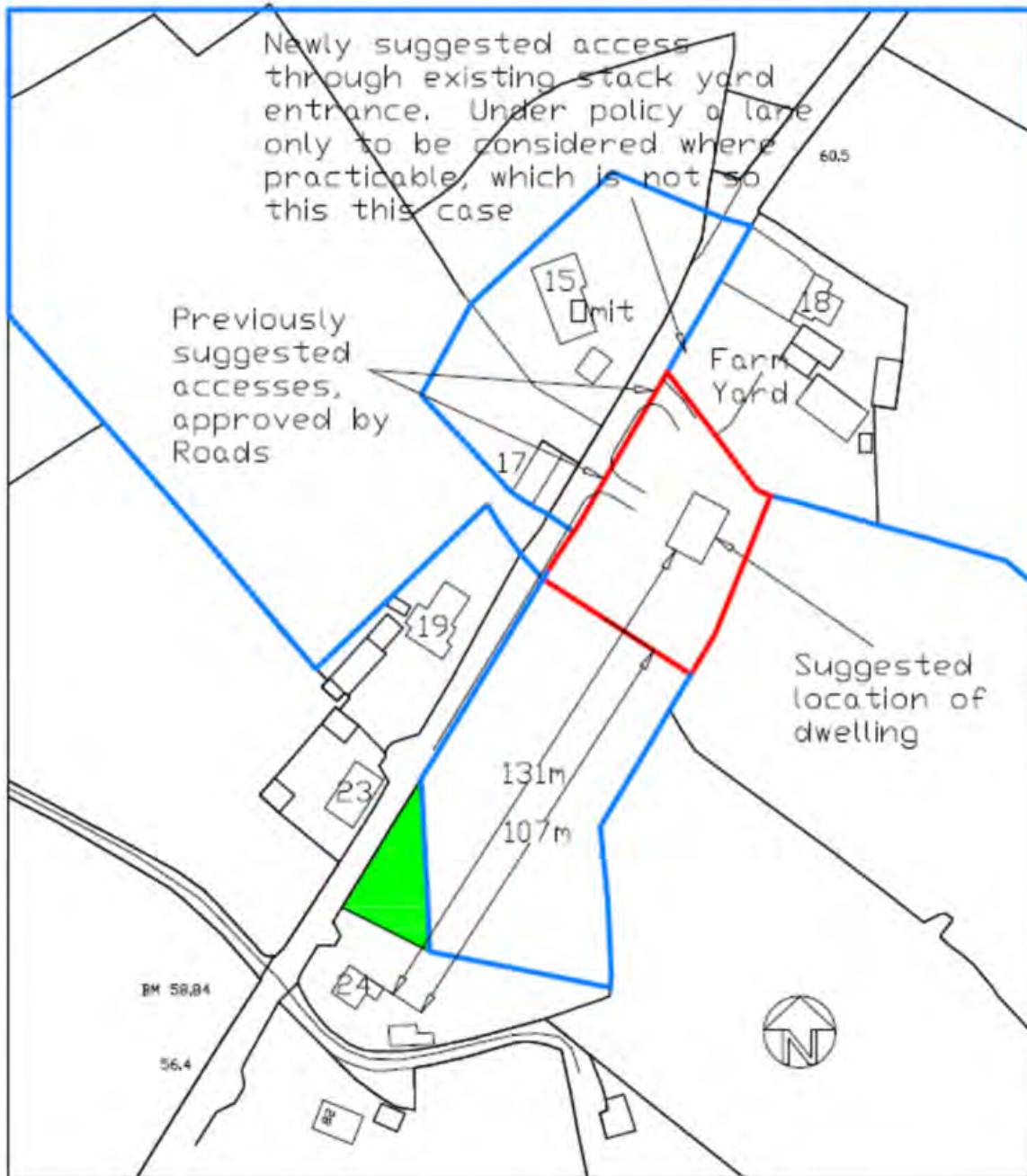
LA07/2017/1258/O

### Refusal Reason 1

The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that access to the dwelling cannot be obtained from an existing lane.

### Refusal Reason 2

The proposal is contrary to Policies CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along the Templeburn Road and would therefore result in a detrimental change to the rural character of the countryside.



Latest Site Map above

#### Refusal reason 1 - Access

Having considered the case officers report I can present a solution. I have included details on the A4 drawing above. The case officers report is content with the capacity of the site to contain a 6.0m high dwelling. The concern is with the access which can be moved to the yard access immediately to the north, and adjust the red line as can be done for amended accesses. Within CTY10 use of a lane is not an absolute necessity but to be used where practicable, "where practicable access to the dwelling should be obtained from an existing lane". In this case there is no lane access so a lane is not practicable therefore a suitable adjoining access can be utilised. That will deal with the first reason for refusal.

#### Refusal reason 2 – CTY 3 and CTY 14

The case officers report clearly states the issue is with creation of further development opportunities to the south. To quote the case officer report **"approval of a dwelling at this site has the potential to create an opportunity to develop the land south-west"** and **"It is considered that the development has the potential to create a sub-urban style build up"** That potential does not exist due to the following thus no potential of future development. With the distances, measurements and spacing involved precise siting of the proposal (within a shaded area) and where shown on the plan above, it would be 136m between the new dwelling and No 24, much too wide for a 2-house infill. It would also be 107m from the proposed boundary to No 24, again too wide for a 2-house infill. Furthermore the green area highlighted does not belong to No 24 or No 18 but belongs to No 23, this too breaks-up the frontage which would also prevent an infill.

The siting of the proposal could be agreed by shading an area on the approved plan and conditioning it on the approval. Also if required the southern boundary could be moved north (towards the yard) to further constrict the site, increase the remaining road frontage and further prevent infill.

Again the case officers report explains the positives of the site **"It is not considered that a single storey dwelling would appear prominent in the landscape"** meaning the site is not prominent. It goes on to say **"The site is located adjacent the existing farm dwelling and associated buildings and would visually link and be sited to cluster with these buildings"** and **"It is considered that the dwelling would cluster and visually link with the established group of buildings on the farm"** this means it suitably integrates with the yard and surroundings, forming part of the farm cluster with no ill-effect on rural change of character. It further states **"It is considered therefore that a single storey dwelling could successfully integrate into the site"** and **"it is considered that a condition limiting the ridge height to 6m would be appropriate"**. Meaning integration is fine and it's a good site for a 6.0m farm dwelling.

See below approval for a farm dwelling (LA07/2017/0958/F) that was approved in December 17 and is identical to the proposal adjacent to 18 Templeburn Road. It was approved with no issue regarding CTY8 or CTY14. The proposals in each case comply with all aspects of CTY10, are both immediately to the east of the yard and adjacent to the road.



In both cases there is no dispute that the proposed development meets the requirements of CTY 10 and it is sited to cluster with the established group of buildings on the farm. Paragraph 5.41 of 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 from 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 addition of the proposed dwelling in each case forms an integral part of the respective farm groupings and, in the case of the current proposal, when seen from the Templeburn Road there is no appreciation of any physical separation between the proposal and the yard. The necessity to cluster with existing buildings is foremost in CTY10. If the existing buildings are near the road then there is no choice but to cluster near the road. In that case compliance with Policy CTY 10 **outweighs** the requirements of Policies CTY 8 and CTY 14 and CTY 10 must carry **determining weight** in this case.

So with the access dealt with, no future worry of further ribbon development and acceptance that the new 6.0m dwelling clusters with the existing buildings we feel this can be approved in a similar way to those recent approval shown below.

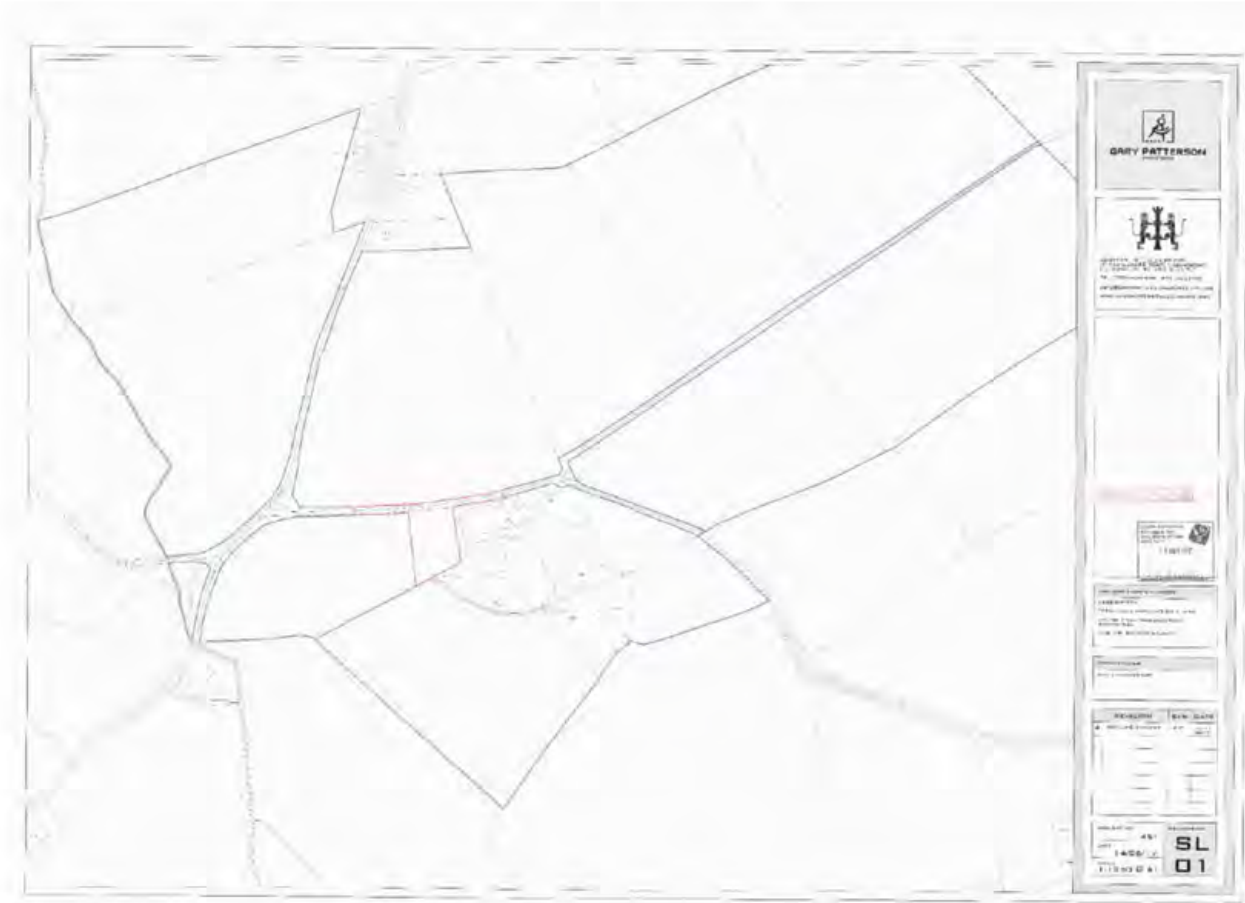
### **Conclusion**

Can I ask that the Members of the Planning Committee review the decision in light of this additional information and the case be approved.

**Various examples of similar approvals**

See below recent examples where CTY 10 out weighed CTY 8 and CTY 14. In these circumstances CTY 10 has more determining weight in the decision than CTY 8 or CTY 14.

These are all decisions approving roadside, but clustered farm dwellings, exactly like this one. The site on the Templeburn Road also has the advantage of mature boundaries and trees along the rear and side to act as a suitable backdrop for the proposed new dwelling.



LA07/2017/0958/F above and below







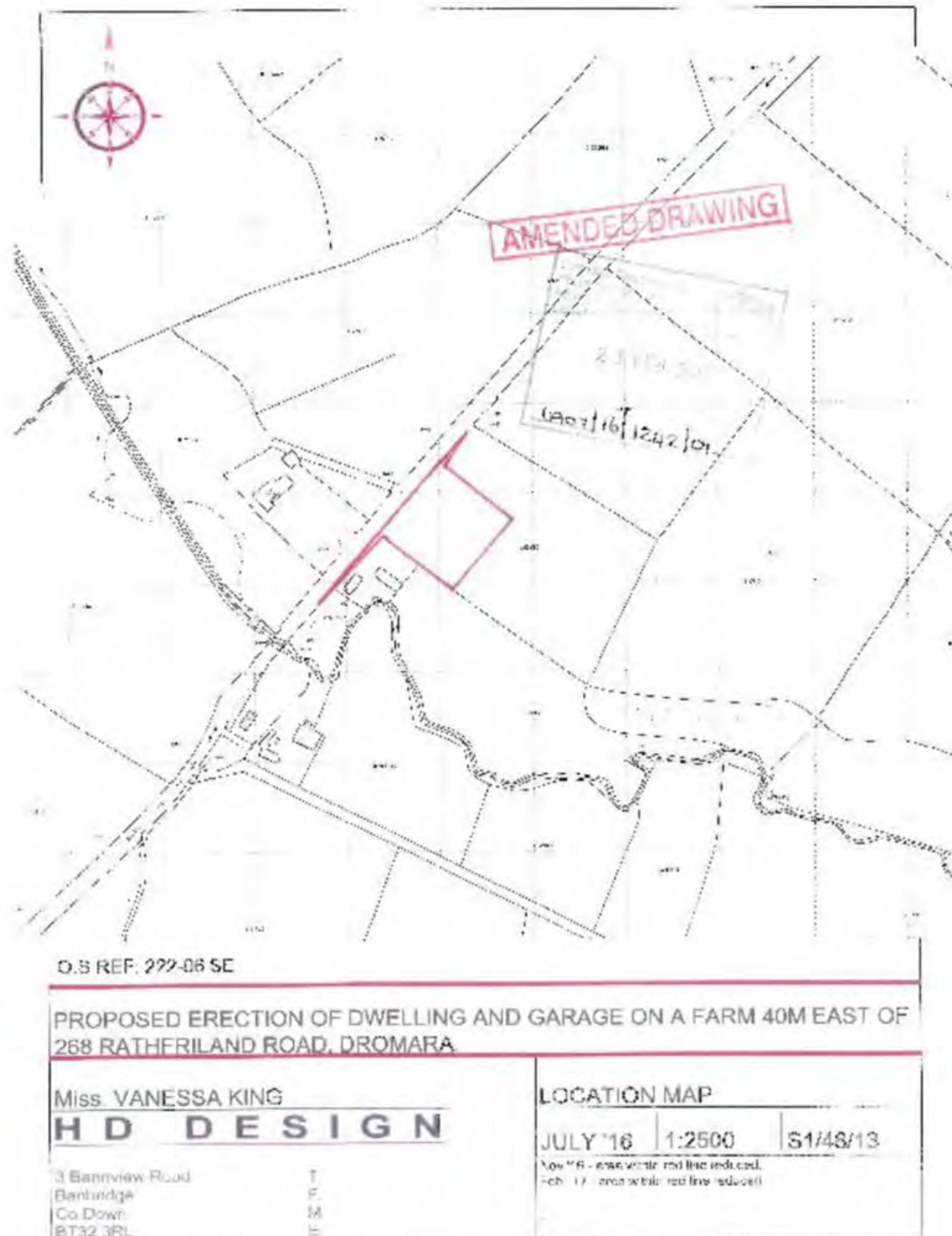
03 MAY 2017  
 LA 07/17/0704

PROJECT: STAFF TALK - PROPOSED CHANGING OF A PARK AT 21 CASTLEBERRY RD  
 QUINCY, ILLINOIS 62451

DATE: APRIL 2017

SCALE: 1:1250

LA07/2017/0704 above



LA07/2016/1242 above



Above and below details of R/2010/0458/RM, one mile away from the proposal | Proposed dwelling. | South of 169 Carrickmannon Road Crossgar Downpatrick Co Down Bt30 9NN





**PLANNING (NI) ORDER 1991**

**APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>6</b>		
<b>APPLIC NO</b>	LA07/2017/1326/F	Full	<b>DATE VALID</b> 30/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Mr Peter Morgan 14 Kirk Lane Kilcoo Newry	<b>AGENT</b>	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED

**LOCATION** 30m South of 28 Bog Road  
Kilcoo  
Newry

**PROPOSAL** Dwelling and garage on a farm

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	1	0	0	0	0	0	0	
	Addresses Signatures		Addresses Signatures					
	0	0	0	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 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 Bog Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS 2 NH6 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is not appropriate nor sympathetic to this Area of Outstanding Natural Beauty.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1326/F

**Date Received:** 30.08.2017

**Proposal:** The application is for full planning permission a dwelling and garage on a farm.

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



site location



**Site Characteristics & Area Characteristics:**

The application site is a roadside plot which is roughly square in shape. The plot lies adjacent to an existing farm shed. There are walls and pillars located along the roadside which allow access to the shed where the area has been stoned. Part of the northern boundary comprises a post and wire fence which it bounds with a laneway adjacent to No 28. The site is cut from the larger agricultural field and thus the remaining boundaries are undefined.





### Site History:

R/2011/0346/O 30 Metres South Of No 28 Bog Road, Kilcoo, Proposed 2 No Infill Dwellings And Garages Permission Refused 25.04.2013

R/1998/0738 26 Tullyree Road, Dromena, Kilcoo Replacement Dwelling Permission Granted

R/1984/0701 Drumena Kilcoo Mv O/H Line Permission Granted

R/1983/018601 Bog Road, Kilcoo, Newry Erection Of Dwelling Permission Granted

R/1983/0186 Bog Road, Kilcoo Bungalow And Garage Permission Granted

### 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

NIEA Water management – No objections

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

### Objections & Representations

In line with statutory requirements three neighbours have been notified on 14.09.2017. One letter of objection has been received in relation to the application



from Mr Brogan of Bog Road. The application was advertised in the Mourne Observer 13.09.2017.

The letter of objection relates to,

- Applicant has previously sold sites to self-builders at 30 and 30a creating a linear form of development.
- Previous refusal on the site and this should also be refused
- Applicant has more suitable sites elsewhere

### **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 claimed is 34.92 ha. This land is located at Cross, Clonachullion and Drumena. These are the only sheds indicated on the farm maps and for quite a sizeable holding, there was no evidence of any machinery or animals being stored/housed at the sheds at the time of the site visit. The applicant resides at 14 Kirk lane (below) where there does not appear to be any farm buildings.



On balance, however, and 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)". Form P1 indicates that the farm business is registered to Mr Peter Morgan of 14 Kirk Lane, Moyadd, Kilcoo.

Two farm buildings have been identified on the land at Cross where the site is proposed to be located. One building is located along the roadside (with its own access onto Bog Road, with an area to the side which has been stoned) whilst the other building is located 50m SW of this building and is accessed via an existing concrete laneway which also serves No 26. The main views of the site are along the roadside coming from both directions. In terms of CTY 10 (c) the site proposal would read as being visually linked with one of the established building group buildings on the farm with little appreciation of the physical separation that would exist between them. While the site is visually linked/clusters with the singular shed at the roadside, there is no linkage or clustering with the other buildings, hence it is contrary to policy. Thus it would be contrary to CTY (c). The requirements of Policy CTY 8, 13, 14 and 16 also need to be met.

Policy CTY13 of PPS21 relates to the integration and design of buildings in the countryside. The Justification and Amplification to Policy CTY13 indicates at paragraph 5.62 that a group of existing buildings, such as a farm complex may provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character. Paragraph 5.41 of the Justification and Amplification to Policy CTY10 acknowledges that the existing farm group or the application site may not be well landscaped and allows the presence of vegetation to be discounted in assessing visual linkage. In offering advice on the general topic of integrating with the landscape, Building On Tradition suggests that developers should look for sites with at least two boundaries and preferably three. It suggests linking with hedges and trees only where the dwelling is to be located away from the existing farm cluster. The site has very limited integrating features with some vegetation along the roadside, and only a post and wire fence along the laneway to the north of the site. There is an existing access in place (with wall and pillars) which serves the existing agricultural building (all unauthorised). However, two of the site boundaries are undefined and the landform slopes from the road offering only limited enclosure. The proposal would visually link with only one of the existing sheds, and would fail to cluster with an established group of *buildings* (my emphasis) on the farm as stated in CTY 10. When taking into account the relevant policy and guidance on this matter, the proposal fails to meet the integration requirements required for farm dwellings under Policy CTY10.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While the policy does not provide a comprehensive definition of ribbon development, paragraph 5.33 gives examples of instances that can represent ribbon development. It states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps



between them can still represent ribbon development, if they have a common frontage or they are visually linked.

There was a previous appeal on the site for two infill dwellings and garages 2013/A0041. No significant changes on the ground have taken place since this appeal. Within the appeal it was found that as there was no substantial and continuously built up frontage, no infill opportunity arose on the appeal site. It went on to state that "The proposal would result in the creation of a row of at least three roadside buildings stretching south from, and including, No.28. This would be perceived as another ribbon of development and would fall foul of policy CTY 8" 2013/A0041. Paragraph 5.32 of policy CTY8 states that "Ribbon development is detrimental to the character, appearance and amenity of the countryside".

The same circumstances apply in this case, a dwelling on this road frontage plot would have common frontage with and visually link with the farm building and No 28 to create a ribbon of development. This would result in a built up appearance as it would extend development along the road frontage. The proposal would result in the creation of a row of at least three roadside buildings stretching south from and including No 28. This would be perceived as a stretch of ribbon development and would be contrary to CTY 8.

### CTY 13

#### Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.

Design: The dwelling has a ridge that measures 6.5m in height above FFL, dropping to 5.3m to the elements to the side. Finishes to the dwelling include white roughcast rendered finish to walls with granite plinth and window sills. The roof is to be finished blue/black natural slate. Windows are painted hardwood sliding sash, with black aluminium rainwater goods. The stonework to the front and rear is locally sourced granite. These materials would all be deemed suitable for the rural locality, given the mix of houses types in the immediate area.

The proposed dwelling measures 20.4m in length and has a variable gable depth gable width of 5.8m and 7.5m. There is accommodation over two floors. The design includes a single storey front porch, The design incorporates the main dwelling with a lower ridge elements to the side. A full second floor is proposed on the lower ground to accommodate, a garage, gym, playroom, sauna, and store. While there is a change in levels over the site, it has not been fully demonstrated how so much accommodation could be achieved at lower ground level without impacting on the landscape and I think further sections and information is required from the applicant to demonstrate this. As the principle of a dwelling has not been accepted, this



further information regarding the impact of the lower ground has not been requested. The proposal is located within the Mourne's AONB and therefore PPS 2 Natural heritage is applicable, Policy NH6 refers to Area of Outstanding Natural Beauty and requires development in such sensitive locations to be sympathetic and appropriate, for the above reasons the proposed dwelling and its siting is not considered to contribute to the AONB, in fact it detracts from the special character of the locality and the AONB in general. Thus the design is inappropriate for the site and is contrary to CTY 13.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The introduction of a dwelling that would visually link with the established farm buildings would not be unduly prominent. However, the proposal would create ribbon development when viewed with the existing buildings. Therefore, it is contrary to Policy CTY14 and Policy CTY8.

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.

Having discussed the application as submitted with the agent as the application was being recommended for refusal, amended plans were then submitted 10 April 2018. This shows the access now coming to the rear of the agricultural shed onto the existing concrete laneway and not directly onto the Bog Road as previously shown. The amended plans have not addressed the concerns as previously raised regarding CTY 10, CTY 8 and CTY 14.

#### Conclusion

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

#### **Recommendation:**

Refusal

#### **Refusal Reason:**

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), PPS 2 NH6 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, , in that the design of the proposed building is not appropriate nor sympathetic to this Area of Outstanding Natural Beauty.
  
3. The proposal is contrary to Policy CTY8 and CTY 14 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 Bog Road.

Case Officer Signature

Date

Appointed Officer Signature

Date

<b>ITEM NO</b>	<b>8</b>			
<b>APPLIC NO</b>	LA07/2017/1478/F	Full	<b>DATE VALID</b>	28/09/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr P Bloomfield 64 The Heights Loughinisland Downpatrick BT30 8PY		<b>AGENT</b>	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED
<b>LOCATION</b>	40m south 64 The Heights Loughinisland Downpatrick BT30 8PY			
<b>PROPOSAL</b>	Infill dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along The Heights.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1478/F

**Date Received:** 28<sup>th</sup> September 2017

**Proposal:** Infill dwelling

**Location:** 40m South of 64, The Heights, Downpatrick

**Site Characteristics & Area Characteristics:**



The site is located along the minor The Heights Downpatrick. It is comprised of a long narrow 0.23 hectare portion land, which appears to be covered in gorse vegetation. The levels within the site slope steadily upwards from the adjacent farm buildings to the immediate west towards the existing dwelling at No 64 The Heights in the north-east. The boundaries of the site are comprised of mature vegetation and the roadside boundary wall of No 64, mature hedges along the boundary the site shares with No 64, while the western boundary is currently undefined.



The site is located in the rural area outside the settlement limit of Loughinisland.

The surrounding topography is undulating and elevated in places. It is noted that the land immediately surrounding the site is used for grazing, however, there are number of detached dwellings dispersed along The Heights – it is noted that a variety of house types and plot sizes exist

#### **Site History:**

There is no previous history on this site for this type of development.

It is noted that planning permission has been granted for an infill dwelling on the lands south-west of the site under R/2002/1288/O and LA07/2016/1377. This development had not commenced at the time of inspection 9<sup>th</sup> January 2018.

#### **Planning Policies & Material Considerations:**

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 21 (CTY 1, 8, 13, 14), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 11.10.17

There are no occupied dwellings adjoining the site within a 90m radius, other than the applicants dwellings at No 64, as such no neighbours have notified of the proposal.

#### **Consultations:**

In assessment of the proposal a consultation was carried out with Transport NI.



No objections have been received.

### Objections & Representations

No objections have been received

### Consideration and Assessment:

The proposal seeks full planning permission for the erection of an infill dwelling. A split level dwelling is proposed, which will present to the road frontage as a single storey dwelling with a ridge height of 5.9m above finished floor level, while the overall height of the dwelling will be 9m. Given the narrow nature of the site, it is proposed to develop a dwelling which extends front to back by 19.8m.



The relevant local development plan is the Ards and Down Area Plan 2015. The site is located outside the settlement limits of Loughinisland and within the rural area as designated in the plan. There are no specific policies in the Plan material to this application.

Planning Policy Statement 21 provides the policy context, its Policy CTY1 specifies a range of types of development considered acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The applicant considers the proposed site represents a small gap within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. As the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) does not introduce a more stringent policy context in respect of such development PPS 21 remains the relevant policy context under which to consider the application.

Policy CTY8 deals specifically with this type of development and while it is entitled 'Ribbon Development' it makes provision for the development of a small gap sufficient to only accommodate 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.

The alleged gap is positioned between those buildings immediately adjacent and west of the site and the applicants dwelling to the north-east at No 64 The Heights. In assessment, of whether this site represents a gap site within an otherwise substantial and continuously built up frontage, it is considered that No 64 and the agricultural outbuildings to the west share a frontage with the application site. However, policy CTY 8 defines a substantial and continuously built up frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It appears from the submitted site layout plan that the applicant may consider No 56 to be part of the road frontage development, however, this dwelling is physically separated from the public road by an intervening field, which is defined by a close board timber fence, and this site, only connects with the road via a driveway.

It is also noted that planning approval has been granted for a dwelling immediately adjacent and NE of No 56, under planning reference number LA07/2016/1377/RM, however, this dwelling has yet to be built and therefore cannot contribute to the development along The Heights.

In light of this assessment, it is considered that the site is not located within a substantial and continuously built up frontage and therefore does not comply with CTY 8.

On the basis of the above, a recommendation to refuse will be put forward.

**Recommendation:** Refusal

**REASON:**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along The Heights.

Signed .....

Date .....

Signed .....

Date .....

**Re: LA07/2017/1478/F – Infill Dwelling 40m South of 64, The Heights for Paul Bloomfield**

This application is on the schedule for the 9<sup>th</sup> May 2018 Council meeting with an opinion to refuse. I wish to put forward the following information in support of the application.

**Background**

The Planning History adjoining the application site is as follows:-

- ∑ **R/2015/0112/O – Infill Dwelling between Nos.56 & 64 The Heights** approved 21<sup>st</sup> October 2015. The Case Officer's Report accepted that there was a continuously built-up frontage between Nos 56 & 64 and that under CTY8 an infill opportunity existed. (Copy of the Case Officer's Report attached)
- ∑ **LA07/2016/1377/RM – Infill Dwelling between Nos.56 & 64 The Heights** approved 29<sup>th</sup> December 2016. The Case Officer's Report accepted the principle of an infill (Copy of Case Officer's Report attached) and concentrated on the design and siting. (Copy of Site Plan and Layout attached)

**Current Proposal**

This is sited on a 0.23ha portion of land and has a some 35m frontage to The Heights. It lies within a gap between No.64 and a large agricultural shed. Adjoining to the south is a recently approved infill proposal LA07/2016/1377/RM with No.56 further to the south. (See attached Site Location Map)

On 2 previous occasions in 2015 and 2016 Council has accepted there is a continuously built-up frontage between Nos.56 & 64. This proposal lies within this continuously built-up frontage and would access directly onto The Heights.

There are no objections to the proposal and Transport NI have no objections. In the applicant's view, as his proposal lies within the continuously built-up frontage between Nos.56 & 64, it complies with CTY8. He would further advise that the owners of the recently approved infill intend to commence construction in the short term. (See attached letter)

I would ask Council to look again at this case.

Ewart Davis






Newry, Mourne and Down District  
Council  
Planning Office  
Downshire Civic Centre  
Ardglass Road  
Downpatrick  
BT30 6GQ

### Delegated Application

Development Management Officer Report		
<b>Case Officer:</b> Fionnuala Murray		
<b>Application ID:</b> R/2015/0112/O		<b>Target Date:</b>
<b>Proposal:</b> Proposed infill dwelling and garage		<b>Location:</b> Lands located between 56 and 64 The Heights Loughinisland Downpatrick BT30 8PX
<b>Applicant Name and Address:</b> Mr Christy Smyth		<b>Agent Name and Address:</b> Matrix Planning Consultancy LLP 29 Old Belfast Road Newtownards BT23 4SG
<b>Date of last Neighbour Notification:</b>		17th August 2015
<b>Date of Press Advertisement:</b>		11th March 2015
<b>ES Requested:</b> Yes/No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues:</b>		

<b>Site Visit Report</b>	
<b>Site Location Plan:</b>	
<b>Date of Site Visit:</b>	
<b>Characteristics of the Site and Area</b>	<p>The site in question is located off the Heights Road and the site is set back from the road. Along this section of road are dwellings and garages and agricultural outbuildings. The site itself is located on hilly ground that rises up from the existing road due to there being a dip in the road but when viewing the site from further back on the road it appears more level. There is a dwelling to one side of the site, no 56 which is separated from the site with a post and wire fence. To the NE of the site there sits agricultural buildings, they sit much lower than the existing site in question. The site is lower at the front and levels out to be a more flat site to the rear.</p> <p>The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The area is a rural area generally of single dwellings and agricultural lands.</p>
<b>Planning Assessment of Policy and Other Material Considerations</b>	<p><b>Site history</b>            LA07/2015/0051/O – approx 50m S of no 56 the heights – Replacement dwelling and garage – pending            R/2013/0530/O – approx 50m S of no 56 The Heights – replacement dwelling – 04-03-2014 – granted            R/2000/1485/F – land at junction between The Heights and Teconnaught Road – dwelling – granted – 02-02-2002            R/2005/0142/O – Teconnaught Rd, approx 130m from junction with the heights – new dwelling – refused – 11-02-2006            R/2004/1509/O – site 230m SE of no 64 The Heights – rural style dwelling – 10-04-2006 – refused            R/2007/0300/RM – The Heights, Loughinisland – proposed dwelling and garage – 10-09-2007 – granted            The application is considered against Ards and Down Area Plan 2015, PPS 1, PPS 3, and PPS 21</p> <p><b>Policy CTY 8 – Ribbon Development</b>            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.</p>

Consideration is given to PPS 21 CTY 8 Ribbon Development

Dwellings granted under CTY 8 can differ greatly, and as the policy above identifies that a built up frontage includes a line of 3 or more buildings along a road frontage. The curtilages of all the buildings in the row run to the road however the buildings are set well back from the road and no 56 has part of the frontage fenced off and let grow rough.

The dwelling no 64 sits back from the road and has a long frontage of a garden, then the road and lands dip and in the dip are agricultural buildings, the top of one of the buildings reads with no 64 when travelling along the road. There is a gap between the agricultural buildings and dwelling no 56, the gap in question is the gap subject to this planning application.

It is noted there is a valid planning application for a replacement 50m South of no 56 the heights which is under consideration at present.

The level of substantially built up frontage would be considered to be low however it is considered that the curtilages of two dwellings and the farm yard buildings in between do read as one continuous frontage travelling in both directions although some sections you are viewing the walls associated with the dwellings in question.

The frontage of the site proposed is 40m wide, the frontage of no 56 is 52m wide and the farm holding has a frontage of 58m and no 64 has a frontage of 38m

The applicant has submitted examples of appeals submissions that demonstrate how dwellings can be set back and still incorporated into the frontage and how all buildings do not need to be visible at all times when considering indivisibility.

It is considered that there is a sufficient enough degree of linkage between the buildings in question and the gap is sufficient enough to only incorporate one dwelling on the site and this will respect the surrounding character of dwellings in the surrounding area and be in keeping with the surrounding area.

The existing development pattern would be considered to be respected as a result of allowing development on this piece of land.

As the application is considered acceptable in terms of CTY 8 it is considered necessary to consider the application against CTY 13.

The building will not be a prominent feature in the landscape, it is noted that the dwelling would need to have a height restriction to ensure that it would satisfactorily integrate however consideration is given to the surrounding dwellings, that said each site is considered on its own merits and while a story and a half would possibly be acceptable, full two storey would not. This site will be more likely to be visible than no 56 as 56 is set well back and down therefore there is land to the front of the site and visibility reduced in part. If the site in question was cut in order for it to be more set down there would be other negative visual impacts, the design and setting will need to be fully considered at reserved matters stage should this application be approved however it is considered that a dwelling could be successfully accommodated on the site.

The dwelling would not be a prominent feature in the landscape, the site is on a height however given that there is already development on both sides of the site the skyline is already interrupted and a dwelling suitably designed would be acceptable and would be able to be absorbed, a full planting scheme would also be required to be considered before development commenced in order to allow the dwelling to integrate.

The site is such that there is only limited planting on the site with a post and wire fence bounding part of the site and the odd whinn bush on the site. However the site is between two other properties, one being and agricultural yard, it is considered, however that the site can accommodate a dwelling and a planting scheme will help soften the impact of the additional dwelling.

Ancillary works will integrate with the surroundings and an access can be accommodated on the land in question, any ancillary works such as a garage etc can be considered fully at reserved matters stage as will the design of the building. A thoughtfully designed dwelling will need to be designed to ensure that the slightly complicated site can accommodate the dwelling.

It is felt that a dwelling can be accommodated on the site given the surrounding built context and acceptable sewerage disposal can be accommodated within the boundaries of the site.

Consultations



NI Water – no objections Transport NI – no objections NIEA Water Management Unit – no objections  Case officer – consideration – approval	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation</b>  Approval – conditions re height and levels to be included	
<b>Conditions/Reasons for Refusal:</b>	
<b>Case Officer Signature:</b>	_____
<b>Date:</b>	_____
<b>Appointed Officer Sign</b>	_____
<b>Date:</b>	_____



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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/1377/RM**

**Date Received: 5<sup>th</sup> October 2016**

**Proposal: Infill dwelling and garage**

**Location: Lands located between 56 and 64 The Heights, Loughinisland.**



#### **Site Characteristics & Area Characteristics:**

The site characteristics have not altered from the outline application stages. The land the site sits on is elevated and adjacent to another residential dwelling. The land falls away to the east. The site is located in part of an existing agricultural field with a defined boundary to the north and west of the site. The boundary abutting the road is a post and wire fence and the ground sits higher than the road.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The area has a mix of styles of dwellings and farm buildings in the locality but is mainly agricultural lands.

#### **Site History:**

R/2015/0112/O – Lands located between 56 and 64 The Heights, Loughinisland – proposed infill dwelling and garage – granted – 21-10-2015

R/1975/0171 – Magheradrool, Comber, Raleagh, and Magheralane – 33kv o/h line – granted.

**Planning Policies & Material Considerations:**

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

**Consultations:**

NI Water – No objections

Transport NI – No objections, conditions to be attached.

**Objections & Representations**

The application was advertised 2<sup>nd</sup> November 2016 which expired 16<sup>th</sup> November 2016, neighbour notification was sent 20<sup>th</sup> October 2016 which expired 3<sup>rd</sup> November 2016, to date no representations have been made.

**Consideration and Assessment:**

The principle of the acceptability of this application was established under R/2015/0112/O, this application concentrates on the design and site particulars including conditions attached to the outline application.

Specific conditions include the following:

- The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 26<sup>th</sup> Feb 2015.
- The proposed dwelling shall have a ridge height of no more than 6m above finished floor level.
- The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

A siting condition was necessary to ensure orderly development and to site the dwelling to the rear of the site. The front porch of the dwelling is at the foremost point of the area shaded yellow however the dwelling and proposed garage are both sufficiently sited within the area shaded yellow.

The dwelling was to have a ridge no higher than 6m from finished floor level, the dwelling presented has a ridge of 6m from finished floor which is considered acceptable.

The under build of the dwelling presented is 0.25m throughout which is considered acceptable.

The application is considered against PPS 21, Sustainable Development in the Countryside CTY 13 Integration and Design of Buildings on the Countryside.

The proposed dwelling is single storey in appearance and has an overall length of 21.6m long with the main section of the dwelling being 16m long. The remainder of the building is made up of a set down set back section which is set down by 0.8m and set back by 2.6m.



The proposed dwelling will not be a prominent feature in the landscape, the siting and design of the dwelling respects the context of the area and surrounding development and will not detract from the area of be prominent. The access arrangements open up across the front of the site in order to achieve splays however the majority of the access follows the existing boundary that runs alongside the access of the dwelling adjacent (no 56). The access would not be a prominent feature in the landscape and proposed planting will help soften the visual aspect along the approach.

The site boundaries are limited at present and consist of post and wire fences, the site is such that given the topography of the land the rear boundary of post and wire fence is not visible. The dwelling adjacent does not have any planting along the boundary and is quite open to the front in sections however it is noted that the surrounding properties and the changing topography of the land do create a degree of enclosure for the site where planting is lacking. The site is a gap site that fills a section of agricultural land between two other sites and therefore is enclosed although will allow for a large residential curtilage.

The proposed planting will help soften the overall scheme and help the works integrate. Given the topography and analysis given above it is considered that while planting will help soften the scheme and help with integration the siting and design does not rely on new planting for integration.

Ancillary works will integrate with the surroundings, the ancillary building is set back to the rear of the dwelling and the proposed access does, as far as possible, follow existing boundaries. Ancillary works can be provided without detriment to the surroundings.

The design of the building is a typical style dwelling, single storey in appearance with the ability for 1<sup>st</sup> floor accommodation. The dwellings' scale, massing and proportions are acceptable and will not detract from the surroundings and will respect the existing built form in the vicinity.

The dwelling is appropriate to the landform and sits on a plateau area rather than coming forward onto lands that have extreme level changes in topography. The overall topography allows the siting and design of the dwelling to integrate without causing any demonstrable harm.

There is adequate provision within the lands to provide a septic tank and soakaways within the site.

Existing and proposed levels have been provided along with the level of the proposed finished floor which are acceptable, there will not be a dramatic change in levels within the site that would cause any negative visual impacts.

Transport NI has responded to consultation with no objections subject to conditions.

The dwelling is a sufficient distance from surrounding properties so as to not cause any demonstrable harm in terms of overlooking and overshadowing.



**Recommendation:**

Approval

**Conditions:**

- The development to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03 bearing the date stamp 5 Oct 2016, 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.

- The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

- All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the dwelling.

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

- 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.

- The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area

**Case officer:**

**Authorised by:**

**Date:** 29-12-2016



**KENNEDY DESIGN** 65 ROCKS CHAPEL ROAD  
 architecture - engineering - surveying CROSSGAR  
 CO. DOWN 1/1: 028 44 530759  
 BT30 9HN m: 0742 902 7777



**ACEmap® Single**

Printed: 16/08/2016 Customer Ref:  
 Centre Point (Easting, Northing): 342195, 347509  
 Between 56 & 64 The Heights Seavaghan

Scale: 1:2,500  
 Order no. ORD28482  
 Plan No.

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Job No: 16/130 ; Mr & Mrs Canavan ; Dwelling at The Heights Loughinisland Downpatrick Co Down BT30 8PX

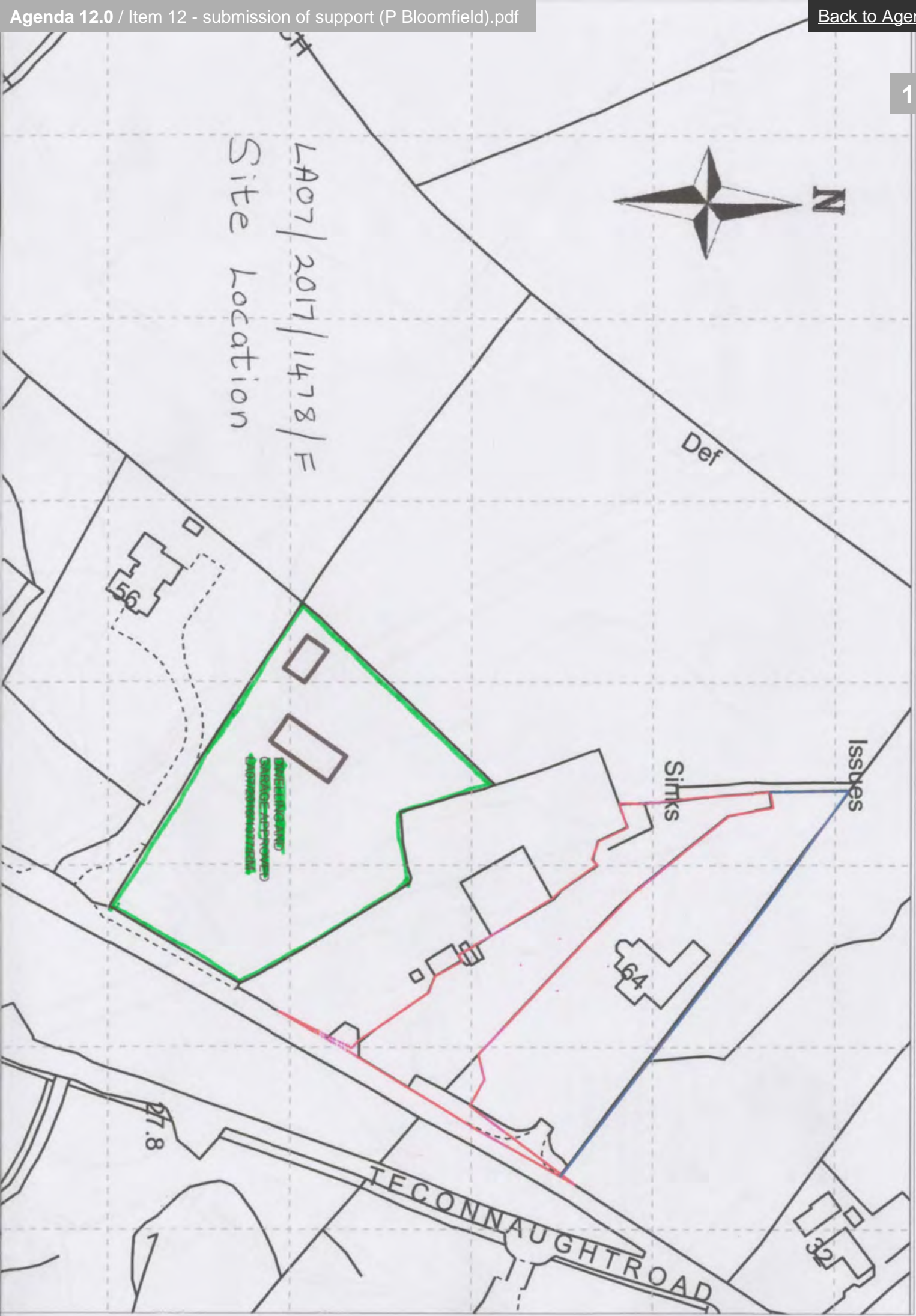
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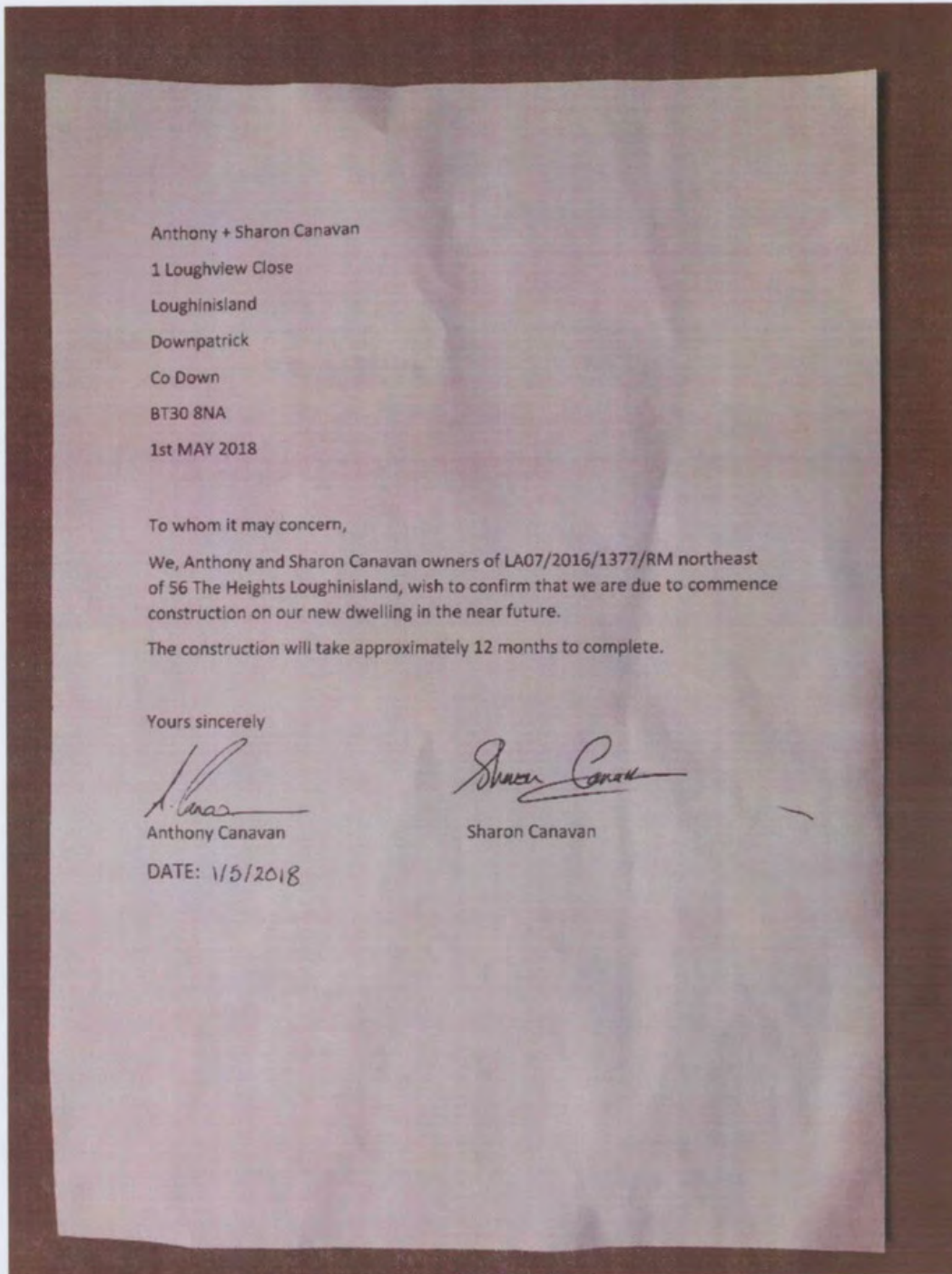


Paul Bloomfield

Wednesday, May 2, 2018 7:39 AM

From: "Paul Bloomfield" <paulbloomfield90@hotmail.co.uk>

To: "Ewart Davis Planning" <ewart.davis@btinternet.com>



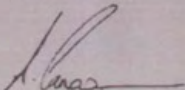
Anthony + Sharon Canavan  
 1 Loughview Close  
 Loughinisland  
 Downpatrick  
 Co Down  
 BT30 8NA  
 1st MAY 2018

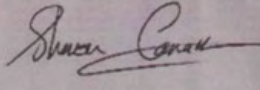
To whom it may concern,

We, Anthony and Sharon Canavan owners of LA07/2016/1377/RM northeast of 56 The Heights Loughinisland, wish to confirm that we are due to commence construction on our new dwelling in the near future.

The construction will take approximately 12 months to complete.

Yours sincerely

  
 Anthony Canavan

  
 Sharon Canavan

DATE: 1/5/2018

Sent from my iPhone

<b>ITEM NO</b>	<b>7</b>			
<b>APPLIC NO</b>	LA07/2017/1332/O	Outline	<b>DATE VALID</b>	30/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Leanne Flannagan 29 Glenvarna Drive Glengormley Newtownabbey BT36 5JB		<b>AGENT</b>	Mr Sean Gallagher 12 Old Road Upper Clarkhill Castlewellaan BT31 9BW
<b>LOCATION</b>	Adjacent to 11 Wateresk Road Dundrum			
<b>PROPOSAL</b>	Proposed dwelling on a farm			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	1	0	0
	<b>Addresses Signatures</b>			
	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.
- 3 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 other dwellings/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
- 4 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 5 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 dwelling is not visually linked or sited to cluster with the established group of buildings on the farm.
- 6 The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1332/O

**Date Received:** 30<sup>th</sup> August 2017

**Proposal:** Erection of Farm Dwelling and Garage

**Location:** The site is located on lands adjacent to No 11 Wateresk Road, Dundrum



#### **Site Characteristics & Area Characteristics:**

The site is comprised of a 0.43 hectare portion of land cut out of a larger green field, currently overgrown with vegetation. The site is accessed via an existing lane which serves a number of dwellings. The site is defined to the east and north by mature vegetation, while the remaining boundaries are currently undefined. It is noted that there is a mobile home currently placed to the rear of the site, however, it does not appear to be occupied. The land tends to fall steadily away from the lane in a northerly direction.

Immediately adjacent the site there is a detached single storey dwelling and large detached garage. While to the south there is a large detached bungalow which is nearing completion.



The site is set over 180m from the public road and is not considered to be visible on approach from either direction along Wateresk Road.

### **Site History:**

There is no previous history on this site, however, there have been a number applications on the immediately surrounding land.

R/2002/0001/F

Adjacent to No 11 Wateresk Road,  
New Dwelling  
Approval 27.03.02

R/2004/0077/F

Adjacent to No 11 Wateresk Road  
Erection of New Dwelling  
Approved 06.04.05

R/2006/0564/F

Adjacent to No 11 Wateresk road  
Retrospective application for dwelling & garage as built  
Approved  
16.04.07

R/2006/0698/F

Adjacent 11 Wateresk Road  
Conversion & Extension of outbuilding to self catering  
Approved 03.06.09

LA07/2015/0917/F

Adjacent to 11 Wateresk Road  
Change of House Type  
Approved 08.12.15

LA07/2017/0056/O

Adjacent to 7B Wateresk Road  
Infill Site  
Approved 02.06.17

### **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

DARDNI – Confirmed 6 years active business and No payments claimed in the last year

### **Objections & Representations**

The following neighbouring properties were notified on 15<sup>th</sup> September 2017:

- 7b, 7c, 9 and 11 Wateresk Road, Dundrum

The application was advertised in the local press on 20<sup>th</sup> September 2017:

There have been no objections received in relation to this application and it is noted that Colin McGrath MLA supports the application.

### **Consideration and Assessment:**

The applicant Ms Leanne Flannaghan of 29 Glenvarna Drive Glengormley seeks outline planning permission for a farm dwelling and garage.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

The applicant has provided a farm business ID. DAERA NI have been consulted and have confirmed that the farm business has been in existence for more than 6 years, however, no payments or other allowances have been claimed in the last year and they note that the applicant is not a formal member of the business. It is noted that no evidence has been submitted to demonstrate active farming on the holding for the last 6 years prior to submission of the application.

It is considered that a criterion (a) has not been met.

The applicant has stated in the submitted P1C form that no development opportunities or dwellings have been sold off since November 2008.

A land registry check has revealed that field Nos 3/099/085/2, 3 and part of field No 3/099/085/4 (as shown on the submitted farm map) has been transferred from Mary Eileen Flanagan of 48 Ballybannon Road Castlewellan to Claire Kelly of 7c Wateresk on 20<sup>th</sup> September 2017.

The remaining south-eastern part of Field No. 3/099/085/4 received full planning permission for the erection of a dwelling under planning reference No R/2004/0077/F, the development was commenced within the required time frame but not completed. The said land was transferred from Leanne Catherine Flanagan of 48 Ballybannon Road to Brian and Claire Kelly of 30 Meadow Lands Antrim on 8<sup>th</sup> April 2015. Subsequently an application was approved under LA07/2015/0917/F for a change of house type on 08.05.15,

It is considered therefore, that the above represents a sell off from the farm holding of a development opportunity, the proposal is therefore contrary to Criterion B of CTY 10.

The proposed site is located to the north of the existing farm dwelling and associated farm buildings at 11 Wateresk Road and as shown in green on the site location plan. It is considered that the proposed dwelling would not cluster and/or visually link with the established group of buildings on the farm, given the distance between the two and the physical separation by a laneway further isolating the proposed dwelling from the farm group.

It is considered that criteria (c) has not been met.

#### CTY13

The site is located north of the existing farm dwelling and associated buildings but as indicated above it would not visually link or be sited to cluster with these buildings. The proposal is not therefore compliant with Policy CTY 13.

#### CTY14

This policy requires new buildings to respect the character of the area. Paragraph 5.81 of CTY 14 states that the assessment of the impact of a new building on rural character will be judged from critical views along stretches of the public road network; shared private lane-ways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly.

It is considered that given the number of dwellings currently on the lane and that recently approved under LA07/2017/0056/O, that the rural character of the area will be further eroded by another dwelling, given the accumulation of development.

The proposal is therefore contrary to CTY 14.





### CTY16

A septic tank is proposed. Details of its location would be submitted at reserved matters stage and the necessary permission from NIEA Water Management Unit and NI Water are required. The proposal is not contrary to CTY16.

### **Summary**

The proposed farm dwelling does not meet any of the criteria of policy CTY10, and is considered to be contrary to Policies CTY 13 and 14 in that the proposed dwelling does not visually link or site to cluster with the established group of buildings on the farm and an approval would further erode the rural character of the area.

**Recommendation:**  
REFUSAL

### **REASON:**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) 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 other dwellings/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
  
4. The proposal is contrary the Strategic Planning Policy Statement (SPPS)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.
  
5. 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 dwelling is not visually linked or sited to cluster with the established group of buildings on the farm.
  
6. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signed: .....

Date: .....

Signed: .....

Date: .....

<b>ITEM NO</b>	<b>10</b>					
<b>APPLIC NO</b>	LA07/2017/1712/F	Full	<b>DATE VALID</b>	09/11/2017		
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>					
<b>APPLICANT</b>	Orlock Ltd 55 Peartree Road Saintfield BT24 7JY		<b>AGENT</b>	Matrix Planning Consultancy SABA Park 14 Balloo Avenue Bangor BT19 7QT		
<b>LOCATION</b>	Site adjacent and south of 1 Rowallane Close Saintfield					
<b>PROPOSAL</b>	Alterations to access, removal of conditions 7 & 8 (Landscaping & Buffer Planting) of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and plans)					
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>		<b>SUP Petitions</b>	
	18	0	0		0	
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b> <b>Signatures</b>	
			0	0	0	0





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1712/F

**Date Received:** 30.10.2017

**Proposal:** The application is for full planning permission for alterations to access, removal of conditions 7 & 8 (Landscaping & Buffer Planting) of planning approval R/2013/0037/F and amendments to siting of approved dwellings.

**Location:** The application site as outlined in red is located partly on the inner edge of the settlement development limits of the village of Saintfield, on white-land as identified in the Ards and Down Area Plan 2015 and partly outside the development limit.

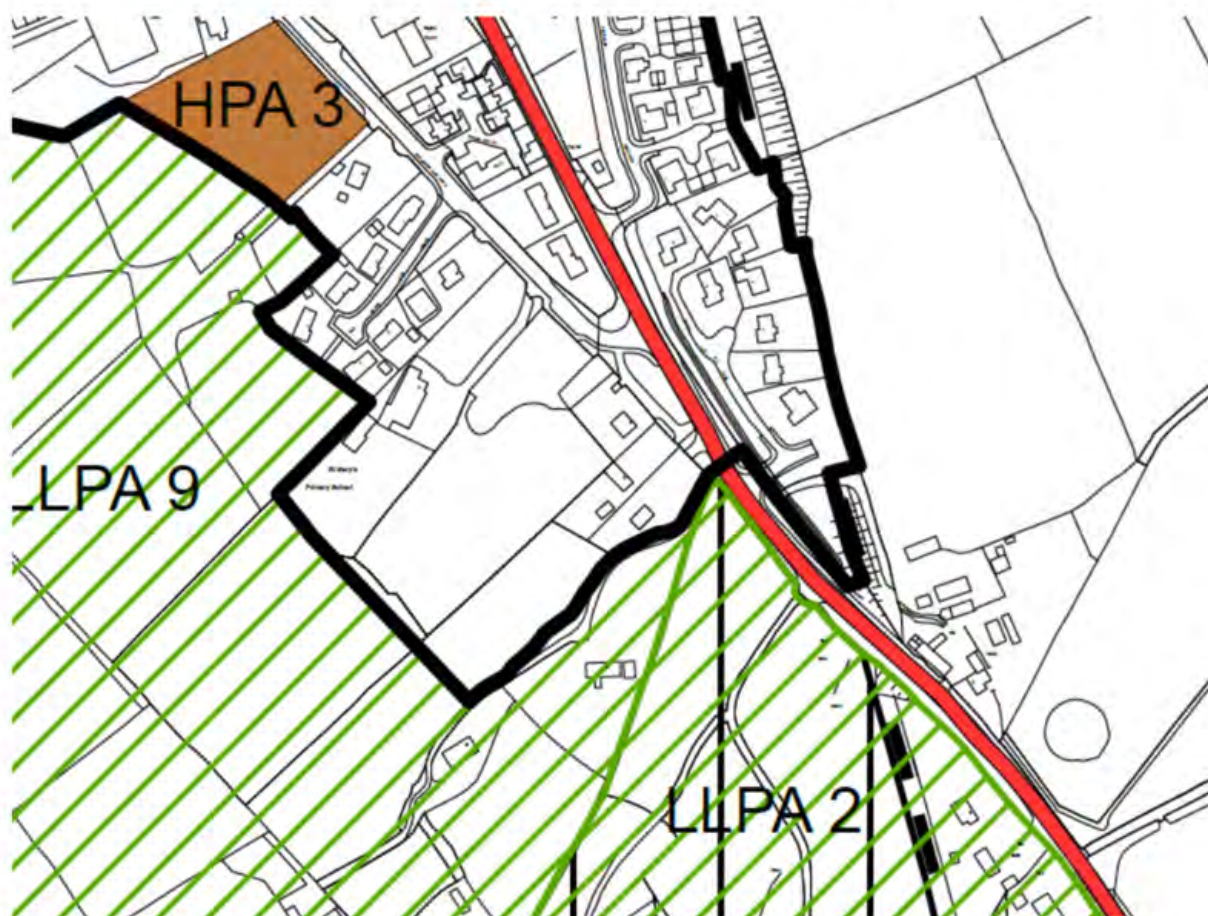


Fig 1



Site plan as submitted



Aerial view



**Site Characteristics & Area Characteristics:**

The application site is located at lands adjacent to 1 Rowallane Close. The site outlined in red extends to include the two now occupied red brick dwellings with one detached garage which is located beside House No 2.

**Site History:**

LA07/2017/1688/NMC - Site adjacent and south of 1 Rowallane Close - Rotation by 90 degrees of garage approved under R/2013/0037/F – NMC granted 31.01.2018.

LA07/2017/0261/LDC - Existing hardstanding, Lawful Development Approved.

R/2013/0037/F site adjacent to Rowallane Close, Saintfield, Proposed development of 2 no. detached dwellings and garages (amended proposal) PERMISSION GRANTED 03.09.2014

R/2013/0219/F Lands adjacent to Rowallane Close Saintfield, Farm Dwelling Application Withdrawn 17.01.2014

LA07/2016/0185/F 70m south east of 1 Rowallane Close, Saintfield, Proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road, Saintfield) for a dwelling on a farm under Policy CTY10 (Amended Siting and Plans). Under consideration.



R/1991/6087 Crossgar Road Tree Presevation Order Enquiry Crossgar Road Saintfield  
PRE APPLICATION ENQUIRY - NON COMMITTAL

R/1992/0546 Opposite Junction With Old Grand Jury Road Crossgar Road  
Saintfield 8 Dwellings (Amended Layout) Permission Granted

R/1994/0097 Site 8 Rowallane Close Saintfield Bungalow And Garage Historical Application

R/1994/0284 Rowallane Close Saintfield (120m Northeast Of 64 Crossgar Road) Dwelling  
And Garage Historical Application

R/1997/0364 Site No 8 Rowallane Close Saintfield Residential Development - Change Of  
House Type Permission Granted

R/1998/6069 Site 9 Rowallane Close Dwelling Site 9 Rowallane Close Saintfield

R/1999/1174/O South of 1 Rowallane Close, Saintfield  
Site for block of apartments Application Withdrawn 01.03.2000

R/2000/0975/F Site adjacent to Rowallane Close, Saintfield, Co Down  
Dwelling and garage Application Withdrawn 25.11.2002

R/2009/0921/F Site adjacent to Rowallane Close, Saintfield. Proposed single dwelling.  
PERMISSION GRANTED 30.03.2010

### **Enforcement**

LA07/2015/0181/CA Adjacent To Rowallane Close, Saintfield, BT24 7JD,  
Alleged removal of conditioned trees Enforcement Case Closed - Not expedient to pursue.

LA07/2016/0355/CA Adjacent To Rowallane Close, Saintfield, Down, Alleged non-  
compliance and breaches (planning application submitted)

### **Planning Policies & Material Considerations:**

SPPS is the relevant policy document, which is read in conjunction with PPS 3, PPS 7,  
APPS, PPS 12, PPS 21, Creating Places and DCAN 8.

### **Consultations:**

Transport NI – No objections subject conditions and adequate parking arrangements

### **Objections & Representations**

In line with statutory requirements twelve neighbours have been notified on 16.11.2017. The  
application was advertised in the Mourne Observer and the Down Recorder on 28.02.2018  
and re-advertised with an amended description on 22.11.2017.

A total of objections have been received in relation to the application: The main points of the  
objections include:

- Inaccurate plans
- Driveway outside the development limits – proposal contrary to CTY 15
- Access, landscaping and buffer planting not in accordance with previous approval

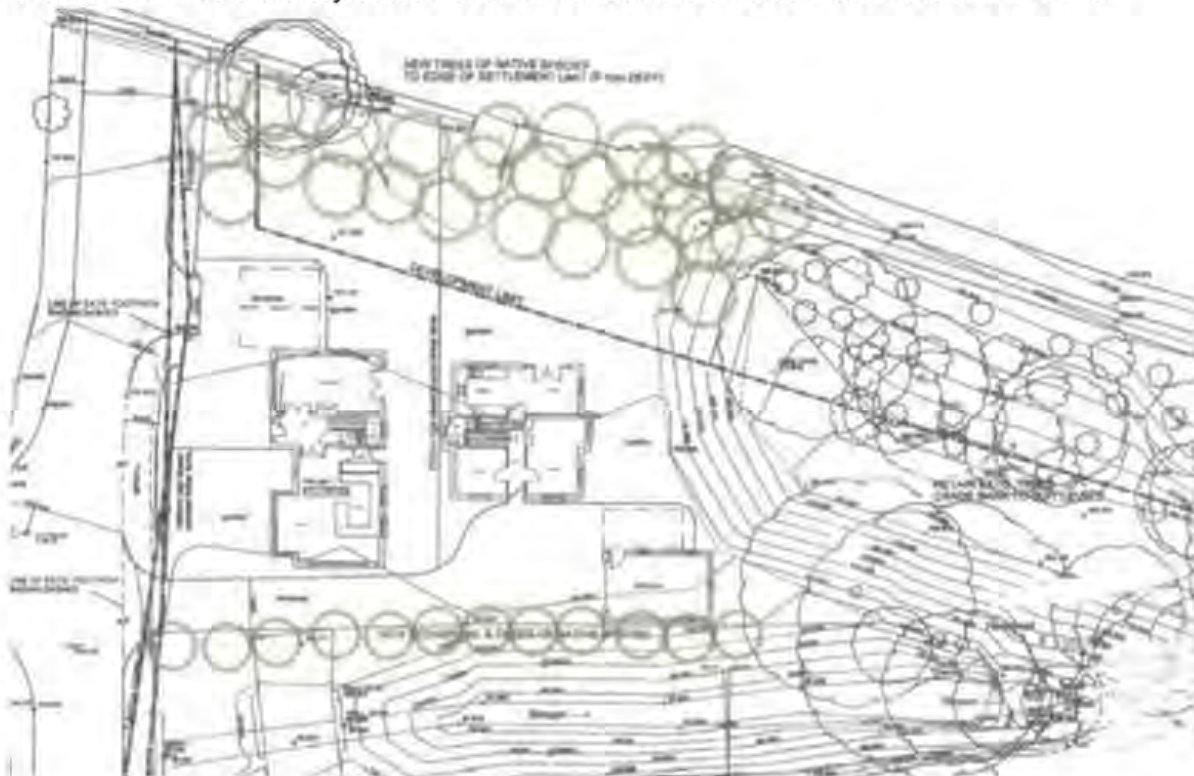
- Occupation of the dwellings could also be deemed further acts of non –compliance and breaches of planning
- Agricultural access now being retained, thus permitting use of agricultural vehicles- this was found to be unacceptable by Transport NI at the time of application LA07/2016/0185/F – proposed layout will prejudice the safety of other road users
- Proposal has lack of dimensioned visibility splays
- Removal of conditions 7 & 8 – no justification for not meeting the conditions contrary to LC1 (b), QD1(a) & (c), contrary to CTY 13(a)

### Consideration and Assessment:

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

The application has been submitted by the agent to remedy the changes that have taken place in relation to the granting of planning permission under R/2013/0037/F. The application relates to the removal of two landscaping conditions that were placed on the previous approval, alterations to the access and amendments to the siting of the two dwellings.

The position of the two constructed dwellings and detached garage on the site layout are shown within the statutory settlement limit for Saintfield as defined in the ADAP 2015.



The stamp approved drawing for R/2013/0037/F and Fig 1 shows the settlement limit runs just west of the field boundary and I would agree with the agent's analysis that there is a lack



of any topographical, man made or other features to define the route of the settlement limit at this point of Saintfield settlement within the ADAP 2015.

When travelling along the main Crossgar Road from Saintfield heading SE towards Crossgar, Rowallane Close is well screened from view until at the entrance which leads to the development of Rowallane Close. The two red brick constructed dwellings are set back from the roadside with mature vegetation continuing SE along the frontage of the Crossgar Road. There is a glimpsing awareness of the buildings when travelling in a SE direction. Given the similar red brick form, when entering Rowallane Close the occupied dwellings would in my opinion relate to Rowallane Close development as a whole and the principle of dwellings at this location has already been established. The field boundary of the site to the east which is visible from the entrance of Rowallane Close, comprises some trees and vegetation and forms the boundary which encloses the area of hardstanding, which is outside the development limit. A Certificate of lawful development was approved for hardstanding under application LA07/2017/0261/LDC. It would seem that given that there are already two dwellings constructed here, this boundary provides a more defined edge to the settlement limit than the undefined boundary of the ADAP Plan 2015. Continuing along this boundary to the south, a field gate exists at the entrance to the field opposite House No 2 which allows access to a site to the SE of the two dwellings where there is currently a planning application for a farm dwelling still under consideration (LA07/2016/0185/F).

Given that some of the development lies outwith the settlement limit, then consideration is therefore given to Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). It states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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. Paragraph 5.0 of PPS21 advises that the provisions of the policies contained within it will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. In this particular case there are a number of points to be considered.

**Policy CTY15 – The Setting of Settlements.**

This policy is engaged in circumstances where a proposal meets one of the exceptions in CTY1 and is not therefore a free standing policy. This policy states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

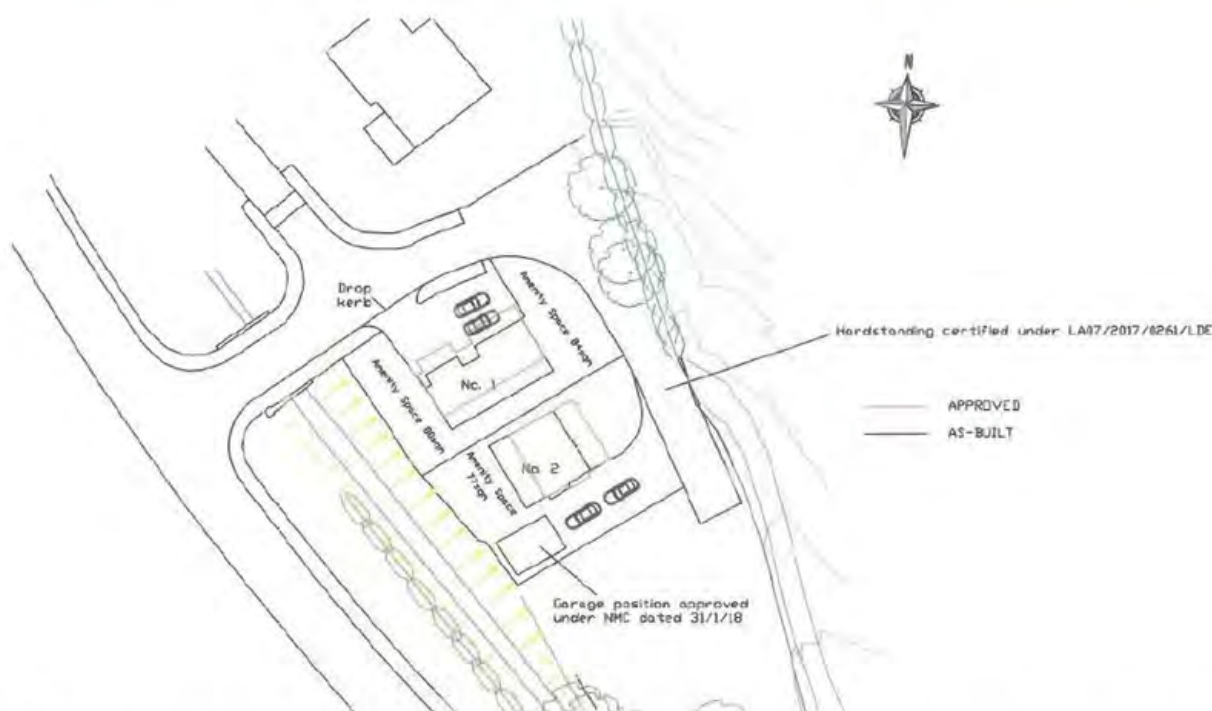
The ADAP is therefore a material consideration in the application, stating that settlement limits are designated in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl in the countryside. Given that the principle of dwellings at the location is acceptable, the hardstanding has been in place for more than 5 years and is lawful, there are limited views from the Crossgar Road, that it has a physical connection with the Rowallane Close development, it would not be perceived as extending into the countryside. Instead it would appear as a part of the existing settlement form and a landscaping buffer along the along the non-defined edge of settlement limit would not be as critical in this particular context. These all combine to outweigh the fact that the access to house 2 is now outside the settlement limit. Therefore the proposal in my opinion would not mar the distinction between the settlement and the surrounding countryside or result in



urban sprawl. The proposal would not have an unacceptable impact on the character of Saintfield, if this proposal is approved.



Google street view April 2017



The removal of conditions 7 and 8 from the previous approval R/2013/0037/F which dealt with implementing the buffer planting along the settlement limit. Given that a lawful development certificate has been granted for the hardstanding which runs along the undefined settlement boundary, then the condition could no longer be imposed with reference to this development and on this basis the conditions can be removed. The existing vegetation along the eastern boundary of the field should, however, be retained.

PPS 3 – Access, Movement and Parking

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

DFi Roads have offered no objections to this proposal. It is also considered that sufficient provision has been made for parking and turning within the site. The changes from the previous approval are relatively minor in nature and the arrangement of parking running to the side/rear of house No 1 would seem to be a better arrangement. House No 2 now has parking to the side in line with the non material change for the rotation of the garage, approved under ref (LA07/2017/1688/NMC).

#### Impact on Residential Amenity

It is considered that the proposal will have no adverse impact on neighbouring properties.

#### Other material considerations

The issues raised by the objectors in relation to the inaccurate plans, relates more to the labelling of plans, i.e. those 'As Built' and those in which the applicant seeks approval for. It is clear from the description of the proposal what changes were being sought and in my mind the objectors are not being prejudiced by the inaccuracy of the 'existing-As Built' plans which is reflected in what is currently on the ground and which they are aware of. The issue of the agricultural access which relates to Ref LA07/2016/0185/F is outside the remit of this application. The alterations to the access, given the nature and scale would not have an unacceptable impact on the character of the area, nor is it considered that the access will prejudice road safety or significantly inconvenience the flow of traffic. The other issues raised by the objectors have been dealt with throughout the report.

#### Conclusion

The proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

#### **Recommendation:**

Approval

#### **Conditions:**

**Time, landscaping**

Case Officer Signature

Date

Appointed Officer Signature

Date

Newry, Mourne and Down District Council  
Planning Committee  
District Council Offices  
Monaghan Row  
Newry  
BT35 8DJ

5 Rowallane Close  
Saintfield  
Co. Down  
BT24 7PA

1st May 2018  
Planning Ref: LA07/2017/1712/F  
Dear Planning Committee

**Re: Alterations to approved access and removal of conditions 7 and 8 of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and Plans)**

I wish to ask the Planning Committee to refuse the Planning Application LA07/2017/1712/F for the alteration to the approved access and removal of conditions 7 and 8 of the planning approval R/2013/0037/F and amendments to siting of approved dwellings ( Amended description and Plans ).

**Reason for Refusal 1: Road Safety**

The approval of this application will prejudice the safety of my family members and other road users by allowing the residential street of Rowallane Close to be used as the agricultural access to the fields behind. The planning case officer states that the agricultural access and its related safety issues are outside the remit of this application but does state that the new access will continue along the boundary to the south, where a field gate exists at the entrance to the field opposite House No 2 which allows access to a site to the SE of the two dwellings where there is currently a planning application for a farm dwelling still under consideration ( LA07/2016/0185/F). This application has to be considered as part of the developer/farmer overall strategic plan for this site and therefore the access problem related to agricultural machinery and residents, needs to be addressed by the applicant. This road safety issue has been caused by the applicant/ farmer stopping using a specially designed and constructed (DARD) structural bridge, 10 metres south of Rowallane Close, which cost over £100.000 Pounds as access to their fields, preferring instead to use the residential street of Rowallane Close. This was to allow them to develop the site for the two houses approved under R/2013/0037/F.

Road Service in their response for Planning Application LA07/2016/0185/F stated that it was unacceptable for agricultural traffic to use the residential street of Rowallane Close as an agricultural entrance. This has not changed, for the safety of all concerned, (given the high rate of injury and accidents involving agricultural machinery), residents and their families cannot be subjected to daily having to share their residential road space with agricultural vehicles.

Planning approval R/2013/0037/F (with conditions) permitted the construction of 2 no Detached Houses for private occupation. House No1 is occupied by the son of the developer/ farmer applicant. This house is presently being used as a farmhouse by the occupier, with all types and size of farm machinery occupying the site as they make their way to and from the fields behind. This is the reason why the alterations to the approved access and the removal of the conditions 7 & 8 of the planning approval R/2013/ 0037/F is sought. To provide an unhindered agricultural pathway to their fields. This use by applicant/farmer's son does not currently have planning approval. Should an accident occur involving an agricultural vehicle, the council may be considered to have a liability since this unapproved use has been brought to the council's attention and no action has been taken.

**Refusal 2: Certificate of Lawfulness of Existing Use or Development Approval.**



This Certificate has been incorrectly granted due to false and misleading information being supplied on the application form and should be voided.

This developer/farmer made an application via their development company ORLOCK LTD for a Certificate of Lawfulness of Existing Use or Development for the proposal for an "Existing Hardstanding" on the site adjacent to and south 1 Rowallane Close Saintfield, under Application No: LA07/2017/0261/LDE. This was approved on the 6<sup>th</sup> December 2017 by the Planning Office of Newry Mourne and Down District Council. Neither the application for the Certificate of Lawfulness of Existing Use or its Approval was published on the Planning Portal.

This was in spite of the fact that this site was under an active planning application by the developer/farmer LA07/2017/1712/F (dated 15<sup>th</sup> Nov.2017) to seek alterations to the approved access and removal of conditions 7 & 8 of planning approval R/2013/0037/F ( dated 1<sup>st</sup> September 2014) and that at least 7 No letters of objection had been lodged by the residents of Rowallane Close with the Planning Office. This application for a Certificate of Lawfulness of Existing Use directly affects the application LA07/2017/1712/F and the subsequent decision process.

The Planning case officer states in the planning report to this planning committee that given a lawful development certificate has been granted for the hardstanding which runs along the undefined settlement boundary, then the conditions 7 & 8 could no longer be imposed with reference to the development and on this basis the conditions can be removed. This action is not in adherence with the spirit of openness and transparency and community involvement promoted by the Newry Mourne and Down District Council.

The applicant has used aerial images from Google and two Street View images for the period in question being 20/02/2012 – 20/02/2017 as information and evidence to support the application for this Certificate. However these images are of such poor quality that they cannot be considered viable as information sources to support this application for a Certificate of Lawfulness of Existing Use or Development.

Instead some of these images simply show vehicular tracks which were the result of the vacant site (2009) being used for the dumping of redundant building materials by various groups. In addition, from 2013 – 2017, the construction of the two detached dwellings took place. As such, the site was stripped of its vegetation and the site covered in a coating of blinding as a surface treatment to allow the construction related traffic and construction machinery ease of movement. As the physical dimensions of the site are confined, building materials and construction plant were stored in the land space to the south east of the building site. The images shown are the tracks left by the construction plant and vehicular traffic delivering materials and taking away spoil. The two detached houses were occupied by May 2017 but the construction work has still to be completed.

I have been a resident of Rowallane Close for in 15 years and I can state that no "Hardstanding Area" has been constructed.

For these reasons the Certificate of Lawfulness of Existing Use or Development should be voided.

In light of the reasons provided, I ask the Planning Committee to refuse this application.

Sincerely

Gary & Angela Hutchison

Newry, Mourne and Down District Council  
Planning Committee  
District Council Offices  
Monaghan Row  
Newry  
BT35 8DJ

4 Rowallane Close  
Saintfield  
Co. Down  
BT24 7PA

2 May 2018  
Planning Ref: LA07/2017/1712/F

Dear Planning Committee

**Re: Alterations to approved access and removal of conditions 7 and 8 of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and Plans)**

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Road Service (now Dfi) in their response for Planning Application LA07/2016/0185/F stated that it was unacceptable for agricultural traffic to use the residential street of Rowallane Close as an agricultural entrance. This has not changed, for the safety of all concerned, (given the high rate of injury and accidents involving agricultural machinery), residents and their families cannot be subjected to daily having to share their residential road space with agricultural vehicles.

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**Refusal 2: Certificate of Lawfulness of Existing Use or Development Approval.**

This Certificate has been incorrectly granted due to false and misleading information being supplied on the application form and should be voided.

This developer/farmer made an application via their development company ORLOCK LTD for a Certificate of Lawfulness of Existing Use or Development for the proposal for an "Existing Hardstanding" on the site adjacent to and south 1 Rowallane Close Saintfield, under Application No: LA07/2017/0261/LDE. This was approved on the 6<sup>th</sup> December 2017 by the Planning Office of Newry Mourne and Down District Council. Neither the application for the Certificate of Lawfulness of Existing Use or its Approval was published on the Planning Portal.

This was in spite of the fact that this site was under an active planning application by the developer/farmer LA07/2017/1712/F (dated 15<sup>th</sup> Nov.2017) to seek alterations to the approved access and removal of conditions 7 & 8 of planning approval R/2013/0037/F ( dated 1<sup>st</sup> September 2014) and that at least 7 No letters of objection had been lodged by the residents of Rowallane Close with the Planning Office. This application for a Certificate of Lawfulness of Existing Use directly affects the application LA07/2017/1712/F and the subsequent decision process.

The Planning case officer states in the planning report to this planning committee that given a lawful development certificate has been granted for the hardstanding which runs along the undefined settlement boundary, then the conditions 7 & 8 could no longer be imposed with reference to the development and on this basis the conditions can be removed. This action is not in adherence with the spirit of openness and transparency and community involvement promoted by the Newry Mourne and Down District Council.

The applicant has used aerial images from Google and two Street View images for the period in question being 20/02/2012 – 20/02/2017 as information and evidence to support the application for this Certificate. However these images are of such poor quality that they cannot be considered viable as information sources to support this application for a Certificate of Lawfulness of Existing Use or Development.

Instead some of these images simply show vehicular tracks which were the result of the vacant site (2009) being used for the dumping of redundant building materials by various groups. In addition, from 2013 – 2017, the construction of the two detached dwellings took place. As such, the site was stripped of its vegetation and the site covered in a coating of blinding as a surface treatment to allow the construction related traffic and construction machinery ease of movement. As the physical dimensions of the site are confined, building materials and construction plant were stored in the land space to the south east of the building site. The images shown are the tracks left by the construction plant and vehicular traffic delivering materials and taking away spoil. The two detached houses were occupied by May 2017 but the construction work has still to be completed.

I am a resident of Rowallane Close for a number of years and I can state that no "Hardstanding Area" has been constructed.

For these reasons the Certificate of Lawfulness of Existing Use or Development should be voided.

In light of the reasons provided, I ask the Planning Committee to refuse this application.

Sincerely,

Nathan Scott



Newry, Mourne and Down District Council  
Planning Committee  
District Council Offices  
Monaghan Row  
Newry  
BT35 8DJ

Mrs S Murray  
46 Todds Hill Park  
Saintfield  
Co Down  
BT24 7FB

2 May 2018  
Planning Ref: LA07/2017/1712/F

Dear Planning Committee,

**Re: Alterations to approved access and removal of conditions 7 and 8 of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and Plans)**

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**Refusal 1: Certificate of Lawfulness of Existing Use or Development Approval.**

This Certificate has been incorrectly granted due to false and misleading information being supplied on the application form and should be voided. This application for a Certificate of Lawfulness of Existing Use directly affects the application LA07/2017/1712/F and the subsequent decision process.

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The Planning case officer states in the planning report to this planning committee that given a lawful development certificate has been granted for the hardstanding which runs along the undefined settlement boundary, then the conditions 7 & 8 could no longer be imposed with reference to the development and on this basis the conditions can be removed. This action is not in adherence with the spirit of openness and transparency and community involvement promoted by the Newry Mourne and Down District Council.

The form LDC1 has been filled in incorrectly as it states in question 5 that the existing operation is not in breach of any conditions. It is clear from this application that the use is in breach of planning condition 7 & 8; therefore, as the evidence provided by the applicant is

incorrect and as it is up to the applicant to provide evidence which is “sufficiently precise and unambiguous” (Matrix Planning, Supporting Planning Statement, March 2017) to justify the grant of the certificate, the certificate should be deemed void and removed.

Further lack of “sufficiently precise and unambiguous” by the applicant are the aerial images used from Google and two Street View images for the period in question being 20/02/2012 – 20/02/2017 as information and evidence to support the application for this Certificate. These images are of such poor quality that they cannot be considered viable as information sources to support this application for a Certificate of Lawfulness of Existing Use or Development.

Instead some of these images simply show vehicular tracks which were the result of the vacant site (2009) being used for the dumping of redundant building materials by various groups. In addition, from 2013 – 2017, the construction of the two detached dwellings took place. As such, the site was stripped of its vegetation and the site covered in a coating of blinding as a surface treatment to allow the construction related traffic and construction machinery ease of movement. As the physical dimensions of the site are confined, building materials and construction plant were stored in the land space to the south east of the building site. The images shown are the tracks left by the construction plant and vehicular traffic delivering materials and taking away spoil. The two detached houses were occupied by May 2017 but the construction work has still to be completed.

Even further lack of “sufficiently precise and unambiguous” evidence is defining the use “Hardstanding”. Hardstanding has not been defined in the dictionary as a “Use” and makes the assumption of developed land. As stated above the photo evidence simply shows farm vehicle tracks on scrub land, not a hardstanding area. As a result, the applicant has not provided appropriate evidence i.e details of the construction of the “Hardstanding Area”.

I have been visiting Rowallane Close for more than 15 years and at the moment I visit Rowallane Close with my family at least 3 times a week. I can state that no “Hardstanding Area” has been constructed on this land. I also fear for the wellbeing of my children should farm traffic be allowed to use Rowallane Close as an access.

For these reasons the Certificate of Lawfulness of Existing Use or Development should be voided.

### **Reason for Refusal 2: Road Safety**

The approval of this application will prejudice the safety of my family members and other road users by allowing the residential street of Rowallane Close to be used as the agricultural access to the fields behind. The planning case officer states that the agricultural access and its related safety issues are outside the remit of this application but does state that the new access will continue along the boundary to the south, where a field gate exists at the entrance to the field opposite.

This application has to be considered as part of the developer/farmer overall strategic plan for this site and therefore the access problem related to agricultural machinery and residents, needs to be addressed by the applicant. This road safety issue has been caused by the

applicant/ farmer not using a specially designed and constructed (DARD) structural bridge costing the tax payer over £100,000, 10 metres south of Rowallane Close, which cost, preferring instead to put the safety of residents and children in danger by using the residential street of Rowallane Close. This was to allow them to develop the site for the two houses approved under R/2013/0037/F.

Rowallane Close is also a residential street which has not been designed for use of HGV's. As set out in Creating Places and DCAN 15. Rowallane Close has been constructed to a substandard level with road widths and footways below standard widths.

Road Service (now DfI) in their consultation response for Planning Application LA07/2016/0185/F stated that it was unacceptable for agricultural traffic to use the residential street of Rowallane Close as an agricultural entrance. This has not changed, for the safety of all concerned, (given the high rate of injury and accidents involving agricultural machinery), residents and their families cannot be subjected to having to share their residential road space with agricultural vehicles. Therefore, the conditions 7 & 8 should be upheld to remove this potentially deadly scenario.

I have been visiting Rowallane Close for more than 15 years and at the moment I visit Rowallane Close with my family at least 3 times a week. I can state that no "Hardstanding Area" has been constructed on this land. I also fear for the wellbeing of my children should farm traffic be allowed to use Rowallane Close as an access.

In light of the reasons provided, I ask the Planning Committee to refuse this application.

Sincerely

Mrs S Murray





Newry, Mourne and Down District Council  
Democratic Services  
Planning Committee  
District Council Offices  
Monaghan Row  
BT35 8DJ

1 Rowallane Close  
Saintfield  
Co. Down  
BT24 7PA

2 May 2018  
Planning Ref: LA07/2017/1712/F

Dear Colette McAteer

**Re: Alterations to approved access and removal of conditions 7 and 8 of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and Plans)**

Further to your request and in with protocol, I wish to inform you that I intend to speak on the following issues.

- **Road Safety**
  - Farm Machinery using Residential Street
  
- **Certificate of lawfulness of existing Use or Development**
  - Evidence provided for LDC1 form
  
- **Breaches of planning conditions**
  - R/2013/0037/F
  - Marring of Development Limit

Consultees:

Information provided.

**Democratic Services**

Newry, Mourne & Down, District Council  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road  
Downpatrick  
BT30 6GQ

30<sup>th</sup> April 2018

Dear Democratic Services

**Speaking Request for Item 10 - Planning Application Reference – LA07/2017/1712/F****Location – Site adjacent and south of 1 Rowallane Close Saintfield****Proposal - Alterations to access, removal of conditions 7 & 8 (Landscaping & Buffer Planting) of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and plans)**

This submission seeks to **support the policy interpretation** of the professional officers in reaching a recommendation to **grant permission** for the above application at the Planning Committee Meeting of 9<sup>th</sup> May 2018.

**Principle of Development**

The principle of residential development at this location was established under planning permission R/2013/0219/F for two detached dwellings and garages.

**Purpose of the application**

The application has been submitted to remedy minor changes that have taken place in relation to permission R/2013/0219/F and to remove the landscaping conditions previously attached to the consent, as they are no longer necessary, relevant, precise, enforceable or reasonable.

**Settlement Development Limit of Saintfield**

The dwellings are constructed within the Settlement Limits of Saintfield, as depicted on in the Ards & Down Area Plan (ADAP) 2015.

There is a lack of any topographical, man-made or other features to define the route of the settlement development limit of Saintfield at this location.

The Council's planning officers agree with this analysis, as it is reasonable and logical. Notwithstanding this the applicants were granted a lawful Development Certificate (LDC) on 6/12/2017 for the existing hardstanding, which extends beyond the settlement limits.

Such works constitute an engineering operation and therefore constitutes "Development" as per Section 23 of The Planning Act (NI) 2011. The SDL has been breached and the LDC has conclusively confirmed that development works have extended beyond it.





Taking account of the limited views of the proposal and the strong physical relationship with Rowallane Close, the proposal would not be perceived as extending into the countryside. Instead it appears, as a part of the existing urban settlement form.

Therefore, the proposal would not mar the distinction between the settlement and the surrounding countryside or result in urban sprawl.

This analysis and approach to the settlement development limits has been previously adopted in appeals 2011/A0178 (undertaken by Matrix Planning) and 2013/A0133.

### **Planting Conditions**

Conditions 7 & 8 on R/2013/0037/F dealt with the implementation of buffer planting in accordance with Drawing 03 associated with this permission.

Taking account of the extent of the Lawful Development Certificate the condition can no longer be implemented or imposed and must therefore be removed.

### **Residential Amenity**

The proposal does not raise any impacts on existing residential amenity by traffic, noise or privacy and there is no evidence to the contrary.

### **Consultee Responses – Access, Movement & Parking**

No objections have been received from DFI Roads, the statutory agency in relation to access, movement, parking or any aspect of road safety.

### **3<sup>rd</sup> Party Objections**

Whilst on its face there appears to be notable objection to the application, in reality the objections received are all pro-forma objections.

It appears that one party has prepared the objection and then sought others to submit it in order to galvanise support and ensure the matter comes before Committee.

This is even more apparent given the recent round of objection letters received from members of the public in Downpatrick, Ballygowan, Killinchy, Carryduff and Lisburn. Taking account of the minor nature of the proposal, I cannot reasonably see how it would attract interest from 3<sup>rd</sup> parties at these locations.

Such an approach wastes resources and Committee time, which is already under significant constraints.

The Case Officer's report has fully considered the content of the objections and has reached the conclusion that the points raised are not determining. Unsurprisingly we also share that opinion.



### **Conclusions**

There are already two dwellings constructed at this location and the proposed boundary provides a more defined edge to the settlement limit than the current undermined boundary in ADAP 2015.

The guiding principle is that planning permission should be granted unless there is demonstrable harm to the interests of acknowledged importance.

The planning officers and the statutory agencies have reached the conclusion that no harm has been demonstrated.

Planning decisions can only be reached in an evidential context and all the evidence indicates that there is no demonstrable harm when taking account of the planning history, local development plan and all other material considerations.

**We respectfully request that the Committee endorses the planning officer's recommendation to approve the proposal.**

If you require anything further, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "AS", is written over a light blue circular stamp.

**Andy Stephens**  
**BA Hons, MSc**  
**Planning Consultant**

**CC. Orlock Ltd**  
**Hool Law**

Newry, Mourne and Down District Council  
Planning Committee  
District Council Offices  
Monaghan Row  
Newry  
BT35 8DJ

Mrs D McGowan  
10 Beechvale Road  
Killinchy  
Co Down

2 May 2018  
Planning Ref: LA07/2017/1712/F

Dear Planning Committee

**Re: Alterations to approved access and removal of conditions 7 and 8 of planning approval R/2013/0037/F and amendments to siting of approved dwellings (Amended description and Plans)**

I wish to ask the Planning Committee to refuse the Planning Application LA07/2017/1712/F for the alteration to the approved access and removal of conditions 7 and 8 of the planning approval R/2013/0037/F and amendments to siting of approved dwellings ( Amended description and Plans ).

Reason for Refusal 1: Road Safety

The approval of this application will prejudice the safety of my family members and other road users by allowing the residential street of Rowallane Close to be used as the agricultural access to the fields behind. The planning case officer states that the agricultural access and its related safety issues are outside the remit of this application but does state that the new access will continue along the boundary to the south, where a field gate exists at the entrance to the field opposite House No 2 which allows access to a site to the SE of the two dwellings where there is currently a planning application for a farm dwelling still under consideration ( LA07/2016/0185/F). This application has to be considered as part of the developer/farmer overall strategic plan for this site and therefore the access problem related to agricultural machinery and residents, needs to be addressed by the applicant. This road safety issue has been caused by the applicant/ farmer stopping using a specially designed and constructed (DARD) structural bridge, 10 metres south of Rowallane Close, which cost over £100.000 Pounds as access to their fields, preferring instead to use the residential street of Rowallane Close. This was to allow them to develop the site for the two houses approved under R/2013/0037/F.

Road Service (now Dfi) in their response for Planning Application LA07/2016/0185/F stated that it was unacceptable for agricultural traffic to use the residential street of Rowallane Close as an agricultural entrance. This has not changed, for the safety of all concerned, (given the high rate of injury and accidents involving agricultural machinery), residents and their families cannot be subjected to daily having to share their residential road space with agricultural vehicles.

Planning approval R/2013/0037/F (with conditions) permitted the construction of 2 no Detached Houses for private occupation. House No1 is occupied by the son of the developer/ farmer applicant. This house is presently being used as a farmhouse by the occupier, with all types and size of farm machinery occupying the site as they make their way to and from the fields behind. This is the reason why the alterations to the approved access and the removal of the conditions 7 & 8 of the planning approval R/2013/ 0037/F is sought. To provide an unhindered agricultural pathway to their fields. This use by applicant/farmer's son does not currently have planning approval. Should an accident occur involving an agricultural vehicle, the council may be considered to have a liability since this unapproved use has been brought to the council's attention and no action has been taken.



Refusal 2: Certificate of Lawfulness of Existing Use or Development Approval.

This Certificate has been incorrectly granted due to false and misleading information being supplied on the application form and should be voided.

This developer/farmer made an application via their development company ORLOCK LTD for a Certificate of Lawfulness of Existing Use or Development for the proposal for an "Existing Hardstanding" on the site adjacent to and south 1 Rowallane Close Saintfield, under Application No: LA07/2017/0261/LDE. This was approved on the 6<sup>th</sup> December 2017 by the Planning Office of Newry Mourne and Down District Council. Neither the application for the Certificate of Lawfulness of Existing Use or its Approval was published on the Planning Portal.

This was in spite of the fact that this site was under an active planning application by the developer/farmer LA07/2017/1712/F (dated 15<sup>th</sup> Nov.2017) to seek alterations to the approved access and removal of conditions 7 & 8 of planning approval R/2013/0037/F ( dated 1<sup>st</sup> September 2014) and that at least 7 No letters of objection had been lodged by the residents of Rowallane Close with the Planning Office. This application for a Certificate of Lawfulness of Existing Use directly affects the application LA07/2017/1712/F and the subsequent decision process.

The Planning case officer states in the planning report to this planning committee that given a lawful development certificate has been granted for the hardstanding which runs along the undefined settlement boundary, then the conditions 7 & 8 could no longer be imposed with reference to the development and on this basis the conditions can be removed. This action is not in adherence with the spirit of openness and transparency and community involvement promoted by the Newry Mourne and Down District Council.

The applicant has used aerial images from Google and two Street View images for the period in question being 20/02/2012 – 20/02/2017 as information and evidence to support the application for this Certificate. However these images are of such poor quality that they cannot be considered viable as information sources to support this application for a Certificate of Lawfulness of Existing Use or Development.

Instead some of these images simply show vehicular tracks which were the result of the vacant site (2009) being used for the dumping of redundant building materials by various groups. In addition, from 2013 – 2017, the construction of the two detached dwellings took place. As such, the site was stripped of its vegetation and the site covered in a coating of blinding as a surface treatment to allow the construction related traffic and construction machinery ease of movement. As the physical dimensions of the site are confined, building materials and construction plant were stored in the land space to the south east of the building site. The images shown are the tracks left by the construction plant and vehicular traffic delivering materials and taking away spoil. The two detached houses were occupied by May 2017 but the construction work has still to be completed.

I was a resident of Rowallane Close for in excess of 20 years and at the moment I visit Rowallane Close approx.3 times a week. I can state that no "Hardstanding Area" has been constructed on this land.

For these reasons the Certificate of Lawfulness of Existing Use or Development should be voided.

In light of the reasons provided, I ask the Planning Committee to refuse this application.

Sincerely

Mrs D McGowan



**ITEM NO** 14  
**APPLIC NO** LA07/2017/1854/O Outline **DATE VALID** 06/12/2017  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr J McIlmail 74B Lisoid Road **AGENT** Hawthorne  
 Bright Associates 2- 3  
 Downpatrick The Beeches  
 BT30 8AX Grove Road  
 Spa  
 Ballynahinch  
 BT24 8RA

**LOCATION** Lands contained between 71 & 73 Lisoid Road  
 Bright  
 Downpatrick  
 BT30 8AX

**PROPOSAL** Proposed dwelling and garage

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	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 respect the existing development pattern along the frontage in terms of size, scale and plot size.
- 3 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, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 The proposal is contrary to the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 in that the proposal is not appropriate or sympathetic in siting and scale to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.





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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1854/O

**Date Received:** 04/01/2018

**Proposal:** Proposed dwelling and garage

**Location:** Lands contained between 71 & 73 Lisoid Road, Bright, Downpatrick



**Site Characteristics & Area Characteristics:**

The application site is located along the Lisoid Road, Bright. This area is rural in character with a number of outbuildings and rural dwellings. The site is located between 71 & 73 Lisoid Road. The application site as outlined in red can be currently

accessed via an agricultural gate along the roadside boundary. The topography of the land sees a slight slope downwards from eastern to western boundary.

The boundaries are defined by a 1.5m wooden fence with agricultural gate along the roadside boundary; a 1m high stone wall is located along the eastern boundary shared with no.73 with part of the rear eastern boundary is undefined and opens on to rear garden of no.73. The southern and western boundary shared with no.71 consists of post and wire fence with scattered shrubs and bushes. The application site is located outside any settlement development limits as designated within the Ards and Down Area Plan 2015 and within the Strangford and Lecale AONB.



*Application site: View from Lisoid Road*



*Application site: View from rear boundary*

### **Site History:**

No relevant planning site history.

### **Planning Policies & Material Considerations:**

Regional Development Strategy

Ards and Down 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

PPS2 Natural Heritage NH 6 AONB

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**

8 Neighbours was notified on 10.01.2018 and the application was advertised on 11.12.2017. No objections or representations received.

**Principle of Development**

The site is not located within a development limit identified within the Ards and Down 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.*

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. In this instance there are five buildings (three dwellings and two garages), directly adjacent and southwest of the application site is no.71 Lisoid Road which is a single storey detached dwelling with detached garage located southwest of the dwelling. Directly adjacent and northeast to the application site is no.73 Lisoid Road which is a single storey detached dwelling with detached garage located north east of the dwelling. Further approx. 36m northeast of the application site is no. 75 Lisoid which is a detached single storey dwelling. All buildings have a clear frontage and access onto Lisoid Road. A ribbon of development therefore exists. The application site represents a gap in this frontage, however what must be



ascertained is whether the gap respects the existing development pattern along the built up frontage in terms of size, scale siting and plot size.

The average plot width along the existing frontage is approx. 34m, with plot widths varying from 44m to 26m. The infill in this case is approx. 21m from no.71 dwelling and no.73 dwelling which comprises of part of the side garden of no.71 and no.73 as illustrated below. Officers do not consider that the proposed sites plot frontage or site width is in keeping with the existing plots comprising the built up frontage. Further, the established pattern of plot size in the vicinity is for roadside dwellings with relatively large front and rear gardens. The proposed site has a plot size of 0.08 hectares. The surrounding plot sizes have been stated below:

No.71 Lisoid Road - Area: 0.19ha

No.73 Lisoid Road - Area: 0.14ha

No.75 Lisoid Road - Area: 0.13ha



It is considered that the proposal has a significantly smaller plot width and plot size in comparison to neighbouring plots. It is considered that the proposal would not respect the existing development pattern along the frontage as required by the policy. Even if the site comprised the entire gap between the buildings, this would still fail to respect the settlement pattern as it would fall short of the average plot width therefore contrary to CTY8.

### 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.

Views of the site are relatively limited to a small section of the road; this is due to the site being confined between no.71 and no.73 Lisoid Road. The application site has defined boundaries along all boundaries apart from the rear eastern boundary being undefined. While the particulars of the design and layout of the site will be determined at the Reserved Matters stage, it is appropriate to consider the siting, curtilage, size and height of the dwelling that may be considered. Officers would be concerned regarding the potential impact on the adjacent dwellings through loss of privacy or loss sunlight/dominance; any dwelling would have to be uniquely designed to insure that they are not impacted. Further a specific ridge height of 5.5 metres would be in keeping with the development in the immediate vicinity and appropriate considered the landform of the site.

### 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 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.

### Development in an AoNB

The quality, character and heritage value of the landscape of an AONB lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.

The current proposal lies within the Strangford and Lecale AoNB. The site lies within Landscape Character Area 91 Quoile Valley Lowlands and is noted for its tranquil rural landscape.

The current proposal would not be appropriate or sympathetic in siting and scale to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

### 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 respect the existing development pattern along the frontage in terms of size, scale and plot size.
3. 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, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 in that the proposal is not appropriate or sympathetic in siting and scale to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

<b>Case Officer Signature</b>	
<b>Date</b>	
<b>Appointed Officer Signature</b>	
<b>Date</b>	



**Proposed Speaking Rights Agenda (Narration Presentation) in respect of Planning Application LA/2017/1854/O**

- 1.0** The Case Officer/Officers have acknowledged and accepted that our application site falls within a continuous frontage of 3 or more buildings in a row.

The Case Officer/Officers acknowledge that the separation distance between the existing buildings has sufficient space to accommodate an infill dwelling

*Specifically stating a dwelling " with a specific ridge height of 5.5 metres would be in keeping with the development in the immediate vicinity and appropriate considered the landform of the site."*

***Our additional Concept document 17-1703 02C further affirms and demonstrates that if using the footprints of adjacent dwellings No.71 or 74a, either footprint can easily be accommodated on the application plot.***

**2.0** Since the issue of concern is that the size of the proposed plot is not reflective of what exists in the area, I have taken an accurate calculation on the nearest plots (Table 1 and Character of the Area -Settlement Pattern & Plot Size Comparison Map refers) which initially appear of an area similar to that of the application site, these are all contained within a **600-metre road frontage, approximately 300 metres north and 300 metres south** of the proposed site.

Six plots have been identified, essentially these plots are less than 0.1 of a hectare, indicative of our application site area, equating to some **42.85%** of the total number of considered dwelling/plots, which is the majority. Table 1 affirms. The majority **average plot size area** being circa 0.1 Ha.

None of the plots are between 0.5 & 1.0 Ha, none are between 1 & 1.5Ha.

I feel it is unfair to insist that our application site is to respect the larger plot sizes found within this undefined historic settlement known as Murphy's Hill, Bright, Downpatrick.

I would stress that it contradicts the rationale of the policy whereby the site must be small enough to accommodate the infill dwelling in the first instance.

Whilst the dwelling at No.71 is part of our site frontage, it is regarded as the book-end with the vast majority of this plot filtering out towards the rural visual break and away from our application site.

The plot size of No.71 at nearing 0.19 hectares with a 44-metre frontage is not indicative of the locality as bench marked within the case officer's report. This should be considered as a unique material consideration that outweighs policy provision where the overall consideration justifies approval.

***I also note that a number of these local plots are actually similar or narrower in frontage.***

**3.0** It has been ruled and accepted that where there is ambiguity in this policy between the definitions of ribbon development and substantial frontage and in such circumstances, the interpretation of policy most favourable to the appellant should be applied."

**THIS IS FURTHER REINFORCED WITHIN DRAFT SPPS WHERE COUNCIL IS DIRECTED TO "FAIRNESS "**

TABLE 1.

Local Singular Dwellings	Plot Size	0.01 - 0.1Ha	0.11-0.15Ha	0.151 - 0.2Ha	0.2 Ha +
76 Lisoid Road	994.0m2				
75 Lisoid Road	1330.0m2				
74b Lisoid Road	2329.0m2				
73 Lisoid Road	1400.0m2				
74a Lisoid Road	1930.0m2				
74c Lisoid Road	960.00m2				
74 Lisoid Road	902.00m2				
69 Lisoid Road	1400.0m2				
65 Lisoid Road	809.0m2				
63a Lisoid Road	1574.0m2				
63b Lisoid Road	2479.0m2				
63 Lisoid Road	2085.0m2				
61 Lisoid Road	1000.0m2				
59 Lisoid Road	1157.0m2				
53 Lisoid Road	945.0m2				
<b>Application Site</b>	<b>933.0m2</b>				
		42.85%	28.57%	14.29%	14.29%

**4.0** It is important to accept that frontage as defined in CTY 8 in terms of size, scale, siting and plot size is not a matter of simply taking a measurement across a site boundary and assuming that all must be equal.

Traditional settlement pattern is not defined in this regimental format in rural areas. Rural patterns such as this along the Lisoid Road exhibit a variety of plot shapes and distances yet the majority average is a modest plot size.

Whilst the plot sizes, scale & siting are similar it is the slight variance and unevenness in each plot shape, dimensions and spacing that is an important and intricate quality that defines rural settlement.

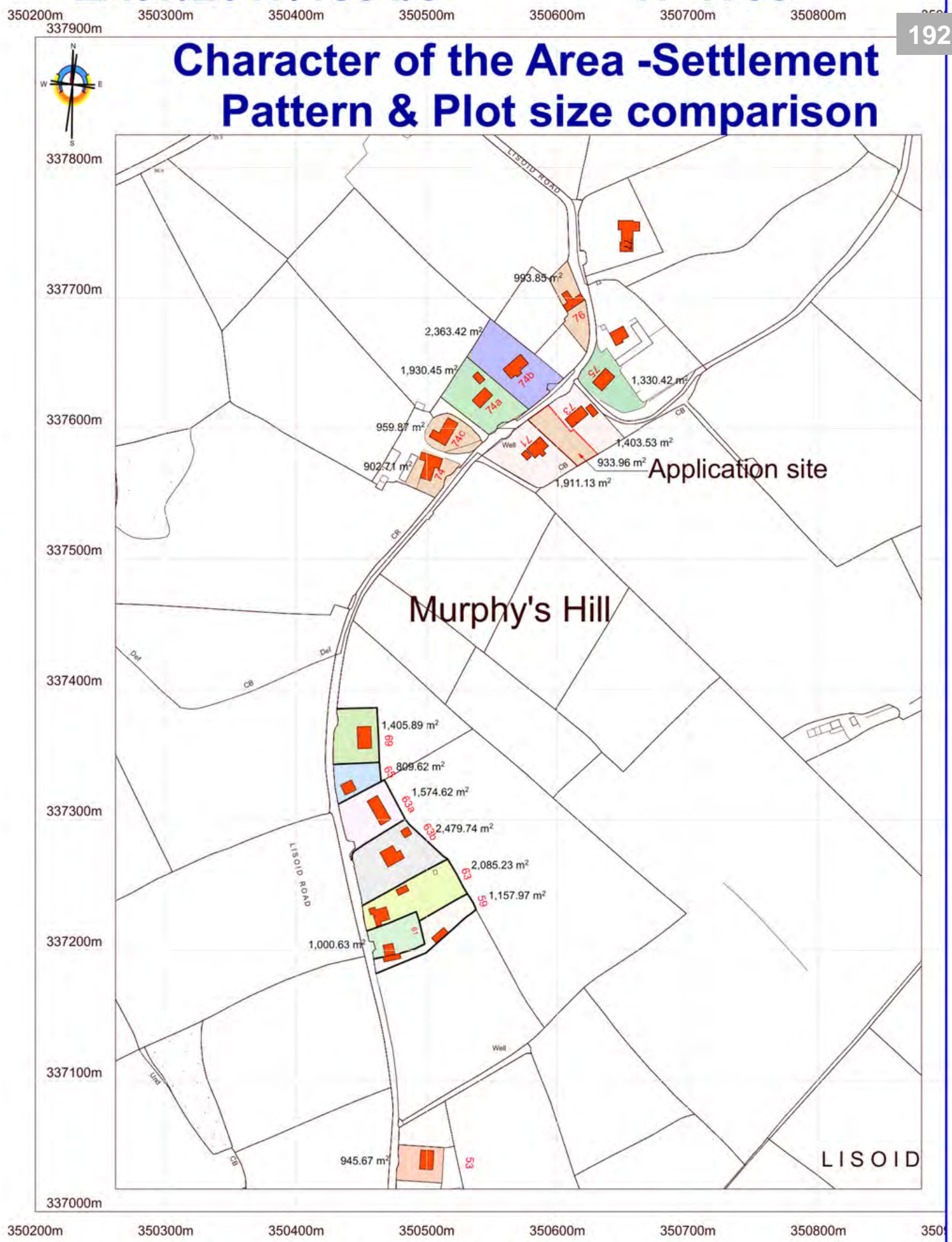
**5.0** In conclusion it is respectfully held that Council grant approval in this site-specific situation.



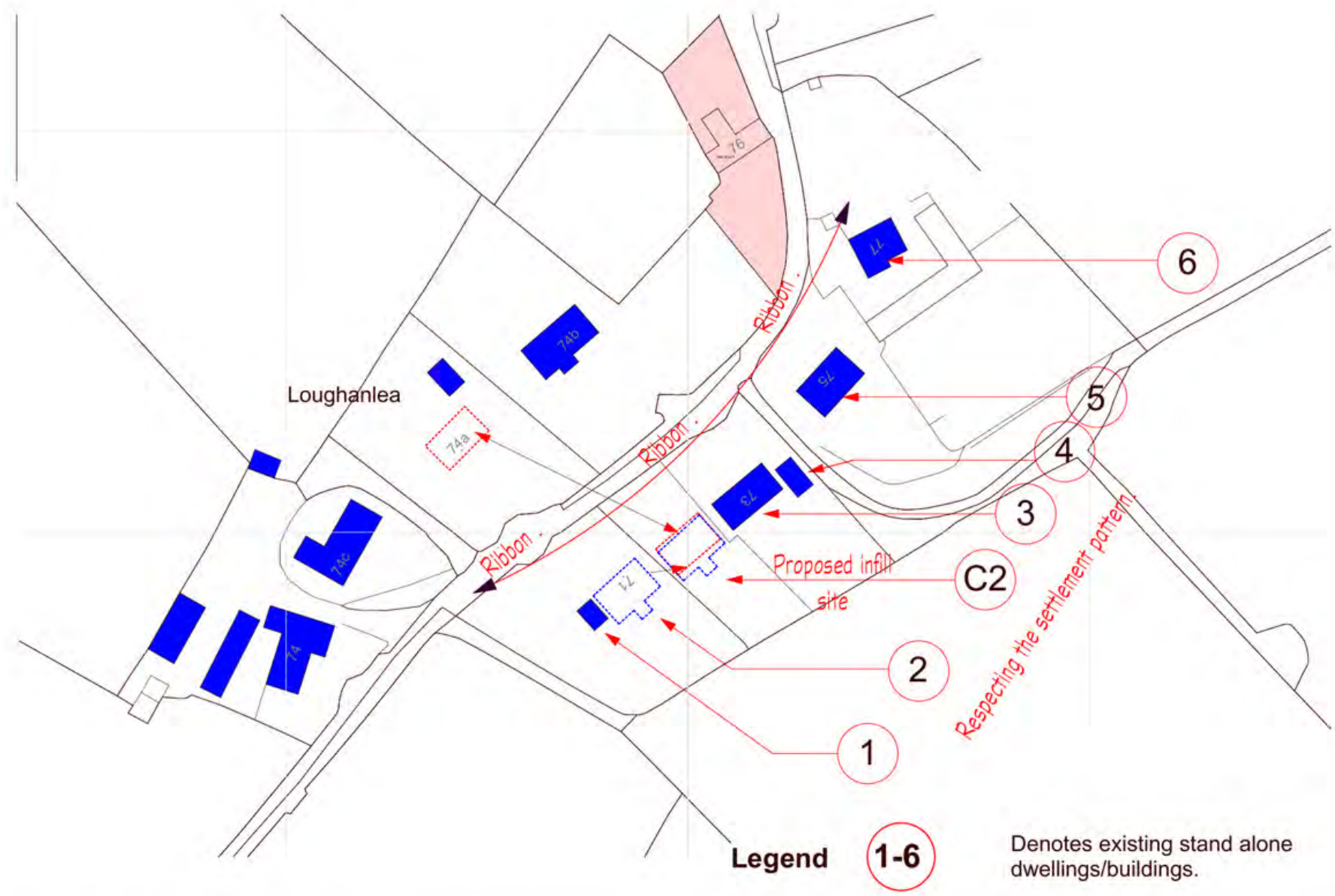
# LA07/2017/1854/0

# 17-1703

## Character of the Area -Settlement Pattern & Plot size comparison







<b>ITEM NO</b>	<b>3</b>			
<b>APPLIC NO</b>	LA07/2017/1186/F	Full	<b>DATE VALID</b>	04/08/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Wolfhill Developments Ltd 4 Lurgancanty Road Clontifleece Warrenpoint BT34 3QW		<b>AGENT</b>	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ
<b>LOCATION</b>	4 Lurgancanty Road Clontifleece Warrenpoint			
<b>PROPOSAL</b>	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.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	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 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.
2. The proposal is contrary to 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 rural character and on the special character of the AONB.





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an Iúir, Mhúrn  
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 and it is on this basis that planning approval has previously been granted for the conversion of the existing buildings on the site to two dwelling houses. 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 original proposal submitted consisted of 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. The applicant was notified by letter on 3 November 2017 that the proposal was considered to be unacceptable. In response amended plans were provided by the applicant on 21 November 2017 and following correspondence from the planning department further amendments were received on 5 February 2018 and 15 March 2018.

The new plans show raising of the roof by 0.3 metres to accommodate a first floor in the building and changes to the chimneys on the front elevation. To the rear four new velux windows are proposed as well as alterations to the windows to introduce four small windows rather than two large ones as well as a two storey rear return.

There are inconsistencies with the drawings e.g. most recent site plan does not match Revised drawings have not been requested to address this as overall the proposal is still not considered to meet the policy criteria of the SPSS and Policy NH6 of PPS 2.

The proposed changes are still not considered to be sympathetic to the original building. The raising of the roof and proposed changes to windows and doors alter the proportions of the building, and have a detrimental impact on its character and appearance. Previous approvals were granted on the site as it was considered that they would help to secure the upkeep and retention of this building which is considered to be of local importance and historic value. This proposal would detrimentally impact on the character and historic value of the old school house. The proposed two storey porch to the rear is not considered to be sympathetic to the scale of the building and the proposed windows to the rear do not show a vertical emphasis which would be appropriate to this rural setting. Cumulatively with the

changes to the chimneys to the front the proposal is not sympathetic to the existing building.

The SPSS allows for “sympathetic conversion” “where this would secure its upkeep and retention” with adaption 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. 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. Cumulatively these alterations would make the building completely different from the original and the overall design is 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 criterion 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 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 and c) 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 and would have a detrimental impact on rural character and on the special character of the AONB.

**Case officer:**

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**Authorised officer:**

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Newry, Mourne and Down Council  
Planning Committee  
C/O O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ

02<sup>nd</sup> May 2018

Dear Sir / Madam,

**LA07/2017/1186/F**

**4 Lurgancanty Road, Clontifleece, Warrenpoint**

**Change of use and conversion of part of former school building to provide a single detache dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.**

The above mentioned planning application is to be presented to your Committee on 09<sup>th</sup> May 2018. The application has been recommended for refusal for the following reasons:

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 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.

2. The proposal is contrary to 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 rural character and on the special character of the AONB.

The issue is essentially one of design. The principle of conversion of the former Carrick Primary School has already been established, and full planning permission was granted for the creation of two dwellings.

The application was previously recommended for refusal. Upon this realisation, the applicant contacted this practice, whereupon we offered consultant advice on the revisions needed to make this proposal acceptable.



**RTPI**  
Chartered Town Planner



Amended plans were duly submitted. There is some uncertainty as to whether these amendments were actually considered in the recent decision to recommend refusal.

On 10<sup>th</sup> April we received an email from the planning department:

*We have requested amendments for this application. This was approx 4 weeks ago and gave them 21 days. We have heard nothing from their agent since. The letter sent to the agent was very clear on what we required.*

On the same date, I responded by email, as follows:

*According to the planning portal a letter was issued to the agent on 27<sup>th</sup> February 2018. The planning portal shows amended drawings date stamped 15<sup>th</sup> March 2018.*

We received confirmation that the plans had not been discussed with one senior planning officer, but perhaps they had been discussed with another.

On 30<sup>th</sup> April, we queried this matter by email, however no response was received. In the email, it was pointed out that the plans as submitted may be erroneous insofar as they still show the ridge of the building increased by 400mm. This is contrary to the applicant's latest instructions and the plans ought to have been revised accordingly. All that he is seeking permission for now are the 4 velux windows and the new porch.

Because he does not know what the exact concerns are, the applicant is unable to table amendments. On that basis, we would apologise for taking up the time of the planning department, and the planning committee.

The planning report that has been uploaded on the planning portal appears to have been modified slightly from the one that has previously been uploaded onto the planning portal. It refers to discrepancies in plans, but there is no indication why the applicant cannot be given an opportunity to rectify this.

It is indicated that the proposal is unacceptable due to raising of the roof (although we hereby confirm this is not the applicant's intention) and due to the changes to the rear windows (changing two large windows to four small ones). With residential use of the building now committed, it is arguable whether permission would even be needed to alter the windows to



the rear. Equally, with regard to the "porch" at the rear, this is not visible from any point of general public access or assembly, and it therefore would not undermine the character or appearance of the area, or of the building, even if permission was needed for this.

I do appreciate the inconvenience caused by erroneous drawings in circulation. This office has been presented with a rear elevation that shows the rear porch stopped at the eaves line, however the one displayed on the planning portal shows it projecting beyond the eaves line (which we do accept is not aesthetically pleasing).

I suggest that a meeting would help conclude these matters. If all concerned were to sit down at a table, and agree on what drawings are current, I believe this situation could be resolved to the satisfaction of all concerned, rather quickly. I can fully understand the frustration of the planning department in relation to this matter, however I do believe that the matter could have been resolved with less inconvenience had the department engaged with the applicant and agreed to a face to face meeting, which I understand has been requested.

I trust that this explains matters in sufficient detail however in the event that any further information is required please do not hesitate to contact this office.

Yours Faithfully,



**Colin O'Callaghan**  
Chartered Town Planner  
BSc Hons Dip TP MRTPI

<b>ITEM NO</b>	<b>9</b>			
<b>APPLIC NO</b>	LA07/2017/1624/O	Outline	<b>DATE VALID</b>	23/10/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Thomas Stevenson 10 Turloughs Hill Annalong BT34 4XD		<b>AGENT</b>	Design Home Plans 1 Victoria Court Ballymartin Newry BT34 4YH
<b>LOCATION</b>	Site 50m NW of 18 Turloughs Hill Annalong BT34 4XD and 80m NW of the dwelling which is to be replaced at 20 Turloughs Hill Annalong Co Down BT34 4XD			
<b>PROPOSAL</b>	Replacement Dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>		<b>Signatures</b>
			0	0
			0	0

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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 the proposed alternative site would have a significantly greater visual impact than the existing dwelling and would appear unduly prominent in the landscape.
2. The proposal is contrary to policy NH 6 of Planning Policy Statement 2 in that the proposal is not of an appropriate design, size and scale for the locality and the scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would add to a build-up of development which would erode 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:** LA07/2017/1624/O

**Date Received:** 19 October 2017

**Proposal:** Replacement Dwelling

**Location:** 50m NW of 18 Turloughs Hill, Annalong and 80m NW of the dwelling which is to be replaced at 20 Turloughs Hill

**Site Characteristics & Area Characteristics:**

The existing dwelling adjoins number 22 Turlough's Hill and forms part of a group of farm buildings. There are a number of other dwellings in the vicinity. An offsite replacement is proposed approximately 50 metres north west of the existing dwelling. The proposed site is an agricultural field which is relatively open with dry stone wall boundaries.

**Site History:**

No relevant site history.

**Planning Policies & Material Considerations:**

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside

Building on Tradition – Design Guide for Rural Northern Ireland

Planning Policy Statement (PPS) 2 – Natural Heritage

DCAN15 – Vehicular Access Standards

**Consultations:**

DfI Roads– queried why the red line does not adjoin the public road.

NI Water – no objections

**Objections & Representations**

5 neighbour notifications were issued on the 01 November 2017.

The application was advertised in local papers on 08 November 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 located outside of settlement development limits, is unzoned and is in the Mourne AONB. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPSS and PPS 21. The impact on the AONB will be assessed under PPS 2. The application is for outline approval for an off-site replacement dwelling.

The SPSS and Policy CTY 3 of PPS 21 allow for a replacement dwelling where certain criteria are met. The existing dwelling on the site clearly exhibits the characteristics of a dwelling with walls, windows/doors and the roof all intact and therefore meets the first criteria of the SPSS.

The second criteria set out in the SPSS states that, "Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so." This also reflects the provisions of PPS21, CTY 3. The proposed replacement dwelling is located approximately 50 metres north west of the site. In this instance an off-site replacement is considered acceptable in principle. Given the proximity of the original dwelling house to the farm yard there would be clear benefits in locating away from the farmyard.

The SPSS (and policy CTY 3) goes on to state that "Replacement dwellings must not have a visual impact significantly greater than the existing building." The site proposed by the applicant would in my opinion have a greater visual impact than the existing dwelling. Whilst the existing dwelling groups with other buildings on the farm the proposed site is on an elevated open field. There are no natural boundaries to the site (i.e. trees, hedges etc.) to help soften the impact of any dwelling. Any proposed dwelling on the site could be viewed openly from a number of vantage points and would in my opinion mar the rural character of this location. The SPSS also states that, "All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed." I consider that a dwelling could not be integrated into its setting and would not respect rural character at the proposed location. The proposal also fails to meet the requirements of policies CTY 13 and CT 14 of PPS 21 for these reasons.

A dwelling on the site would fail to meet criteria a, b, c and f of CTY 13 in that, (a) a new building would be a prominent feature in the landscape; (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; (c) a new building would rely primarily on the use of new landscaping for integration; and (f) would fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

A dwelling on the site would fail to meet criteria a of CTY 14 as it would appear unduly prominent in the landscape.



For the reasons outlined above, the proposed development is likely to have an adverse impact on the AONB. Policy NH 6 of PPS 2, Natural Heritage states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality.

As the proposal is unacceptable in principle, further information in relation to the issue raised by DfI Roads has not been sought.

#### **Recommendation:**

*Refusal*

#### **Refusal Reasons**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1, CTY3, CTY 13 and CTY 14 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 the proposed alternative site would have a significantly greater visual impact than the existing dwelling and would appear unduly prominent in the landscape.

- 2. *The proposal is contrary to policy NH 6 of Planning Policy Statement 2 in that the proposal is not of an appropriate design, size and scale for the locality and the scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty.*

**Case officer:**

\_\_\_\_\_

**Authorised officer:**

\_\_\_\_\_



## Designer Home Plans

1 Victoria Court  
Ballymartin  
Kilkeel  
Co. Down BT34 4YH

Tel/Fax: (028) 417 63371

email johnhagnew@yahoo.co.uk



30 April 2018

Re Proposed Replacement dwelling for 20 Turloughs Hill, Annalong. BT34 4 XD

Ref. LA07/2017/1624/0

The proposed replacement dwelling is to allow Thomas Stevensons' son James to live near the milking parlour. (as Thomas has lost an arm he is helping run the Dairy farm of approx.. 150 No. cows)

The proposed location is the nearest safe site to the yard. It is over 370m from the Grove Road and 250m from the Stewarts Road making little Visual Impact from either. Again it is grouped with the Turloughs Hill Close which will help with integration. Integration is also helped by my client being prepared to accept single storey dwelling with limited ridge height and provide planting and stone walling

Due to my clients circumstances I would be grateful for the Committees sympathetic response.

Yours faithfully,

Johnnie Agnew Dip. Q.S.

**ITEM NO** 11  
**APPLIC NO** LA07/2017/1721/F Full **DATE VALID** 08/11/2017  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Millvale Services Ltd 17 Millvale Road, Bessbrook Newry, BT35 7HN **AGENT** McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD

**LOCATION** 147m south east of 21 Millvale Road Bessbrook Newry

**PROPOSAL** Proposed parking for neighbouring Millvale Service Station

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 Policy SMT 1 (Settlement Hierarchy) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plans.
2. The proposal is contrary to Designation NY 01 (Settlement Development Limit of Newry) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside the designated settlement limit of Newry within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.
4. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.





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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1721/F

**Date Received:** 08.11.17

**Proposal:** Proposed parking for neighbouring Millvale Service Station

**Location:** 147m south east of 21 Millvale Road, Bessbrook, Newry

**Site Characteristics & Area Characteristics:**

Site comprises part of an existing agricultural field adjacent and NW of a filling station complex.

**Site History:**

LA07/2018/0067/CA - Change of use from retail unit to hot food bar (Current)

LA07/2016/1620/F - Research and Development/Office extension with coffee dock facilities, associated car parking and landscaping. HBE Head Office, Craigmore House, 19 Millvale Road, Newry. Granted (Adj and NW).

P/2010/0082/F - Provision of 3no. single storey retail units, associated parking and ancillary yard area. 17 Millvale Road, Bessbrook, Newry. Granted (Application site).

**Consideration and Assessment:**

**Banbridge/ Newry and Mourne Area Plan 2015** – The proposal is outside the development limits of Newry within the open countryside where a presumption against this type of development applies. The proposal is contrary to the Area Plan, in particular Policy SMT 1 (Settlement Hierarchy) of the Plan Strategy and Framework as well as Designation NY 01 which is the designated Settlement Development Limit of Newry. No exceptional case has been put forward/ demonstrated why this proposal could not be located within lands designated for economic uses within settlements nor has it been demonstrated that there are exceptional circumstances to justify a relaxation of strict planning controls in the open countryside.



**PPS3 (AMP7), DCAN 15 and Parking Standards:** The realignment of car parking spaces within the complex has resulted in the loss of car parking spaces (19 spaces) from what was approved under P/2010/0082/F (29 spaces) with the unauthorised use of the units for the sale of hot food which has impacted on the requirement for additional parking of approximately 30 - 42 spaces. Whilst proposals will address this shortfall, this is nevertheless at the expense of extending development into the open countryside where there is a presumption against this type of development. Otherwise proposals meet the requirements of parking standards and Transportni have raised no objections.

**PPS 6:** HED in comments dated 30.11.17 have raised no objections.

**PPS15:** Rivers Agency in comments dated 13.12.17 have raised no major concerns.

### **PPS21: SPPS and PPS21 (CTY1)**

The policy provides a list of non-residential uses which may be deemed acceptable within the countryside. CTY 1 specifically states that other types of development will be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.

Proposals are for a car park with this type of development better suited to an urban location and not an expected use within the open countryside. No overriding reasons have been presented as to why the development is essential at this rural location and could not be located elsewhere within a settlement. Therefore the development fails to meet CTY1 of PPS21 and fails to comply with SPPS. Furthermore, the proposal is also contrary to paragraph 3.8 of the SPPS in that it conflicts with an up to date development plan (See Area Plan section above).

### **Consultations:**

HED (30.11.17) – No policy remit to comment on proposal

Transport NI (28.03.18) – No objections

Rivers Agency (13.12.17): FLD1 - New development is on elevated ground and out of the flood plain, taking into account a precautionary approach of PPS15 it is recommended that any development be allowed an additional freeboard of 600mm. FLD2 - satisfied meets clause 6.32 of FLD2, FLD 3 - Drainage assessment not required, FLD 4 and 5 – Not applicable.

### **Objections & Representations**

4 neighbours notified

Advertised Nov 2017

No objections received.

**Recommendation:** Refusal.

**Refusal Reasons:**

1. The proposal is contrary to Policy SMT 1 (Settlement Hierarchy) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plans.
2. The proposal is contrary to Designation NY 01 (Settlement Development Limit of Newry) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside the designated settlement limit of Newry within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.
4. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Photographs:



Directly opposite W looking E



SE looking NW within the grounds of the filling station



NW looking SE Millvale Rd





## PROPOSED PARKING FOR NEIGHBOURING MILLVALE SERVICE STATION

147m Southeast of 21 Millvale Road, Bessbrook, Newry

SUPPORTING PLANNING STATEMENT  
Planning reference LA07/2017/1721/F

## 1.0 INTRODUCTION

- 1.1 The application has been made by a local family business Millvale Service Limited which has its roots in Bessbrook and Newry for generations. The business is successful and has been operating on this site for almost 25 years. It has experienced significant growth in recent years with the increase in both private and social housing in the area and most recently adding independent retail units to their site in 2016.
- 1.2 The Service Station and site employs over 22 staff providing major employment to the local area. They offer training schemes to young people and frequently run community fun days/fundraisers etc.
- 1.3 The business provides an important community facility for the area including Spar supermarket, fuel, hot food, paypoint facilities, community defibrillator, etc. They are presently preparing the way for a community Post Office which will be in situ within the coming months to offer the community a further facility of convenience.
- 1.4 The success of the business has resulted in an inadequate parking provision. The proposal to extend the existing business carpark will improve and enhance the facilities. It will benefit the customers by ensuring all traffic can be accommodated comfortably on site making it a safer environment and meeting its client needs.



2018 ARIEL PHOTO

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F



## 2.0 SITE AND SURROUNDINGS

- 2.1 The site lies just outside the settlement limit as defined in the Banbridge/Newry and Mourne Area Plan 2016. The site and surroundings are substantially urbanized.
- 2.2 The site has an established commercial use being historically used as a builder's yard with associated storage /parking provision.
- 2.3 The existing commercial lands have a hard surface of hardcore and blinding softened by a shallow tree line on 2 boundaries. The site has a commercial grade palisade fence to its road frontage boundary.
- 2.4 To the north of the site is a large commercial business including office buildings and carparking. To the south is Millvale Service Station and the entrance to Northbrook Laboratories factory.
- 2.5 On the opposite side of Millvale Road is a mixture of commercial, industrial and residential buildings
- 2.6 Overall the area has an urbanized character. The site makes no material contribution to the setting of the immediate area or Bessbrook in general.



2010 ARIEL PHOTO

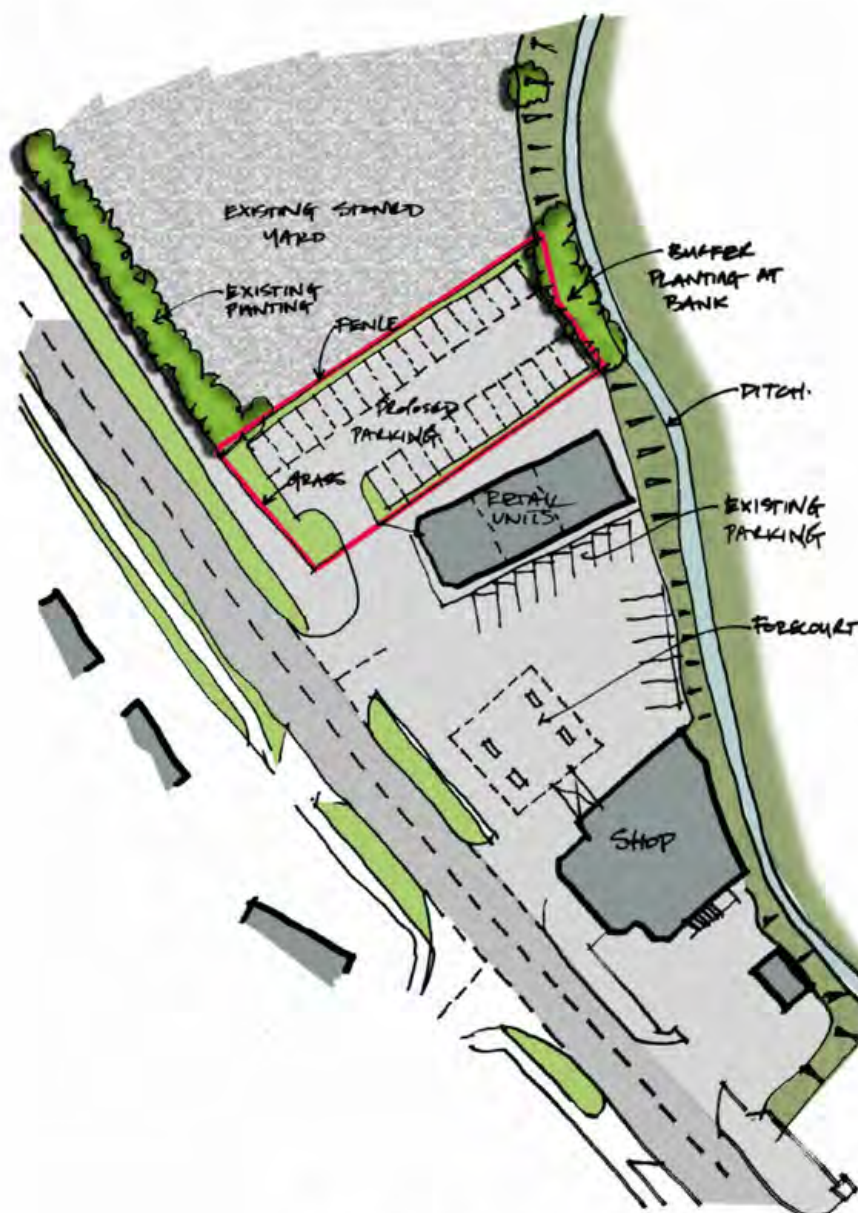
Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F



### 3.0 PROPOSED DEVELOPMENT

- 3.1 The proposed development seeks to extend the existing parking facilities in order to improve traffic safety and customer facilities.
- 3.2 The additional car parking will address an under supply of parking to the existing businesses.
- 3.3 The carpark is located on a brownfield site which has established commercial use as a builder's yard.
- 3.4 The palisade fence will be removed to soften the critical view from the road.
- 3.5 The curtilage of the existing builder's yard shall not be increased.



CONCEPT SKETCH

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F

#### 4.0 PLANNING CONSIDERATIONS AND REASONS FOR REFUSAL

The following are the 4 reasons for recommending refusal of this application:-

##### 4.10 RESPONSE TO REASON 1

The proposal is contrary to Policy SMT 1 (Settlement Hierarchy) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plans.

4.11 The existing established business and associated retail units cannot be relocated to another location in the Council area for the following reasons:-

- For operational and employment reasons it is important to retain this business within this community. To relocate would be financially unviable and result in the loss of local employment
- The business provides a significant contribution to the local economy both financially and as a community hub providing numerous local facilities for the local community and surrounding businesses. Relocation would therefore be a major loss to the community.
- This is an established local business.

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F



## 4.20 RESPONSE TO REASON 2

The proposal is contrary to Designation NY 01 (Settlement Development Limit of Newry) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside the designated settlement limit of Newry within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

- The proposed site is just outside the settlement limit of Newry/Bessbrook in the Plan. However, unlike the open countryside to the north and east, this site has been specifically excluded from the Local Landscape Policy Area (green hatching). This would appear to acknowledge the brownfield nature of this site.



EXTRACT FROM BANBRIDGE, NEWRY AND MOURNE AREA PLAN

- The site exhibits no countryside characteristics and is surrounded by commercial/industrial buildings. The development will not undermine rural character.
- There is inadequate parking facilities for the existing business. There are no alternative sites available for parking. The additional parking will address road safety aspects of this busy site.

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F



- The proposed site has existing commercial use and is a brownfield site. This is not a greenfield proposal.
- The proposal will visually improve the appearance of the site. The existing buildings land is unkempt and unsightly within the immediate area.

#### 4.30 RESPONSE TO REASON 3

The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.

- 4.31 The Strategic Planning Policy Statement (SPPS) makes it clear that having regard to the development plan, sustainable development should be permitted. Further points:-
- In the introduction to the SPPS, the Minister noted that the planning system can, and should, do more to unlock development potential, support job creation, and aid economic recovery.
  - Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless harm will be caused to interests of acknowledged importance.
  - This proposed development will contribute further to economic recovery and balanced growth in this area. It will be sustainable in that it will consolidate and improve facilities at this successful and established local business.

#### 4.40 RESPONSE TO REASON 4

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

- 4.41 As the site is within the countryside (albeit developed land) PPS21 policies apply. Policy CTY1 of PPS21 sets out a number of circumstances where permission may be granted eg "the development of a small gap site within an otherwise substantial and built up frontage in accordance with Policy CTY 8" which relates to economic development. These include industrial and business uses which are in accordance with PPS4. This is addressed below:-

#### PPS4 Planning and Economic Development

- PPS 4 was published in November 2010. It sets out policies for economic development uses and indicates how growth associated with such uses can be accommodated in ways compatible with social and environmental objectives and sustainable development.
- For the purposes of the PPS, economic development uses comprise industrial, business, and storage and distribution uses.
- The policy objectives of PPS4 include:
  - to promote sustainable economic development;
  - to tackle disadvantage;
  - to sustain a vibrant rural economy;
  - to support the re-use of previously developed sites and buildings; and
  - to ensure a high standard of quality and design.

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F

- The use of this builder's yard for parking is the best location available to ensure the continued growth and profile of the business.
- Policy PED2 of PPS4 states that economic development in the countryside will be permitted in accordance with a number of policies, including expansion of established uses; redevelopment of established uses; major industrial projects; and small rural projects.
- The proposed extension to the carpark facilities falls under the category of expansion of an established use, and hence Policy PED3 is appropriate.

4.42 The key elements from PED 3 are identified and assessed below:

- Expansion will be permitted where scale and nature does not harm rural character or appearance - the proposed development involves a modest extension to an existing parking facility.
- There is no major increase in site area - it will be on the footprint of an existing builder's yard.
- Proposals will normally be expected to be accommodated through reuse. The proposed development is on the site of an existing unkempt builder's yard.
- Measures should be taken to aid integration into the local landscape - the proposed development will nestle behind the existing boundary. It will not have any impact upon the local landscape character.

4.43 Overall, it is clear that the proposed development will be entirely compliant with PPS4.

Planning Policy Statement 3 – Access, Movement and Parking

4.44 PPS3 seeks to ensure safe and sustainable transport. The development will use an established access to Millvale Road. This has good visibility in both directions.

4.45 In terms of parking, the additional parking will improve the road safety aspects of the existing development

## 5.0 CONCLUSIONS

5.1 This proposal seeks to extend the carparking facilities of an established business on the outskirts of Bessbrook. The extension will be modest in overall terms, but it will improve the functionality and attractiveness of the existing business. This is a sustainable proposal which will be fully compliant with the SPPS, BNMAP, PPS 21 and PPS4. The carpark will improve accessibility to the facilities for the local community

5.2 It is requested that permission is granted for this economically important proposal.

Proposed parking for neighbouring Millvale Service Station, 147m south east of 21 Millvale Road, Bessbrook, Newry.

Planning ref. LA07/2017/1721/F



**ITEM NO** 12  
**APPLIC NO** LA07/2017/1764/F Full **DATE VALID** 20/11/2017  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Joe Harvey 48 Liscaledt Road **AGENT** Karl Sherry 103 Rostrevor Road Crossmaglen Hilltown BT35 9HX BT34 5TZ

**LOCATION** 120m West of 15 Drummuckavall Road  
 Drummuckavall Upper  
 Crossmaglen  
 Co Armagh  
 BT35 9HU

**PROPOSAL** Dwelling and detached garage on a farm

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

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
  - the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
  - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
  - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
- 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 Drummuckavall 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 dwelling 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  
and Down**  
District Council

**Application Reference: LA07/2017/1764/F**

**Date Received: 20/11/2017**

**Proposal: Dwelling and detached garage on a farm**

**Location: 120m West of 15 Drummuckavall Road Drummuckavall Upper Crossmaglen Co Armagh**

The site is accessed for the Drummuckavall Road. The road ends at the entrance to the farm yard and no. 21 a single storey dwelling. There are a number of outbuildings surrounding no. 21. The site sits below the farm yard and dwelling and is cut out of a larger agricultural field. The site is placed at a lower level than the neighbouring farm yard on a relatively flat piece of land. North of the site on the opposite side of the road there is an existing farm shed and silo pit. The boundaries of the site are defined by a low rise stone wall and hedging. The north east boundary which cuts the field in half is currently undefined.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

**Site History: n/a**

#### **Objections & Representations**

*No. of neighbours notified= 3  
No representations received= 0  
Advertise expiry= 21.12.2017*

#### **Consultations**

**TransportNI- conditions  
EH- no objections  
NIW- statutory  
DAERA- see report**

**Consideration and Assessment:**

*The SPPS under para 3.8 states that 'the guiding principles for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice, this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.'*

*Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS is less prescriptive and therefore greater weight is afforded to the retained policies.*

*The applicant has supplied the following information on the P1 C form:*

*The applicant is a Mr Joe Harvey and he resides at the same address as the owner of the farm business Owen Harvey, 48 Liscalgot Road, Crossmaglen (father and son).*

*The farm has been established since the 1970's and the owner has a DAERA business number 620279 allocation date unknown and that they make a single farm payment return to DAERA.*

*The holding is 13.53 hectares. From the information provided on the P1C form and the comments from the consultation with DAERA the Council can ascertain that the farm business is currently active and has been established for more than 6 years.*

*DAERA provided additional comment, stating that Joe Harvey was the applicant and Owen Harvey was the business owner. Confirmation of what was provided by the agent.*

*Having completed a land registry check it would appear that the lands and farm buildings are owned by Owen Harvey of 48 Liscalgot Road and the dwelling beside the outbuildings no. 21 and adjoining lands (outside of the farm business) are owned by Adrian Harvey.*

*Having considered the position of the site which is cut out of a larger field that abuts the farm yard and the farm buildings, it is not considered that the lower portion of the field (our site) would visually link or cluster as required by policy CTY 10.*

*The proposed siting and remaining portion of the field left over will create a ribbon type of development when viewed from the laneway and therefore fails to comply with CTY 8.*

*The proposal is for full planning and the applicant has requested a single storey dwelling with a ridge height of 6.1 metres above finish floor level. The dwelling has a frontage of approx. 24 metres. The boundaries of the site are to be defined by a post and wire fencing and native planting to the inside. The existing natural screening and the proposed planting will aid integration of the dwelling on the site. Given the position of the site in the landscape and the existing natural screening the proposed works will not cause issues with regards to integration in this rural area. As stated above the proposal will result in the creation of ribbon development which will result in a detrimental change to erode the rural character of the surrounding area.*



**Recommendation:**

*Refusal*

**The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:**

- the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.**
- health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm**
- verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.**

**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 Drummuckavall 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 dwelling 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.**

.....

.....



Dwelling and detached garage on a farm 120m west of 15 drummuckavall road  
Crossmaglen BT35 9HU for Mr Joseph Harvey Application Number LA07/2017/1764/F  
karl sherry  
to:

democratic.services@nmandd.org

30/04/2018 09:34

Hide Details

From: karl sherry <karljmsherry@hotmail.com>

To: "democratic.services@nmandd.org" <democratic.services@nmandd.org>,

History: This message has been replied to.

I request speaking rights to discuss the above application.

The reason for refusal is that the Planning Service does not consider the site as part of the existing farm complex. I submit that the site is within 12m of one of the existing farm building and, very much is part of an existing farm and can be viewed within an established cluster. The field to the north east has been put forward as an alternative site, but this area of land is the garden which always supplied No.21, the original farm dwelling. It was always standard farming practice, that an area of land was set aside, to facilitate the farm house, so I submit that this portion of land belongs and should be read as part of No.21.

Yours faithfully

Karl Sherry MCIAT

Chartered Technologist

<b>ITEM NO</b>	<b>13</b>					
<b>APPLIC NO</b>	LA07/2017/1826/F		Full	<b>DATE VALID</b>	30/11/2017	
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>					
<b>APPLICANT</b>	Damien Reilly 46 Parkview Newtowncloughgue Newry			<b>AGENT</b>	Design 3 3 Cedar Grove Newry BT34 1SQ	
<b>LOCATION</b>	46 Parkview Newtowncloughgue Newry					
<b>PROPOSAL</b>	Single storey rear extension					
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>		<b>SUP Petitions</b>	
	0	0	0		0	
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b> <b>Signatures</b>	
			0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the amenity of neighbouring residence No.45 Park View, Newtowncloughgue by way of dominance.





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**Newry, Mourne  
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District Council

**Application Reference: LA07/2017/1826/F**

**Date Received: 30.11.2017**

**Proposal: Single storey rear extension**

**Location: 46 Parkview Newtowncloughue Newry**

The existing property is a semi detached 2 storey property which faces onto the Newtown Road. The dwelling has a small front garden abutting the public footpath. There is access to the side and into the rear yard/garden area. The rear yard is set 0.5metres above the rear garden area. The semi detached properties are separated by a 1.8 metre high wall at first then a 1.8 metre wooden fence down into the garden area.

The site is located within the settlement limits Newtowncloughue as defined in the Banbridge, Newry and Mourne Area Plan 2015.

**Site History:**

**P/2007/1243/F-Alterations & extension to dwelling- approval**

It is noted that no. 47 has been extended to the rear. Having completed a history of the site there was only a certificate for works deemed to be permitted development P/1988/4083/PD.

**Objections & Representations**

*No. of neighbours notified=9*

*No representations received= 0*

*Advertise expiry= 28.12.2017*

**Consultations**

n/a

**Consideration and Assessment:**

## **SPPS and APPS7- Residential Extensions and alterations.**

*'The department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material consideration, unless the proposed development will cause demonstrable harm to interests of acknowledge importance'*

*PPS 7 - Policy EXT 1: Residential extensions and alterations Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:*

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;*
- b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;*
- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and*
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

### *Design*

*Policy states that the design and form are paramount design considerations. The proposed extension is to the rear of the property. The proposal seeks to provide a large single storey extension the width of the rear of the dwelling. The proposal will require the removal of the existing small single storey projection to the rear.*

*Although the extension is to be the width of the existing property it is still considered to be subordinate in size and matches the proportions, shape, roof pitch and materials of the existing dwelling. The proposal is in keeping with the original and will not have an impact on the character or appearance of the surrounding area.*

### *Overshadowing/Overlooking*

*Policy states that extensions should not overshadow nor overlook neighbouring properties to an unreasonable degree. As the extension is moving closer to no.45, no. 47 and no.5 Park View consideration must be given to each property.*

*There should be no issue of overshadowing/loss of light or overlooking to no. 47 given the position of their building/windows on site.*

*The extension is to project closer to the rear boundary with no. 5 Park View. Having considered the separation distance and the existing close boarded fencing there should be no unreasonable overlooking.*

*As stated above the extension is to the width of the rear of the property. The proposal is to run parallel to the boundary with no. 45. Having applied the light test to the neighbouring ground floor window, the proposal would fail to meet the test. However as stated in the policy this is not a rigid test and other circumstances of the case must be considered. Given the position of no. 45, it is noted that the window would not receive a lot of natural daylight due to the natural sunpath east to west and the position of the existing 1.8 metre boundary wall. It is also noted that the small single storey projection to no. 45 also reduces the natural daylight entering this room. Having considered the existing context I feel a refusal reason on such grounds would be difficult to sustain.*

*The proposal will project almost 5 metres from the existing rear wall along the property boundary. The construction of this extension so close to the boundary and the ground floor window of no. 45 will create an issue of dominance. The extension will result in a 'hemming in' effect when viewed from no. 45 and will no doubt impinge upon the outlook from this property.*

*The proposal needs to be set back from the party boundary and reduced in length to ensure the amenity of no. 45 is protected. The agent has stated he wishes to pursue the case as submitted and for it to be presented to the Planning Committee for consideration.*

#### *Amenity and Parking*

*Policy states that a reasonably sized garden area should be retained for domestic purposes. The remaining garden area is sufficient for domestic purposes. The car parking arrangement is not to be altered by the proposal.*



**Recommendation:**

*Refusal*

**The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the amenity of neighbouring residence No.45 Park View, Newtowncloughue by way of dominance.**

.....

.....



LA07/2017/1826/F. speaking rights

John Feehan

to:

democratic.services

02/05/2018 16:24

Hide Details

From: "John Feehan" <john.feehan@design3.info>

To: <democratic.services@nmandd.org>,

Security:

Some images were prevented from loading. Show Images

History: This message has been forwarded.

## 2 Attachments



image001.jpg image002.jpg

Re:

LA07/2017/1826/F 46 Parkview Newtowncloughgue Newry

With respect to the above I wish apply for speaking rights .

We wish to discuss the size of our proposal versus the size of a proposal that would not require planning permission. We dispute that the proposed extension is classed as dominant and affecting the amenity of the adjoining property.

I hope this is acceptable.

Regards

John

john feehan M.C.I.A.T.

tel: 07845 811 586



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Chartered Institute of  
Architectural Technologists



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<b>ITEM NO</b>	<b>15</b>			
<b>APPLIC NO</b>	LA07/2018/0034/F	Full	<b>DATE VALID</b>	28/12/2017
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Seamus Gregory 51 Foxfield Road Crossmaglen Newry BT35 9HZ		<b>AGENT</b>	J A Murphy 43 New Road Silverbridge Newry BT35 9NB
<b>LOCATION</b>	184 Concession Road Crossmaglen Newry BT35 9JB			
<b>PROPOSAL</b>	2 Storey rear extension to existing dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- I. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 (b) of The Addendum to Planning Policy Statement 7 in that the extension would, if permitted, unduly affect the amenity of neighbouring residents by reason of loss of light, overshadowing and dominance.







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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0034/F

**Date Received:** 28.12.2017

**Proposal:** 2 Storey rear extension to existing dwelling

**Location:** 184 Concession Road, Crossmaglen, Newry, BT35 9JB

**Site Characteristics & Area Characteristics:**

The site holds a semi detached dwelling which forms part of a small row of dwellings along the Concession Road, south of Crossmaglen in the rural area as defined in the prevailing Area Plan.

**Site History:**

N/A

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015  
Addendum to Planning Policy Statement 7

**Consultations:**

N/A

**Objections & Representations**

4 neighbours notified on 12.01.2018 and the application was advertised on 24.01.2018. One representation from No. 184 stating they have no objection to the proposal and one objection from No. 182 for reasons of overshadowing, daylight lost, loss of privacy, lack of space for the extension and inappropriate for a rural setting. I will deal with these objections in detail at the end of my report.

**Consideration and Assessment:**

**Policy EXT 1 of Addendum to PPS7**

The extension is confined to the rear of the property, subordinate to the existing dwelling and finished to complement the existing dwelling. Consequently the scale, massing, design and external materials are not considered to detract from the built

form and appearance of the existing property or the appearance and character of the surrounding area. This satisfies criteria A of policy EXT 1.

Given the two storey nature of the proposal with a depth of approximately 5.1m at the boundary of the neighbouring property (No.186) the proposed extension is considered to result in a loss of light /overshadow and dominance on the adjoining dwelling No. 186. It is noted the current occupant of No.186 has signed a letter confirming he has no objection to the proposal, however the Planning Authority when making a decision has to consider not only the current residents but any future residents and ensure any modifications to dwellings are sustainable, beyond the duration of current occupants. For the reasons noted above the proposal is not considered to satisfy part (b) of policy EXT 1 in that it would unduly affect the amenity of the residents of the adjoining property.

A letter was sent to the agent on 12<sup>th</sup> March 2018 to ask for a reduced scheme. The agent responded noting similar extensions at No.180 and No.182 as justification for this scheme. It is noted both extensions the agent refers to are historical approvals decided under a previous planning policy document, not the current Addendum to PPS7. The extension at No.182 was granted under special circumstances according to the objector's letter which our records show was 1987. Given No. 180 has now extended, albeit by single storey, the impact both dwellings have now on each other would not be as severe as the impact No.184 would have on No.186. Consequently I don't agree with the agent that the extensions at Nos 180 and 182 justify this scale of extension at No.184

The extension will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality and there is sufficient space remaining within the curtilage for recreational and domestic purposes. This satisfies parts (c) and (d) of policy EXT 1.

### **Objections**

Objection from Bridget Boylan 182 Concession Road.

Grounds for objection

1. Overshadowing/loss of light
2. Loss of privacy
3. Lack of space for extension
4. Inappropriate for rural setting.

Council response.

1. As the objections property is detached from the neighbouring property it is not considered the extension will significantly over shadow or result in a loss of light to No.182.
2. There are no upper windows and the downstairs kitchen window would face a large fence / gate. The proposal would not compromise privacy to No. 182. The upper bathroom window would be obscured.
3. The curtilage is large enough to take the extension while still leaving enough private amenity space for the residents.
4. The extension would not be easily viewed from the public road and is not considered to have an adverse visual impact on the rural area.

**Recommendation:**

Refusal, contrary to part (b) of Policy EXT 1 from the Addendum to PPS 7.

**Reason:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 (b) of The Addendum to Planning Policy Statement 7 in that the extension would, if permitted, unduly affect the amenity of neighbouring residents by reason of loss of light, overshadowing and dominance.

**Case Officer:****Authorised Officer**



**Proposed Extension to Dwelling at 184 Concession Road, Crossmaglen, Newry**

**for Mr. S. Gregory**

**Submission to Council on 9/05/2018**

**Planning ref: LA07/2018/0034/F**

The planning officer's report makes many favourable references to this proposal such as:

'The extension is confined to the rear of the property, subordinate to the existing dwelling and finished to complement the existing dwelling. Consequently the scale, massing, design and external materials are not considered to detract from the built form and appearance of the existing property or the appearance and character of the surrounding area. This satisfies criteria A of policy EXT 1.'

and

'The extension will not cause unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality and there is sufficient space remaining within the curtilage for recreational and domestic purposes. This satisfies parts (c) and (d) of policy EXT 1.'

It also discusses the objection from the owner of no. 180 and rules it out.

All the above is very reasonable as the applicant seeks only to turn a family home of the 1950's into a modern 3 bedroom family home as indeed the owner of no. 180 has already done.

The report recommends refusal on the grounds that the extension does not meet the criteria shown in figure 1 of addendum to PPS 7.

However, I draw your attention to paragraph A37 now shown on the screen where firstly the diagram is described as 'guidance' only and secondly it describes the specific circumstances here where this guidance does not apply.

This can clearly be seen from the slide showing the plan of the row of houses. It is evident that the extension built to no. 182 already contravenes diagram 1 with regard to no. 180 more so than our proposed extension with regard to no. 186.

In addition Mr. McGeeney, the owner and occupier of no. 186 has signified in writing that he has no objection to this extension.

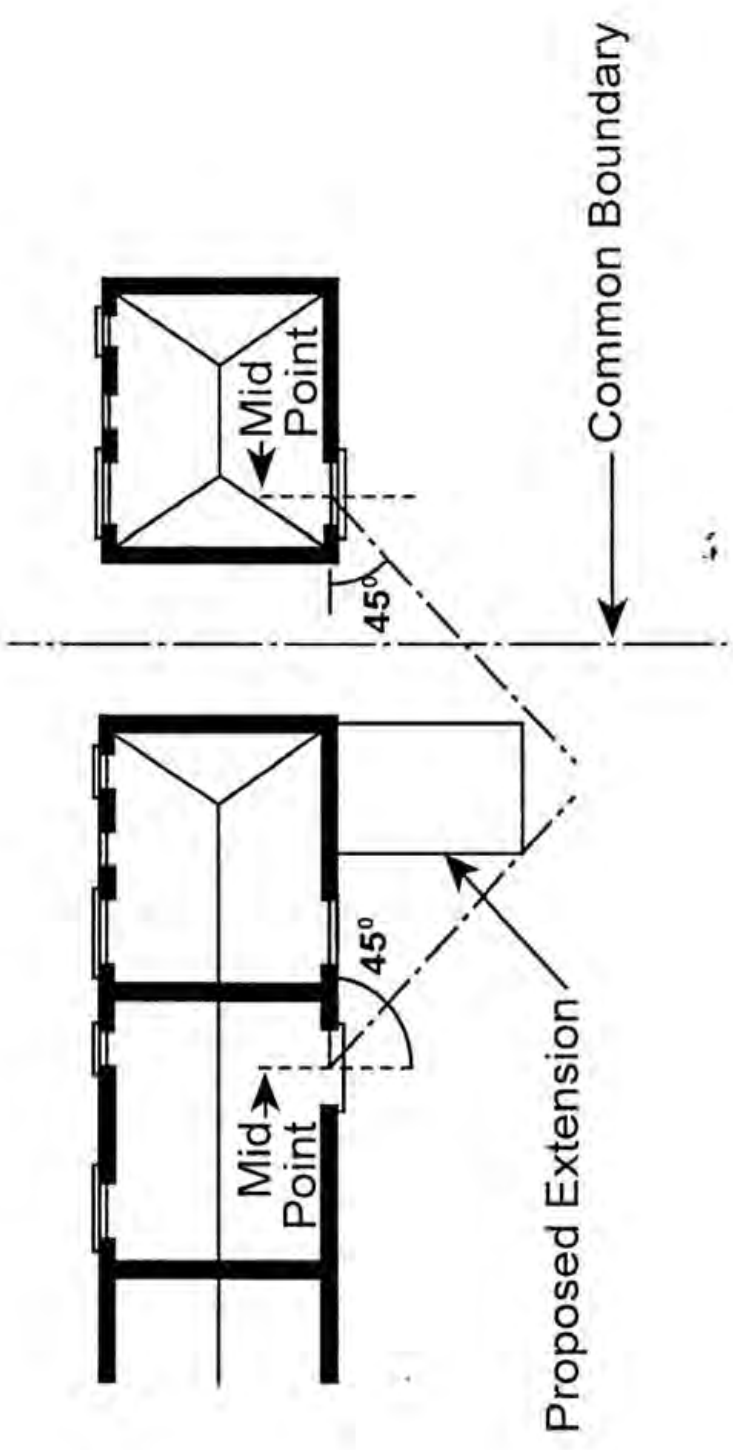
I point out to you Councillors that there is nothing in planning law to prevent you approving this application and in doing so allow this young man a chance to provide a family home and also not prevent the owners of nos. 180 and 186 from doing the same in the future should they so wish.

#### SLIDES

- 1 Plans elevations and sections of proposal
- 2 Figure 1 of Addendum to PPS 7
- 3 Paragraph A37 of Addendum to PPS 7
- 4 Drawing showing all extensions to row of houses.







**Adjoining development should be shown on plan for the proper assessment of the proposal**

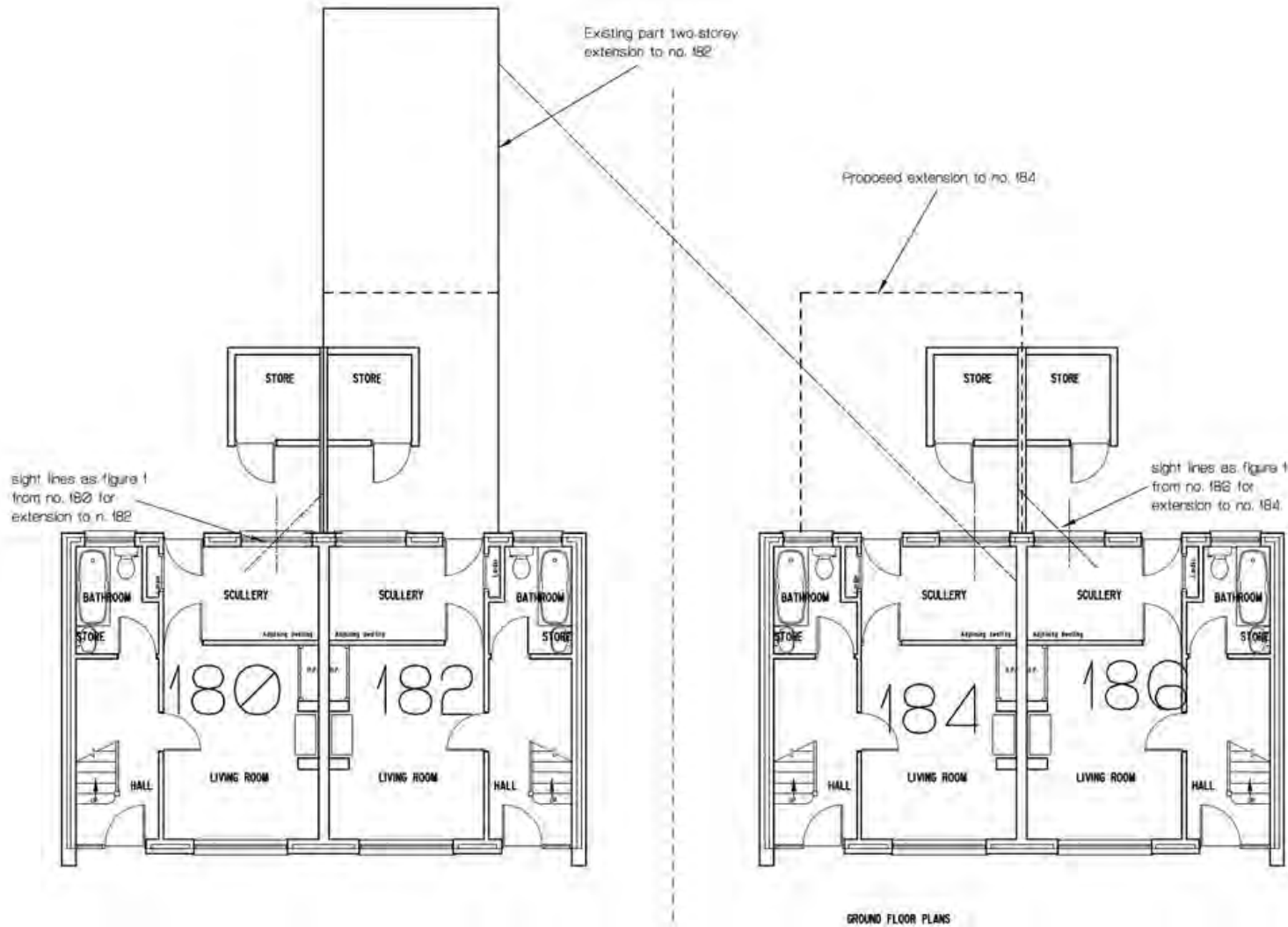
17

*SLIDE 2.*

of the closest neighbouring window. It should be noted that where the closest window is located at first floor level it may be more appropriate to consider this against the 60 degree line. The elevations and outline plans of adjoining properties should be shown on drawings, accurately scaled (in metric measurement) to allow proper consideration of this matter.

A37 The guidance in Figure 1 is not however a rigid standard which must be met in every case. Rather it is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties. Other relevant factors which will be considered in this assessment are set out below:

- (1) The existing form and type of extension prevalent in the area.  
For example, where the majority of dwellings in a terrace have already been extended in a similar way to the application proposal this matter will be balanced against any adverse impact on neighbouring properties.
- (2) The proposed design of the extension or alteration.  
For example, where a proposed extension incorporates significant glazing in the design, the impact on neighbouring properties may be acceptable in circumstances where alternatives might result in unacceptable overshadowing.



PLANS FOR NOS. 180 - 186 RE ADDENDUM TO PPS7  
 AT CONCESSION ROAD, CROSSMAGLEN,  
 NEWRY. FOR MR. S. GREGORY

J.A. Murphy B.Sc., M.I.C.E.  
 Chartered Engineer,  
 43 New Road,  
 Silverbridge,  
 Newry.

Scale : 1/100

March 2018

Ph/Fax: 30 888214.

Drq. No. M17-211-6



## Newry, Mourne & Down District Council – April 2018

244

### 1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222

### 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	510	182	79	33	110	<b>914</b>

### 3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	51

### 4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111

### 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
April	130	Approvals (103)	79%
		Refusals (27)	21%

### 6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	305	220	101	77	84	124	<b>911</b>

## Newry, Mourne & Down District Council – April 2018

245

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
<b>Totals</b>	<b>25</b>	<b>20</b>	<b>5</b>

### 8. Appeals

#### Planning Appeal Commission Decisions issued during April 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	15	4	1	3	0
Down	6	1	0	1	0
<b>TOTAL</b>	<b>21</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>0</b>

## Newry, Mourne &amp; Down District Council – April 2018

246

## Statutory targets monthly update - up to February 2018 (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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% 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	109.7	0.0%	150	157	17.4	45.9%	32	46	60.5	56.5%
June	2	2	72.4	0.0%	125	205	18.4	42.9%	32	21	64.5	52.4%
July	1	1	127.2	0.0%	133	141	18.8	41.8%	32	19	111.8	52.6%
August	1	1	247.6	0.0%	145	134	16.3	42.5%	29	28	61.6	42.9%
September	1	-	0.0	0.0%	132	153	18.2	41.2%	46	25	57.4	48.0%
October	0	2	276.3	0.0%	136	152	17.4	44.1%	29	41	31.6	85.4%
November	0	1	185.2	0.0%	130	167	14.0	54.5%	24	9	50.4	66.7%
December	1	2	271.0	0.0%	123	104	16.2	39.4%	19	5	41.7	80.0%
January	0	-	0.0	0.0%	126	94	19.1	44.7%	21	14	57.4	64.3%
February	0	2	214.6	0.0%	85	118	16.3	47.5%	26	23	48.6	60.9%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>7</b>	<b>14</b>	<b>131.2</b>	<b>0.0%</b>	<b>1,412</b>	<b>1,538</b>	<b>17.2</b>	<b>44.2%</b>	<b>325</b>	<b>251</b>	<b>53.4</b>	<b>60.2%</b>

**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

247

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'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
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

## Record of meetings between Planning Officers and Public Representatives 2017-2018

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248

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
02/02/2018	A McAlarney	Cllr Walker
13/02/2018	A McAlarney	Cllr Enright
16/02/2018	A McAlarney	Colin McGrath MLA
22/02/2018	A McAlarney	Cllr William Walker
09/03/2018	A McAlarney	Cllr Sharvin
21/03/2018	A McAlarney	Colin McGrath
26/03/2018	A McAlarney	Cllr Walker
29/03/2018	A McAlarney	Cllr Sharvin
23/04/2018	A McAlarney	Cllr Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick

## Current Appeals

249

**AUTHORITY**      Newry, Mourne and Down

<b>ITEM NO</b>	1	<b>PAC Ref:</b>	2017/A0114
<b>Planning Ref:</b>	LA07/2017/0172/	<b>DEA</b>	Newry
<b>APPELLANT LOCATION</b>	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**

<b>ITEM NO</b>	2	<b>PAC Ref:</b>	2017/A0121
<b>Planning Ref:</b>	LA07/2017/0563/	<b>DEA</b>	Crotlieve
<b>APPELLANT LOCATION</b>	Mr John Morgan Land 20m North Of 24 Ballyvally Mayobridge RT34 2RT		
<b>PROPOSAL</b>	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**



## Current Appeals

250

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2017/0371/	<b>PAC Ref:</b>	2017/A0158
<b>APPELLANT LOCATION</b>	Kieran And Briega King 56a Drumintee Road Meigh	<b>DEA</b>	Newry
<b>PROPOSAL</b>	Newry Retention of existing caravan port at rear of dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	07/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2015/1123/	<b>PAC Ref:</b>	2017/A0161
<b>APPELLANT LOCATION</b>	Quayside Propoeties Ltd 2-3 Sugarhouse Quay Lisdrumgullion	<b>DEA</b>	Newry
<b>PROPOSAL</b>	Newry Demolition of remaining parts of building for health and safety reasons		
<b>APPEAL TYPE</b>	DC - Refusal of LB Consent		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	15/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

251

<b>ITEM NO</b>	<b>5</b>	<b>PAC Ref:</b>	2017/A0168
<b>Planning Ref:</b>	LA07/2017/0687/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Steven And Diane Campbell		
<b>LOCATION</b>	30m North Of 94 Greencastle Road Kilkeel		
<b>PROPOSAL</b>	RT34 DRF Infill site for new dwelling and garage in existing cluster (amended plans)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>6</b>	<b>PAC Ref:</b>	2017/A0169
<b>Planning Ref:</b>	LA07/2016/1647/	<b>DEA</b>	Newry
<b>APPELLANT</b>	DBM Contracts		
<b>LOCATION</b>	20 Metres East Of 6 Daisy Hill Carnagat		
<b>PROPOSAL</b>	Newry Erection of two dwellings and retention of retaining walls		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/11/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

252

<b>ITEM NO</b>	<b>7</b>	<b>PAC Ref:</b>	2017/A0178
<b>Planning Ref:</b>	LA07/2017/0786/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Walter Watson		
<b>LOCATION</b>	4 Drumnaquoile Road Castlewellan		
<b>PROPOSAL</b>	Replacement dwelling and detached garage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/12/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>	<b>PAC Ref:</b>	2017/A0181
<b>Planning Ref:</b>	LA07/2017/0856/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Brian Hollywood		
<b>LOCATION</b>	20 Lough Road Mullaghbawn RT35 QXP		
<b>PROPOSAL</b>	Proposed change of use from Spa Centre Business to dwelling with some minor renovations		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	06/12/2017
<b>Date of Hearing</b>		<b>15/03/2018</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

253

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2017/0319/	<b>PAC Ref:</b>	2017/A0188
<b>APPELLANT</b>	Mr Sean O'Hare	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	10A Limekiln Road Newry BT35 7JX		
<b>PROPOSAL</b>	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		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	12/12/2017
<b>Date of Hearing</b>		<b>18/04/2018</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2017/0018/	<b>PAC Ref:</b>	2017/A0189
<b>APPELLANT</b>	Rozanna Huq	<b>DEA</b>	Downpatrick
<b>LOCATION</b>	To The South Of 24 Crossgar Road East Crossgar BT30 9ER		
<b>PROPOSAL</b>	Proposed 2no infill dwellings and garages (Amended site plan received re: Site splays).		
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	11/12/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

254

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2017/0563/	<b>PAC Ref:</b>	2017/A0201
<b>APPELLANT</b>	Mr John Morgan	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Land 20m North Of 24 Ballyvally Mayobridge		
<b>PROPOSAL</b>	RT34 2RT 2 dwellings with detached garages to rear		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	09/03/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2017/0114/	<b>PAC Ref:</b>	2017/A0202
<b>APPELLANT</b>	Mr Vincent McGuinness	<b>DEA</b>	Newry
<b>LOCATION</b>	210m South 30 Low Road Killeavy		
<b>PROPOSAL</b>	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.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/12/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

255

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2017/1138/	<b>PAC Ref:</b>	2017/A0209
<b>APPELLANT</b>	Bernard Morgan	<b>DEA</b>	Newry
<b>LOCATION</b>	Adjacent To And Immediately South East Of No.1 Newtown Court Newtown Road Cloghogue		
<b>PROPOSAL</b>	Erection of Agriculture Buildings		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	11/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2016/0952/	<b>PAC Ref:</b>	2017/A0213
<b>APPELLANT</b>	D & M Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	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		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

256

<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2017/A0214
<b>Planning Ref:</b>	LA07/2016/1331/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Ms Joanna Magee		
<b>LOCATION</b>	Lands Adjoining And Between 57 And 61 Churchtown Road Downpatrick		
<b>PROPOSAL</b>	Two detached dwellings and garages		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	23/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2017/A0228
<b>Planning Ref:</b>	LA07/2017/0770/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr And Mrs J McPolin		
<b>LOCATION</b>	13 Downpatrick Road Ballynahinch RT24 RSH		
<b>PROPOSAL</b>	Proposed detached garage, rear extension to dwelling and extended site curtilage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/02/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

257

<b>ITEM NO</b>	<b>17</b>	<b>PAC Ref:</b>	2017/A0246
<b>Planning Ref:</b>	LA07/2017/0823/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Adrian McParland		
<b>LOCATION</b>	Adjacent And 30m South-west Of No.20 Newry Road Belleek		
<b>PROPOSAL</b>	Armanh Site for dwelling and garage (Policy CTY8)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	09/03/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>18</b>	<b>PAC Ref:</b>	2017/A0251
<b>Planning Ref:</b>	LA07/2017/1095/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr William Jordan		
<b>LOCATION</b>	1 Milltown Lane Carsontown Road Saintfield		
<b>PROPOSAL</b>	Detached garage and store (partly constructed)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/03/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>19</b>	<b>PAC Ref:</b>	2017/A0252
<b>Planning Ref:</b>	LA07/2017/1175/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Stuart Moffett		
<b>LOCATION</b>	15m West And To The Rear Of 81 Cloughanramer Road Newry		
<b>PROPOSAL</b>	RT34 10G Erection of a dwelling on a farm		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	09/03/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2017/A0254
<b>Planning Ref:</b>	LA07/2017/1627/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mr Gerard Donnelly		
<b>LOCATION</b>	20 Metres East Of 15 Newry Road And 45 Meters North Of 96 Maphoner Road Mullaghbawn		
<b>PROPOSAL</b>	Proposed 2 No. dwellings on an in-fill site		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	21/03/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>21</b>	<b>PAC Ref:</b>	2017/E0046
<b>Planning Ref:</b>	LA07/2017/1400/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Nu Screen Ltd		
<b>LOCATION</b>	70 Ballywillwill Road Castlewellan		
<b>PROPOSAL</b>	RT31 91 G Erection of engineering workshop and the carrying on of a fabrication and glazing business		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

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<b>Appeal Reference:</b>	2016/A0226
<b>Appeal by:</b>	Mr Caolan Quinn
<b>Development:</b>	Erection of Dwelling
<b>Location:</b>	50m south east of no 106 Carrickgallogly Road, Carrickgallogly, Belleek, Armagh
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2016/0477/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 23 March 2018.
<b>Decision by:</b>	Commissioner Mandy Jones, dated 30 March 2018.

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## Decision

1. The appeal is dismissed.

## Reasoning

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
3. 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. The appeal site is located in the countryside and not within any designation in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to this proposal for residential development in the countryside. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland – Planning for Sustainable Development – September 2015 (SPPS) and any retained policies regarding issues raised in this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).
4. 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. It states that planning permission will be granted for an individual dwelling house in six specified instances. One is a replacement dwelling in accordance with Policy CTY 3. Policy CTY 1 goes on to say that other types of development will only be permitted where there are overriding reasons why the development is essential.

5. Policy CTY 3 is entitled 'Replacement Dwellings'. It sets out a number of criteria for the assessment of proposals for a replacement dwelling. It states at paragraph 3 that favourable consideration will however be given to the replacement of a redundant non – residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.
6. The Planning Authority argued that the proposed building to be replaced was not redundant and that its replacement would not bring significant environmental benefits.
7. The building to be replaced is sited with its gable end perpendicular to the Carrickgallogh Road. It is set back 17m from the road. The floor area is approximately 19.5 m x 12.21m. The building is almost the full width of the appeal site and has large metal sliding doors to the elevation addressing the road. It is constructed in concrete blockwork to the lower level walls with corrugated metal sheeting painted blue above. It has a corrugated metal low pitched roof. No 106 – a detached dwelling is immediately to the north west. To the south east is an extensive yard with a number of portacabins / containers sited along the boundary and no 108 – a detached dwelling.
8. At my site visit the large sliding doors of the building were open and the building appeared to be empty. There was however, some builder's materials and equipment such as timber and scaffolding stored externally in front of the building. There was also other discarded building materials around the site. The site appeared unkempt and overgrown. There was also builder's materials and a number of portacabins in storage within the adjacent builder's yard.
8. The appellant contends that the building was used in conjunction with an adjacent builder's yard ( which was previously approved under P/2000/1742/F) and became superfluous and that the use of the shed for this purpose ceased more than 10 years ago. It was argued that it is of industrial design and is not appropriate in the rural landscape. I was told that today the building is empty and the use of the premises have ceased as the business concentrates its work in the Republic of Ireland.
9. The Planning Authority's statement of case dated 1 May 2017 notes that a site inspection of the building revealed that it was being used to store scaffolding and a number of other items. I note from the background papers the case officer's report stated that ' the existing building from internal inspections is still in use and being used to store scaffolding, family sports buggy/ lawnmower, a couple of dozen plastic buckets, shelf of wooden planks, toilets / bath and other materials'. Although not dated, the application was received on 14.4.2016 and the case officer's report would have been written sometime after this. Even if the use of the shed with the builder's yard had ceased as contended by the appellant, this demonstrates to me that the building has been in some kind of storage use relatively recently. There was no evidence presented that the use of the adjacent builders yard had ceased – and it appeared to be still in operation. It would appear that recently the building has been cleared out - as evident at my site visit and the photographs within the appellant's statement of case. This casts doubt on the appellant's assertion that the use of the building has 'long since ceased'. It seems that some of the items which were stored inside the shed are now stored externally around the site. I would concur with the



- Planning Authority that the building is in a relatively good state of repair, although in line with appeal decision 2011/A0172, I accept that a building need not be in poor condition to qualify as redundant. In addition, the appellant has not demonstrated that there are no other potential uses for this building either by himself or by other parties through a leasing agreement. In view of the relatively recent storage use I conclude that the building is currently vacant and cannot be regarded as redundant.
10. The appellant argues that the existing building is located in a rural landscape and the proposed replacement with a dwelling will result in a significant environmental benefit. I would agree with the Planning Authority that the design, materials, general form and massing of the building is akin to an agricultural building. It has a small set back from the Carrickgalloghy Road. I do not consider it to have a significant and dominant presence within this rural area. I do not accept that there would be a significant benefit to visual amenity if it was removed and replaced with the proposed dwelling. Although the appellant argues that the removal of the building will signal the removal of the discarded building materials and equipment from around the site, I consider that their removal and the general tidying of the site is not dependent on the implementation of this proposal. The removal of this building and the redevelopment of the site would not, in my opinion, bring significant environmental benefits to this rural area.
  11. The appellant included within his statement of case, copies of Development Management Officer Reports for 3 approved dwellings. It was claimed that the examples provided have a lesser impact on the landscape than the appeal building.
  12. Each of the cases quoted are within different Council areas. Approval LA02/2015/0443/O – Site of Replacement dwelling and garage ( in lieu of redundant mission hall ) renewal of G/2012/0302/O and Approval N/2009/0402/0 – Replacement of a redundant non residential building with a dwelling, are primarily distinguishable, as I note that there was no dispute that these existing buildings were redundant.
  13. In approval LA01/2016/0855/F – Replacement of a former School House, I note that the case officers report recommendation was a refusal, and there was no indication of why there was a change in opinion. It is for the appellant to demonstrate that a precedent has been set. The issues in this appeal are specific to the existing building and no direct comparables have been drawn out by the appellant. In any event, each planning application and appeal must be determined on its own merits. I consider that none of these justify approval of the appeal proposal. The proposal fails to meet the requirements of Policy CTY 3.
  14. The appellant also argues that the proposal meets the requirements for an infill dwelling as defined in Policy CTY 8. Policy CTY 8 – Ribbon Development states that 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.
  15. The appellant argues that the proposal falls adjacent to a gap within an existing and continuously built up frontage. If the building was removed it would result in the

formation of a gap large enough to accommodate a maximum of one dwelling within the existing and continuously built up frontage. As the gap is to be created by the demolition of the existing building on the appeal site I would agree with the Planning Authority that there is, in fact, no existing gap. Policy CTY 8 is clearly aimed at gap sites and as such the proposal does not qualify. This is in line with the previous Commission decision referred to by the Council.

16. Policy CTY 1 further 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. No such case was advanced and in these circumstances the Council's objections are upheld and the reason for refusal based on the SPPS, Policy CTY 1 and CTY 3 of PPS 21 is sustained. Accordingly, the appeal must fail.

This decision relates to the following drawings:

- Site Location Plan, scale 1:1250 ( drg no. 100-01 )
- Site Survey, scale 1:200 ( drg no. 100-02 )
- Site Plan, scale 1:250 ( drg no. 100-03 rev 2 )
- Elevations 01, scale 1:100 ( drg no. 300-01 rev 2 )
- Elevations 02, scale 1:100 ( drg no. 300-02 rev 2 )
- Floor Plans, scale 1:100 ( drg no. 200-01 rev 2 )

**COMMISSIONER MANDY JONES**

**2016/A0226**

**List of Documents**

**Newry, Mourne and Down Council**

**Planning Authority:**           A     Statement of Case

  B     Rebuttal

**Appellant:**                        C     Statement of Case

  D     Rebuttal





# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0165
<b>Appeal by:</b>	Mr Fergal Rafferty
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	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
<b>Location:</b>	16 Ummeracam Road, Silverbridge, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0370/F
<b>Procedure:</b>	Hearing on 21st March 2018
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 20 <sup>th</sup> April 2018

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the design of the proposal is appropriate in this particular locality and if it would have an adverse impact on residential amenity. Irrespective of how the objector described the existing development, their concerns are still before me to consider.
3. There is substantial planning history on the appeal site in relation to the dwelling and the erection of a shed. Of direct relevance to the current appeal proposal is outline planning permission P/2002/0070/O which was for a single storey dwelling granted on 8<sup>th</sup> April 2002, full planning permission P/2002/2472/F granted on 4<sup>th</sup> September 2003 for the erection of a dwelling superseding P/2002/0070/O and enforcement case P/2010/0150/CA as the dwelling was not constructed in accordance with the approved plans. The enforcement notice was appealed by the appellant (2011/E005) however the notice was upheld on 6<sup>th</sup> June 2012. The planning authority is said to have subsequently prosecuted the applicant for failing to comply with the enforcement notice. The appellant was however granted leave to apply for a judicial review of the enforcement notice and proceedings are said by the appellant to have been held in abeyance for some time.
4. Section 45 (1) of 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 Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. BNMAP identifies the site as being located within

- the Ring of Gullion Area of Outstanding Natural Beauty (AONB). BNMAP however identifies this designation for information purposes only. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
5. 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 are Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and Planning Policy Statement 2: Natural Heritage (PPS 2). Since appeal 2011/E005 Policy DES 4 (Areas of Outstanding Natural Beauty) within A Planning Strategy for Rural Northern Ireland has been superseded by Policy NH 6 within PPS 2. The appellant highlighted that the supplementary planning guidance 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (May 2012) did not form part of the previous consideration of his case.
  6. The approximately 7 1/2m high dwelling that is the subject of this appeal is located on an elevated roadside site along the Ummeracam Road. Compared to the dwelling approved under planning permission P/2002/2472/F, the dwelling constructed has an approximately 1.9m wide first floor central window which is approximately 1m wider than that approved, two ground floor bay windows, a first floor sunroom built over the kitchen on the southern elevation and natural stone finish on the ground floor of the main body of the dwelling.
  7. Criterion (e) within Policy CTY 13 of PPS 21 requires the design of a building in the countryside to be appropriate to its site and locality. In appeal 2011/E005 the Commissioner considered whether the dwelling as constructed has an unacceptably greater adverse impact on the visual amenity and rural character of this part of the AONB countryside than the dwelling that was approved and whether the design of the dwelling as constructed was inappropriate for the site and its locality. Whilst the Commissioner did not find the design of the structure which forms the sunroom, of itself, to be unacceptable she concluded that its glazing was suburban in style as were the bay windows, large central window and stonework on the lower part of the front elevation. These factors, together with the sunroom windows, were considered to result in a highly discordant design not suited to the countryside or to the AONB. The enforcement notice, which was subsequently upheld, required the demolition of the 2-storey side extension on the southern side of the dwelling, removal of the first floor window from the central dormer and its replacement with a single vertical window of stated dimensions, demolition of the 2 bay windows to the front of the property and their replacement with 2 pair vertical windows of stated dimensions and that the stone façade to the main front wall should be plastered over to match the existing finishes.
  8. Given the prominence of the substantial dwelling on this roadside site, with views available when travelling along this section of the Ummeracam Road, I agree with the conclusion within appeal 2011/E005 that these elements of the design are inappropriate in this rural location. I also consider the positioning of the sunroom on the first floor inappropriate in this rural context especially given its location on the prominent southern elevation of the dwelling which is highly visible when travelling in a northerly direction along this section of the Ummeracam Road. The appellant is now proposing to introduce transoms and mullions to the sunroom and



central first floor window and replace the roofs of the front bays with flat copings. These suggested design changes would not however sufficiently lessen the overall visual impact of the dwelling and the development would still have an unacceptably greater detrimental impact on the visual amenity of the area than that which was approved. The inappropriate solid to void proportions would still be readily apparent and inappropriate in this rural area. Whilst of a similar shape, the impact of the first floor sunroom is not comparable to the single storey sunroom that was originally approved on the northern elevation of the dwelling. Although the proposed side elevation within the approved Drawing 04 for planning permission P/2002/2472/F shows the previously suggested bay windows, from the proposed front elevation on Drawing 04, accompanying floor plan (Drawing 03) and block plan (Drawing 02) it appears that the lack of removal of this detail was an oversight by the then planning authority with the intention most likely being that the front elevation have vertical windows. I do not consider that this discrepancy justifies allowing what appears as suburban style bay windows. Whilst the appellant may have secured planning permission for front bay windows with flat copings elsewhere in the South Armagh AONB area, the full details of the cases were not provided and given that each proposal has to be assessed in its own context, on this prominent roadside site they are considered inappropriate. The stone used on the front elevation was said to have originated from the appeal site however this argument and the use of stone detailing elsewhere in the wider locality does not overcome the fact that it is not appropriate on this particular rural dwelling. Although the dwellings in the area display a variety of designs, these are not comparable to nor justify the adverse impact that the proposal would have on the visual amenity of this rural location. The suggestion of planting within the appeal site would not overcome these concerns given the level of elevation of the dwelling above the road, the presence of the sunroom on the first floor level and the length of time that it would take for the vegetation to mature.

9. The superseding of Policy DES 4 with Policy NH 6 since appeal 2011/E005 offers the appellant no benefit as Policy NH 6 clearly states that a proposal's design is to be appropriate to the locality. It was argued that the Building on Tradition design guide shows that the rural context has changed and that it allows a greater freedom in terms of design. An example was provided from this publication however the design and context of this barn style dwelling is not comparable to the appeal proposal. The design document aims to achieve a high quality of sustainable rural development however the appeal proposal is not of an acceptable design standard. It is also noted in the guide that the photographs are for illustrative purposes only and that their replication does not guarantee receiving planning permission. Each proposal has to be assessed on its own individual merits and within its own context.
10. The appellant argued that his permitted development rights cannot be set aside. Condition 8 of the original approval (P/2002/2472/F) however required the development to be carried out in accordance with the stamped approved drawings and even if the appellant had permitted development rights there is a considerable and unacceptable difference between the impact of the proposal and what he would be allowed to do under the Planning (General Permitted Development) Order (NI) 2015. Whilst it is appreciated that the appellant is experiencing a number of difficulties at present, commenting on the status of the existing dwelling in order to assist the determination of his current planning application for the



retention of a garage (LA07/2015/0764) would be inappropriate, beyond the remit of this appeal and is a matter for which he should seek legal advice.

11. Therefore, as the proposal is not in accordance with Policy CTY 13, the first reason for refusal and the objector's concerns in relation to this matter are sustained.
12. Policy NH 6 of PPS 2 requires that development within an Area of Outstanding Natural Beauty be of an appropriate design, size and scale for the locality. Given that the appeal development has been found to be inappropriate, it would not be sympathetic to the special character of the AONB. Whilst some of the neighbouring dwellings are of a modern nature, this does not justify unsympathetic development within this AONB. The second reason for refusal and the objector's concerns in relation to this matter have therefore been sustained.
13. The objector also raised concern in relation to the impact of the development on her adjacent bungalow at No. 18 Ummeracam Road. Whilst the appellant's sunroom is elevated and approximately 7m in height, given the separation distance of over 40m between the two properties, I am not persuaded that the residents of No.18 would be unacceptably overlooked, dazed by the reflection from its glazing or disturbed by its impact when it is lit at night. No substantive evidence was presented that the appeal development would have an adverse impact on the value of the objector's property. These aspects of the objector's concerns are therefore not sustained.
14. As the two reasons for refusal and the objector's in relation to these matters are sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing 01 1:100 site layout plan and location map dated received by the planning authority on 8<sup>th</sup> March 2017

Drawing 02 1:100 existing floor plans and elevations dated received by the planning authority on 8<sup>th</sup> March 2017

Drawing 03 1:100 proposed floor plans and elevations dated received by the planning authority on 8<sup>th</sup> March 2017

**COMMISSIONER DIANE O'NEILL**

**List of Appearances**

Planning Authority  
(Newry, Mourne and Down District Council):-

Mr Gareth Murtagh

Appellant:-

Mr Colm O'Callaghan  
(O'Callaghan Planning-  
agent)

**List of Documents**

Planning Authority  
(Newry, Mourne and Down District Council):-

Statement of Case (PA 1)

Appellant (O'Callaghan Planning-agent):-

Statement of Case (A 1)

Third Party objector  
Ms Joan Hanratty (No.18 Ummeracam Road):-

Statement of Case (OB 1)  
Map indicating her location  
(OB 2)



# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0094
<b>Appeal by:</b>	Ms Mary Rooney
<b>Appeal against:</b>	The non-determination of an application for full planning permission
<b>Proposed Development:</b>	Single storey side and rear extension.
<b>Location:</b>	80a Kilbroney Road, Rostrevor
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0624/F
<b>Procedure:</b>	Written Representations with Commissioner's Site Visit on 16 March 2018
<b>Decision by:</b>	Commissioner Pamela O'Donnell, dated 30 March 2018

## Decision

1. The appeal is dismissed.

## Claim for Costs

2. A claim for costs was made by the Council against the Appellant. This claim is the subject of a separate decision.

## Reasoning

3. The appeal building is single storey in height and rectangular in shape with an external area of some 55 sq m. It has a door and two windows on the front elevation and two windows in the rear elevation. The walls are finished in smooth render and the roof is of corrugated tin. It sits gable onto and some 5m set back from the Kilbroney Road in Rostrevor. The appeal proposal seeks to extend the building to the side and rear.
4. Planning approval P/2001/1009/O granted outline planning permission for a replacement dwelling at 80 Kilbroney Road, Rostrevor on 9 August 2001. Condition 5 of this permission indicated that the dwelling permitted would not be occupied until the existing building coloured green on the approved plan (the appeal building) was demolished. It goes on to say that all rubble and foundations were to be removed and the site restored in accordance with a scheme to be submitted to and approved in writing to the Department. A similarly worded condition seeking the demolition of the appeal building was replicated on the approval of the Reserved Matters - P/2002/2382/RM (Condition 2).
5. The planning application for the proposed development, as described above, was submitted on a Householder Development Planning Application form (Form PHD).



This form is used for applications for full planning permission for works of alterations/extensions to a dwelling or other development for domestic purposes within the curtilage of a dwelling.

6. The Council have indicated that the subject building should have been demolished in accordance with the aforementioned planning approvals as the replacement dwelling is now built and occupied. They argue that the subject building has lost its residential use and thus is not considered to be a dwelling. Accordingly, it can not avail of a residential extension, as proposed.
7. It is clear that the appeal building was never demolished and that the replacement dwelling is currently occupied and I have not been made aware of any enforcement action taken by the Planning Authority. Section 132 (3) of the Planning Act (NI) 2011 indicates that no enforcement action may be taken after the period of five years beginning with the date of the breach. The Appellant mainly argues that the replacement dwelling was occupied post 2003, that the conditions are no longer enforceable and that the residential use of the building was not abandoned. The Appellant's evidence indicates her intention to secure a determination, at appeal, as to whether or not the residential use has been abandoned and, if not, the assessment of the proposal as a residential extension.
8. In the context of this appeal, the proposal cannot be assessed as proposed, because to do so would be tantamount to accepting that the residential use has not been abandoned and that the subject building is a lawful dwelling. Whilst this is a possibility, there is no certainty and the onus is on the Appellant to demonstrate immunity from enforcement action. Case law has established that that the proper vehicle for determining lawfulness is through an application for a Certificate of Lawfulness of Existing or Proposed Development or Use under Sections 169 and 170 of the Planning Act (Northern Ireland) 2011. No such certificate has been issued in this case and in the absence of such, it is unsafe to assume that the appeal building is a lawful dwelling. Whilst the Council (and indeed the Commission at appeal) registered and advertised the proposal as described above, this was carried out because the application was described thus by the Appellant and made on a householder developer form. However, for the reasons given, the proposal cannot be considered as described in the appeal. Rather, without any certificate, the proposal represents a new unit of residential accommodation in the countryside. The planning context for the consideration of such development is provided below.
9. The Planning Act (Northern Ireland) 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 Banbridge, Newry and Mourne Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The Plan places the appeal site outside any settlement limit and within the countryside and there are no specific policies in the Plan relevant to the determination of the appeal. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of retained policy regarding issues relevant to the appeal. Accordingly, the main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). The Council's first reason for refusal in respect of PPS21 is not therefore misplaced, as argued by the

Appellant, but a reflection of the status of the proposal, in the circumstances of this case, as a new residential unit in the countryside.

10. Policy CTY1 of PPS21 indicates that there are a range of types of development which are considered to be acceptable in principle in the countryside and it identifies a number of instances where a dwelling may be permitted. The Appellant did not present evidence in relation to Policy CTY1. As such, I must conclude that the proposal fails to comply with this policy. Furthermore, no overriding reasons were presented to deem the proposal essential. Accordingly, the first reason for refusal in respect of Policy CTY1 of PPS21 is sustained insofar as stated.
11. Though the Council could have been clearer in advising the Appellant of the correct approach to determine lawfulness, in the circumstances of this appeal, without a certificate, insufficient information has been provided to determine the appeal as proposed. Additionally, no information has been provided to determine whether or not, as a new unit of accommodation in the countryside, this would be acceptable in principle. The second reason for refusal in respect of the failure to supply adequate information is therefore sustained for these reasons.
12. As both reasons for refusal are sustained, the appeal must fail.

This decision relates to Drawing No IN(00)001 Site Location Map @ 1:1250, Drawing No G(00)101, Proposed Floor Plan and Section Rev A @ 1:100, Drawing No IN(00)101 Existing Floor Plan and Elevations @1:100, Drawing No IN(00)101 Existing Site Block Plan @1:100 and Drawing No G(00)001 Proposed Site Block Plan @1:100 stamped received by the Council on 2 February 2017,

**COMMISSIONER PAMELA O'DONNELL**

2017/A0094

**List of Documents**

Planning Authority:-

'A' Statement of Case  
'A1" Rebuttal

Appellant(s):-

'B' Statement of Case  
'B1' Statement of Case







# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0186
<b>Appeal by:</b>	Mr Brendan McCartan
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Dwelling and garage
<b>Location:</b>	Approximately 18m north of No.156 Downpatrick Road, Ballynahinch
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/1174/O
<b>Procedure:</b>	Written representations and accompanied site visit on 29 <sup>th</sup> March 2018
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 13 <sup>th</sup> April 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. Section 45 (1) of 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.

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. The planning authority accepted that the proposal met the first and second criteria of Policy CTY 2a in that the cluster of development lies outside of a farm, consists of four or more buildings of which at least three are dwellings and that the cluster appears as a visual entity in the local landscape. It did however consider that it did not meet the third, fourth or fifth criteria as the cluster is not associated with a focal point and not located at a cross-roads, the site does not provide a suitable degree of enclosure and is not bound on at least 2 sides with other development in the cluster and the proposal would significantly alter the existing character of the cluster and visually intrude into the open countryside.
7. The proposal is for a dwelling and garage located to the north of the appellant's dwelling at No.156 Downpatrick Road. There are three other dwellings and associated outbuildings (Nos. 156a, 158 and 160) located to the east of No.156 Downpatrick Road as well as two dwellings (Nos. 158a and 160a) located to the north-east of the appeal site which are accessed via a laneway located between Nos.158 and 160 Downpatrick Road. There is a long access to the secluded development at No.154a located along the north-western boundary of the appeal site and this is not within the identified cluster.
8. The appellant considered that the proposal was bound by the development at Nos.156, 156a and 158a Downpatrick Road. The only critical view of the proposal identified by the planning authority was from the appeal site's frontage along Downpatrick Road. The proposed siting for the dwelling and garage within this inverted L shaped site would be to the north of No.156 and therefore the dwelling at No.156 would bound a section of the south-eastern boundary of the appeal site. The development at No. 156a is to the other side of the appellant's bungalow at No.156 and is only in proximity to a section of the south-eastern boundary of the appeal site. Only a section of the north-eastern appeal site boundary would be bound by the boundary of a narrow strip of ground which may associated with Nos.158 or 158a however even if it does belong to the dwelling at No.158a the development here is located approximately 40m to the north-east of the appeal site and, with only the ridge of its roof visible from the Downpatrick Road when looked for, it appears physically removed from the proposed development. Therefore irrespective of the proposed set back of the dwelling and garage within the appeal site, it would only therefore appear to be partially bound by the appellant's development at No.156 located to the south of the proposal and



- would lack a suitable degree of enclosure. Accordingly, the fourth criterion of Policy CTY 2a is not met.
9. The fifth criterion of Policy CTY 2a requires that the development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside. The proposed development would be located to the north of the dwelling at No.156 Downpatrick Road. Whilst it would be set back from the roadside, it would still be readily apparent when travelling in either direction along Downpatrick Road. Being at the western end of the existing development, with no buildings to the west of the site, irrespective of the presence of vegetation on the north-eastern and north-western boundaries and the suggestion that its curtilage could be limited, it would not round off or consolidate the existing development and would visually intrude into the countryside. It would extend the ribbon of development at Nos. 156, 156a and 158 Downpatrick Road which would significantly alter its existing rural character. As a result, the fifth criterion is not met.
  10. The appellant accepted that the proposal did not meet the third criterion of Policy CTY 2a in that the cluster is not associated with a focal point nor is it located at a crossroads. However he considered this not to be determining due to a number of recent planning decisions. Appeal decision 2010/A0202 was cited by the appellant however that appeal was decided on a compelling particular set of site specific circumstances which are not replicated here. The 2010/A0202 case and the other decisions referred to by the appellant (LA07/2015/0135/F, LA08/2015/0056/F and 2016/A0095), unlike the current case, also met the other criteria of Policy CTY 2a. At any rate, each case has to be judged on its own merits and individual circumstances. Whilst paragraph 6.69 within the SPPS promotes the clustering, consolidation and grouping of new development with existing established buildings, as the proposal would fail to do that there is also no policy support for the development within the SPPS. Irrespective of the claim that the appeal site is unsuitable for agricultural purposes, as the proposal would not meet the third, fourth and fifth criteria of Policy CTY 2a, accordingly the second reason for refusal is sustained.
  11. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Being located to the north of No.156 Downpatrick Road, despite the claims that it would round off development, the appeal proposal would add to the ribbon of development (Nos. 156, 156a and 158) along the road which would be detrimental to the character of the countryside. At present the appeal site is a large field with no definition between where the proposed dwelling and garage would be located and the road. Therefore, as stated within paragraph 5.33 of Policy CTY 8, the set back of the proposed dwelling and garage within the site would not prevent this adverse effect from occurring due to the appeal site sharing a common frontage and being visually linked with the existing residential properties. Accordingly, the third reason for refusal has been sustained.
  12. 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. Whilst the appellant's son wishes to reside here and the local councillor is supportive of the proposal, 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.

13. As the first, second and third reasons for refusal have been sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing 01 1:2500 site location plan dated July 2017

Drawing 02 1:500 concept plan dated July 2017

**COMMISSIONER DIANE O'NEILL**

2017/A0186

**List of Appearances**

Planning Authority  
(Newry, Mourne and Down District Council):-

Appellant:-

Mr Mark Keane

Mr John Kirkpatrick (agent)  
Cllr Terry Andrews  
(personal supporter of  
constituent)

Ms Sinead Rogan  
(appellant's son's partner)

**List of Documents**

Planning Authority  
(Newry, Mourne and Down District Council):-

Appellant (Mr. John Kirkpatrick, agent):-

Statement of Case PA 1  
Rebuttal PA 2

Statement of Case A 1  
Rebuttal A 2





# Enforcement Appeal Decision

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<b>Appeal Reference:</b>	2017/E0032
<b>Appeal by:</b>	Mr Brendan Smith
<b>Appeal against:</b>	An enforcement notice dated 11 <sup>th</sup> October 2017
<b>Alleged Breach of Planning Control:</b>	Erection of 4No sheds; Change of use of land for the sale of motor vehicles; and Unauthorised use of a commercial access
<b>Location:</b>	Land immediately to the north and east of 16 Rostrevor Road, Hilltown
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Authority's Reference:</b>	P/2014/0095/CA
<b>Procedure:</b>	Hearing on 11 <sup>th</sup> April 2018
<b>Decision by:</b>	Commissioner T A Rue, dated 23 <sup>rd</sup> April 2018

## Grounds of Appeal

1. The appeal was brought on Grounds (d) and (f) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. The deemed planning application is not for consideration as the requisite fee was not paid.

## The Notice

2. The Council's representatives confirmed that the enforcement notice related both to building operations and material change of use. The "4No" sheds occupy the approximate positions depicted in dark blue on the map attached to the notice. Both parties were content that the notice could be corrected to make this explicit without injustice to either party.
3. The Council was of the view that prior to the commencement of motor vehicle sales, the appeal site had no authorised use and that the introduction of the alleged use represented a material change of use. It accepted that the use of the access did not involve a separate material change of use. Both parties were content that the third elements of Paragraph 3 and 4, which relate to the access, could be struck out without injustice to either party.

## Ground (d)

4. The appellant did not argue that the sheds enjoy immunity from enforcement. His evidence about immunity relates only to motor vehicle sales. In order to succeed on Ground (d), he needs to show that the vehicle sales use began on or before 11<sup>th</sup> October 2012 and continued on the same basis since then.

5. The rationale of immunity is that throughout a five-year period of unlawful use, the planning authority, although having had the opportunity to take enforcement action, had failed to do so. The onus is on the appellant to establish, on the balance of probability, that at any time during the five-year period enforcement action could have been taken against the vehicle sales use.
6. The appellant said he bought the site 35 years ago, at which time it was not used for anything. He had built shed on it and kept antique cars. He had been selling cars for over five years. He sold five to ten cars per year. Two to three were on the site at any time. At another point in the hearing, the appellant said he sold four to five cars a week. He said cars come and go but he always had something for sale. He had been unable to park cars at the back of the site for safety reasons so he had been taking them up to his house. He advertised in the Newry Reporter.
7. The appellant presented the following documentary information:-
  - A blurred 2008 aerial view showing a large white object in the middle of the site. There is nothing indicative of vehicle sales in this image.
  - A Google street view image of September 2011 which shows several vehicles parked towards the front of the site facing the road. Both parties agreed at the hearing that at least two of these vehicles, including a red Mazda, had "For Sale" signs.
  - A letter from a Mr Lowry dated January 2015 objecting to a previous planning application for light industrial units on the present appeal site. The letter stated that for the previous 10+ years the yard had been used as a facility for manufacturing fireplaces, spraying motor vehicles, dumping, stripping, selling motor vehicles and numerous other things. The letter does not say whether these activities were intermittent or continuous.
  - Aerial views dated June and August 2016 respectively showing vehicles parked at the front of the site. It was argued that the cars were arranged in the way cars for sale generally are. They were on view to people driving by or into the site and there was extra space for prospective buyers to walk round them.
8. The appellant's agent confirmed that he had himself responded in approximately 2015 to an advertisement on Gumtree stating that a car was being sold from the appeal site. He testified that when he visited the premises to view and test drive the car there were a number of cars in the yard arranged in similar fashion to that shown in the submitted images with "For Sale" signs inside their front windscreen.
9. The following chronology can be gleaned from the Council's evidence:-
  - A previous enforcement notice was served on the present appellant in or about 2009 in respect of a car wash business at the appeal site.
  - An enforcement officer visited the site on 1<sup>st</sup> March 2012 and noted a car wash and diesel fuel sales. There is no reference in his report to vehicle sales but a red Mazda which could be the one that was previously for sale is shown in a photograph taken on that day.
  - The officer returned to the site in June 2012 and found the car wash and diesel sales still operating. As before there were a number of cars parked on the



hardstanding area but these did not carry "For Sale" signs neither were they in the process of being dismantled for parts.

- The officer returned again to the site in July 2012 and found that the car wash and diesel sales had ceased. As before there were a number of cars parked on the hardstanding area but these did not carry "For Sale" signs. The officer considered it likely that these were cars that had been repaired or were awaiting repair in the established workshop on the site.
  - A complaint was received in June 2014 in regard to sheds erected on the site, the presence of mechanics, a cash wash and the scrapping and sale of cars, which according to the complainant had been going on for three to four months.
  - In October 2014, the appellant's nephew Mr Meade submitted a planning application for retention of two light industrial units and erection of three more. On the application form he stated that the site was used for car parking ancillary to the buildings. He did not mention car sales.
  - Mr Meade's agent submitted a statement in support of the planning application. He said that while a number of small-scale indigenous industries were undertaken on the site periodically these had not been operated consistently to such an extent that they would have contributed to the accrual of established use status. Most of the site had been used for over five years for purposes incidental to the manufacture of fireplaces and of car components.
  - The Council's case officer's report referred to two site visits, the second of which took place in October 2015. It was stated that the site was in a haphazard state with vehicles parked in various locations. There was no mention of car sales.
  - Mr Meade's application was refused and he appealed (Commission reference 2016/A0041). In the Council's written evidence dated August 2016, it was stated that the most obvious use on the site was a mechanics/car workshop with cars also stored and sold. This was the first mention by Council officers of vehicle sales on the site. (Commissioner Fitzsimons conducted an informal hearing on 16<sup>th</sup> September 2016. In her decision dated 3<sup>rd</sup> October 2016, dismissing the appeal, said she observed no car sales.)
  - The Council served a planning contravention notice on the appellant and on Mr Meade in June 2017. The notice referred to "sheds erected on site, mechanics on site, car wash, scrapping cars and selling them". The Council did not receive a response.
10. The Council's representative at the hearing made the point that it would be reasonable to have expected the appellant, in support of his immunity argument, to bring forward written evidence such as tax returns, invoices, receipts, employment records, rates bills and newspaper advertisements. The appellant's agent responded that there were no such records. The appellant does not pay rates and has no tax returns but operates on an informal basis.
11. The totality of the evidence points to vehicle sales activity on the appeal site having been intermittent rather than continuous. The enforcement officer found no evidence of car sales in the summer of 2012 and no evidence of any such use during the calendar year 2013 has been submitted. The June 2014 complaint suggests that car sales resumed in the early part of that year. The agent's



evidence about the date he visited the site to view a car is imprecise. The report made by a Council officer following two site visits in 2015 made no mention of car sales. The Commissioner observed no car sales in the autumn of 2017.

12. It seems, therefore, that there were several times during the five-year immunity period when the planning authority would have been unable to take enforcement action against a vehicle sales use on the site because no such use was taking place. As the appellant has failed to demonstrate, on the balance of probability, that the unauthorised use was continuous over the relevant period, the appeal on Ground (d) must fail.

### **Ground (f)**

13. The onus is on the appellant to explain why, in the event of his other arguments being rejected and the notice being upheld, the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or the inquiry to amenity caused by the breach. The appellant's only argument in support of his Ground (f) appeal is that because, as he claims, the vehicle sales use is immune from enforcement, the remedy detailed in the notice is excessive. His Ground (f) appeal is thus wholly dependent on his Ground (d) appeal. As the Ground (d) arguments have been rejected, his Ground (f) appeal must also fail.

### **Decision**

The enforcement notice is corrected by amending Paragraph 3 to read as follows:-

#### **3. The Matters which appear to constitute the Breach of Planning Control**

Erection of four sheds in the approximate positions shown shaded dark blue on the attached map; and the use of the land for the sale of motor vehicles, being a material change in the use of the land.

The terms of the notice are varied by deleting the last sentence in Paragraph 4.

The appeal on Ground (d) fails.

The appeal on Ground (f) fails.

The enforcement notice as so corrected and varied is upheld.

### **COMMISSIONER TREVOR RUE**

**List of Appearances**

Planning Authority:- Mr D Watson, Planning Officer  
Mr D Smyth, Planning Officer

Appellant:- Mr N Coffey, Agent  
Mr B Smith, Appellant

**List of Documents**

Planning Authority:- LPA 1 Statement of case with eight appendices  
LPA 2 Photographs EX 1 to EX 9, taken between 2011 and 2016  
LPA 3 10 photographs taken in 2011  
LPA 4 Enforcement Officer's reports and photographs, March to July 2012

Appellant:- APP 1 Statement of case with four photographs and copy letter

Third Parties:- OBJ 1 Statement of case by Mr M Matthews with two exhibits