



April 5th, 2019

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th April 2019** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

3.0 Declarations of Conflicts of Interest in relation to Paragraph 25 of Planning Operating Protocol.

- **Item 6** - P/2014/0427/0 - site for dwelling (amended plans) to the rear and south of 2 Berkley Grove, Warrenpoint - Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Craig, Harte, Larkin, Loughran, McAteer, Macauley and Ruane.**
- **Item 7** - LA07/2018/0758/0 - Mr and Mrs Hickland - new dwelling and detached garage - lands approx. 50M south of 56 Crawfordstown Road, Drumaness - Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Clarke, Devlin, Loughran, Larkin, McAteer and Macauley.**
- **Item 10** – LA07/2018/00377/0 – replacement dwelling and garage – 20m east of 53 Beechview Road, Crossgar – Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Larkin, McAteer, Clarke, Craig, Hanna, Loughran, Macauley and Murnin.**
- **Item 15** – LA07/2017/0078/f – erection of 3 light industrial units on lands 20m east of 223a Newcastle Road, Seaforde – Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Loughran, Clarke, Hanna, Larkin, Devlin, Ruane and Macauley.**

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 13 March 2019. (Attached).

 *Planning Committee Minutes - 13 March 2019.pdf*

Page 1

For Discussion/Decision

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

 *Addendum list - 10-04-2019.pdf*

Page 16

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

Rec: REFUSAL

- 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 Cllr. M Carr in support of the application. **(Submission attached).**

 *P-2014-0427-O 2 Berkley Grove Warrenpoint.pdf* *Page 17*

 *Item 6 - submissio of support (P-2014-0427-O).pdf* *Page 25*


 *Item 6 - Cllr. M Carr in support (P-2014-0427-O).pdf* *Page 34*

7.0 LA07/2018/0758/0 - new dwelling and detached garage - lands approximately 50m south of 56 Crawfordstown Road, Drumaness. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2016-0758-O Crawfordstown Road.pdf* *Page 35*

 *Item 7 - submission of support (LA07-2018-0758-O).pdf* *Page 40*

8.0 LA07/2017/1067/F - proposed demolition of existing building in ATC and construction of 2 No. holiday let apartments (revised proposal description) - 75 South Promenade, Newcastle. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2017-1067-F South Promenade Newcastle.pdf* *Page 50*

9.0 LA07/2017/1845/0 - 2 no. new dwellings and garages and

associated site and access works - between 4 and 8 Ballintogher Road, Saul, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-1845-O - Ballintogher Road CTY 8.pdf* *Page 57*

📄 *Item 9 - submission of support (LA07-2017-1845-O).pdf* *Page 62*

10.0 LA07/2018/0377/0 - replacement dwelling and garage - 20m east of 53 Beechview Road, Crossgar. (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).**

📄 *LA07-2018-0377-O- 20m East of 53 Beechview Road.pdf* *Page 64*

📄 *Item 10 - submission of support (LA07-2018-0377-0).pdf* *Page 70*

11.0 LA07/2018/0748/F - proposed unmanned petrol filling station with associated plant room and alteration to existing parking and pedestrian crossing (amended plans and supporting information received) - lands approx. 15m NW of Ballymote Shopping Centre, Killough Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Kieran Burns, GM Design Associates; Sean Kennedy, applicant and Nicholas McCrickard, Ballymote Community Project Ltd. **(Submission attached).**

📄 *LA07-2018-0748-F Lands adj Ballymote Shopping Centre DPK.pdf* *Page 93*

📄 *Item 11 - submission of support (LA07-2018-0748-F).pdf* *Page 99*

12.0 LA07/2018/1562/F - demolish existing garage and replace it with a new domestic attached garage, living room and bedroom to the rear of the property - 29a Coney Island,

Ardglass. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Starkey, O'Toole & Starkey, agents, in support of the application. **(Presentation attached).**

📄 *LA07-2018-1562-F_29a_Coney_Island.pdf* Page 103

📄 *Item 12 - LA07.2018.1562.F - Coney Island Committee Presentationv2.pdf* Page 112

13.0 LA07/2018/1663/0 - proposed dwelling on infill site - between 153 and 157 Strangford Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2018-1663-O - Infill - Strangford Road.pdf* Page 120

📄 *Item 13 - submission of support (LA07-2018-1663-0).pdf* Page 126

14.0 LA07/2016/1606/F - proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off main street for 2 dwellings - Cumran Park, Clough, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07_2016_1606_F_Cumran.pdf* Page 132

15.0 LA07/2017/0078/F - erection of 3 light industrial units on lands 20m east of 223a Newcastle Road, Seaforde. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Eoin Morgan, Planning Permission Experts, on behalf of objectors Paul and Clodagh Killen. **(Submission attached).**
- A request for speaking rights has been received from Ewart Davis, agent, in support of the application. **(Submission attached).**
- A representative of the Council's Environmental Health Department will be in

attendance.

LA07-2017-0078-O-Seaforde_Recon.pdf	Page 144
Item 15 - submission of objection (LA07-2017-0078-F).pdf	Page 154
Item 15 - submission of support (LA07-2017-0078-F).pdf	Page 158
Item 15 - Env. Health response Seaforde Industrial Units.pdf	Page 172

16.0 LA07/2018/0582/F - proposed change of use of existing vernacular barn to a dwelling house with extension - 30m S of No. 32 Oldtown Lane, Annalong. (Case Officer report attached).

Rec: REFUSAL

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

LA07_2018_0582_F- Oldtown Lane.pdf	Page 174
Item 16 - submission of support (LA07-2018-0582-F).pdf	Page 181

17.0 LA07/2018/0339/0 - site for replacement dwelling and detached garage with minor access alteration - 160m SW of 128 Head Road, Kilkeel, (Case Officer report attached).

Rec: REFUSAL

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

LA07_2018_0339_O- Replacement SW OF 128 Head Road.pdf	Page 183
Item 17 - submission of support (LA07-2018-0339-0).pdf	Page 192

18.0 LA07/2017/0936/F - proposed flat roof, side extension to ground floor restaurant with terrace above - 39 Church Street, Rostrevor. (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).**

LA07.2017.0936.F - 39 Church Street Rostrevor.pdf	Page 199
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19.0 LA07/2018/0785/0 - proposed dwelling and detached garage (infill site) - approx. 50m NW of 78 Upper Dromore Road, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

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

LA07.2018.0785.O - Approximately 50m north west of 78 Upper Dromore Road Warrenpoint.pdf

Page 229

Item 19 - submission of support (LA07-2018-0785-0).pdf

Page 237

20.0 LA07/2018/0825/F - replacement dwelling and detached garage - approx 70m directly south of 36 Finnard Road, Rathfriland. (Case Officer report attached).

Rec: REFUSAL

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

LA07.2018.0825.F - Approx 70m directly south of 36 Finnard Road Shinn.pdf

Page 246

Item 20 - submission of support (LA07-2018-0825-F).pdf

Page 253

21.0 LA07/2015/0825/F - erection of housing development (2 detached and 10 semi-detached) (amended description) - lands between 79 and 81 Drumalane Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Graham, Director WYG Planning, in support of the application. **(Submission attached).**

LA07.2015.0825.F Housing Drumalane Road Final updated following amended drawings in Oct 2018.pdf

Page 258

Item 21 - submission of support (LA07-2015-0825-F).pdf

Page 271

22.0 LA07/2017/1825/F - proposed erection of replacement dwelling and detached dwelling, new landscaping and associated site

works (existing dwelling to be retained as a domestic store) - No. 25 Ballyvally Road, Ballyvally, Mayobridge. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Stephen Hughes, agent and Larry McPolin, applicant in support of the application. **(Submission attached).**

📄 *LA0720171825F 25 Ballyvally Rd Mayobridge.pdf* *Page 273*

📄 *Item 22 - submission of support (LA07-2017-1825-F).pdf* *Page 281*

For Noting

23.0 Historic Tracking Sheet. (Attached).

📄 *Planning HISTORIC TRACKING SHEET - UPDATED 27-03-2019.docx* *Page 298*

24.0 March 2019 Planning Committee Performance Report. (Attached).

📄 *MARCH 2019 Planning Committee Performance Report.pdf* *Page 307*

25.0 Report of meetings between Planning Officers and Public Representatives. (Attached).

📄 *Record of Meetings report.pdf* *Page 314*

26.0 March 2019 Appeals and Decisions. (Attached).

📄 *Planning Appeals and Decisions March 2019.pdf* *Page 315*

27.0 Register of contacts Q January - March 2019. (Attached).

📄 *REGISTER OF CONTACTS - Q4 Jan - Mar 2019.pdf* *Page 373*

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13th March 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Casey
 Councillor W Clarke
 Councillor G Craig
 Councillor V Harte
 Councillor K Loughran
 Councillor J Macauley
 Councillor M Ruane

(Officials)

Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/023/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Murnin.

P/024/2019: DECLARATIONS OF INTEREST

There were No Declarations of Interest received.

P/025/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

Declarations in relation to Para.19 of Planning Committee Operating Protocol – Members to be present for entire item.

- **Item 6** - LA07/2018/0758/0 - Mr and Mrs Hickland - new dwelling and detached garage - lands approx. 50M south of 56 Crawfordstown Road, Drumaness - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Clarke, Devlin, Loughran, Larkin, McAteer and Macauley.**
- **Item 7** - LA07/2017/1469/F - change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for

storage purposes and detached carport for 2 cars) amended plans - 186 Killowen Road, Rostrevor - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Casey, Clarke, Ruane, Harte, Larkin, McAteer, Loughran, Craig and Macauley**

- **Item 18** - LA07/2016/0408/F - erection of replacement dwelling house and garage as substitute for previously approved planning application P/2013/0764/F - 99 Windmill Road, Cranfield, Kilkeel - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Clarke, Devlin, Hanna, Harte, Loughran, Craig, Macauley, Murnin and Ruane** .

Discussion took place regarding Item 6, LA07/2018/0758/O which, in the absence of Councillor Devlin, would result in a quorum not being present. Ms Largey referred to 20.7 of the Standing Orders saying this permitted the Chairman to use his discretion in exceptional circumstances to allow Members who had not been present for the entire item to take part in discussions/decision.

Members who had not been present for the entire item expressed their reluctance to take part in discussions/decision on Planning Application LA07/2018/0758/O.

After further discussion, the following was agreed:

AGREED: **On the proposal of Councillor Ruane, seconded by Councillor Loughran it was agreed to defer Planning Application LA07/2018/0758/O until the April 2019 Planning Committee Meeting, and it was hoped all relevant Councillors would be present to achieve a quorum.**

MINUTES FOR CONFIRMATION

P/026/2019: **MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 13 FEBRUARY 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 13 February 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Macauley seconded by Councillor Craig it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 February 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/027/2019: **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 13 March 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 13 March 2019: -**

- **Item 11** – LA07/2018/0470/F – construction of a new 51 bedroom hotel to include conference facilities, a function suite, bars and restaurant, and a spa that houses a gym, fitness suite, swimming pool, changing rooms and treatment rooms – 38 Belfast Road, Downpatrick. **APPROVAL**
- **Item 13** – LA07/2018/1500/F – proposed new village play park – Killough Car Park Quay Lane, Killough. **APPROVAL**
- **Item 15** – LA07/2019/0020/F – amendment to planning application R/2014/0632/0 – 40 Flying Horse Road, Downpatrick. **APPROVAL**
- **Item 18** – LA07/2016/0408/F – erection of replacement dwelling house and garage as substitute for previously approved planning application P/2013/0764/F – 99 Windmill Road, Cranfield, Kilkeel. **APPROVAL**
- **Item 20** – LA07/2018/1810/F – new synthetic surface to existing 4 No. tennis courts; new bubble cover over 2 No. courts only; new pedestrian access from the west and new disabled access from the south – Our Lady's Grammar School, Chequer Hill, Newry. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/028/2019: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2018/1238/F (Audio recorded – YES)

Location:

191 and 193 South Promenade, Newcastle

Proposal:

Conversion of 2 small dwellings to 1 dwelling unit with 2 storey rear extension, alteration to front elevation, replacement roof, internal alterations, reshape existing rear gardens, provision of walkway from dwelling to garden and formation of pedestrian access on to King Street – 191 and 193 South Promenade Newcastle.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr B Quinn, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Members considered the architectural integrity of the terrace had been substantially altered by modifications already undertaken on neighbouring properties in the terrace.

- Ms McAlarney acknowledged the modifications already made to the front facades of houses in the terrace, however, she said there had been no break in the eaves of the entire terrace.
- Ms McAlarney said while she accepted the dormer windows proposed, replicated those in the neighbouring Widows Row, she said this was a separate terrace and therefore did not have any bearing on the application before the Committee.

Agreed: **On the proposal of Councillor Ruane, seconded by Councillor Hanna it was unanimously agreed to agreed issue an approval in respect of Planning Application LA07/2018/1238/F contrary to officer recommendation on the basis that the integrity of the terrace had been substantially altered and the proposed application would enhance the appearance of the terrace.**

It was also agreed that officers be delegated authority to impose any relevant conditions.

**(2) LA07/2017/1469/F
(Audio recorded – YES)**

(Councillor Hanna withdrew from the Meeting)

Location:

186 Killowen Road, Rostrevor

Proposal:

Change of house type to that approved under LA07/2016/1448/F (For replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars)

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

Matthew Crothers and Robert Dunlop, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power-point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Mr Rooney advised the ridge height of the proposed outbuilding had been reduced in the most recent set of drawings and the maximum height was now 2.9 metres high.

AGREED: **On the proposal of Councillor Casey seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1469/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(3) LA07/2016/0185/F
(Audio recorded – YES)

Location:

70m SE of 1 Rowallane Close, Saintfield.

Proposal:

Proposed farm dwelling.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Adrian Murray presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

Andy Stephens, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Concern expressed that the access for the proposed farm dwelling was via the residential street of Rowallane Close.
- Ms McAlarney confirmed the construction of two houses had resulted in the original farm access being closed off.
- To explore an alternative access would require a new application.
- It would be difficult to attach any conditions regarding farm equipment using the access as the application was for a farm dwelling.
- It was not unusual for DFI Roads to have concerns regarding farm machinery accessing the road network, however they did not object to the proposed application.

Councillor Hanna proposed to accept the Officer's recommendation to issue an approval in respect of Planning Application LA07/2016/0185/F, Councillor Macauley seconded the proposal.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	4

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Macauley it was agreed to issue an approval in respect of Planning Application LA07/2016/0185/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(4) LA07/2017/1458/F
(Audio recorded – YES)**

Location:

150m west of 40 Ballyculter Road, Ballyalton, Downpatrick.

Proposal:

Proposed woodland burial site to include new entrance to Ballyculter Road; vehicle parking and turning, extensive native species planting; new dry-stone walling and pedestrian pathway network.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Eugene Gallagher presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

Ronan Downey, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms McAlarney, Senior Planning Officer gave a power-point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Late information had been received from the applicant seeking to address concerns that had been raised by consultees.
- The area and topography were unsuitable for the proposed application in that it was a pristine rural area with small roads and the proposed site was an elevated sloping site which drained into the River Slaney, additionally there were historical cultural sites nearby.
- The proposed application was unique and the applicant was a 'not for profit' organisation.
- Delays in submitting requested information was due to both additional expenditure which had to be considered by the organisation and being unable to access the field due to tenant farmer in situ.
- Applicant requested deferral to allow time for late information to be considered by Planning Officials.

Councillor Clarke proposed to defer Planning Application LA07/2017/1458/F to allow time for Planning Officials to consider the late information, Councillor Macauley seconded the proposal.

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

FOR:	8
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Macauley it was agreed to defer Planning Application

LA07/2017/1458/F to allow time for late information to be considered by Planning Officials.

(Break 11.40 – 11.50)

**(5) LA07/2018/0001/0
(Audio recorded – YES)**

Location:

Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road) and portion of Bryansford Road, Newcastle.

Proposal:

Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

ML Anderson, A Stephens, and SD McMullan on behalf of Dr M Rooney and Don Holdings Ltd, in objection to the application, detailing and expanding upon written statements that had been circulated to Committee Members.

Speaking rights:

D Monaghan, agent, C Boyle, LIDL, N McCrickard and D Goddard, Mourne Mountain Rescue, T Cousings, Traffic Engineer in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Power-point presentation:

Ms McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Concerns raised by objectors as to heavy traffic flow and said traffic calming measures, double yellow lines, improved road signs to aid visitors should be implemented.
- LIDL would be prepared to work with DFI Roads to address any traffic calming measures required.
- Considerable increase in traffic in the town from Easter through to the end of the Summer.
- Proposed pedestrian crossing would be hazardous and would compound traffic congestion at an already busy junction.
- A precedent would be set by permitting an out of town centre setting for the proposed development
- DFI Roads had no objections based on all the amendments received.
- The proposed application would mean a construction investment of £3m and 12 new jobs.
- The current accommodation for the Mourne Mountain Rescue team was unsuitable and proposed site would be beneficial for both the team and the local community in terms of its proximity to the Mourne Mountains for 'call outs'.
- The design of the entrance to the proposed development was in accordance with DFI Roads.
- Proposed development would have a negative impact on local residents, particularly at No. 32 Bryansford Road.

- No other suitable sites available in the area.
- LIDL prepared to deviate from their corporate store image in the design of the proposed store taking into account the backdrop of the Mourne Mountains.
- LIDL confirmed a sub draining assessment conducted had shown no increased flooding impact.
- LIDL confirmed they had a management plan in place to eradicate the Japanese knotwood at the proposed site.
- Although Planning Officials acknowledged the proposed relocation of Mourne Mountain Rescue would be a benefit to the community, the application had been considered on planning merit only.
- The Members were made aware that although the Mourne Mountain Rescue team could be perceived as a community benefit, this could not be a material consideration in their determination.

Councillor Hanna proposed to defer Planning Application LA07/2018/0001/O to allow for a site visit to take place so that Members who were not familiar with the area could assess the proposed development site in more detail. Councillor Macauley seconded the proposal.

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

FOR:	2
AGAINST:	7
ABSTENSTIONS:	0

The proposal was declared lost.

Councillor Ruane proposed to accept the Officer's recommendation to issue an approval in respect of Planning Application LA07/2018/0001/O, Councillor Craig seconded the proposal.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Ruane seconded by Councillor Craig it was agreed issue an approval in respect of Planning Application LA07/2018/0001/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

It was also agreed that residents' concerns regarding screening and traffic calming be taken on board.

(6) LA07/2018/1515/F
(Audio recorded – YES)

Location:

6 Kinedale Cottages, Ballynahinch.

Proposal:

First floor extension to existing garage to provide a single person home office.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Matthew Murnin, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- No. 14 Kinedale Cottages had a similar extension to that proposed at No. 6, however, Planning Officials considered it was not comparable, as No. 14 was a corner plot and the extension was not visible from any aspect.
- Planning Officials considered the wall plate and eaves of the proposed extension did not respect the host dwelling.

Councillor Larkin proposed to accept the Officer's recommendation to issue a refusal in respect of Planning Application LA07/2018/1515/F, Councillor Ruane seconded the proposal.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	4

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2018/1515/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Lunch 1.pm – 1.50pm)

**(7) LA07/2018/0015/F
(Audio recorded – YES)**

Location:

Between 20 and 22 Ulster Avenue, Annalong

Proposal:

Proposed change of house type and integrated domestic garage (amended scheme)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, agent, in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Planning Officials considered the proposed design was not in keeping with the immediate area of Ulster Avenue.
- Mr Stephens referred to similar gable orientated buildings in the vicinity and said that an established area was a series of streets and therefore the decision should not be determined on one street but should include a series of streets.

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2018/0015/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(8) LA07/2018/0650/F
(Audio recorded – YES)**

Location:

45 Greenpark Road, Rostrevor

Proposal:

Proposed dwelling to the rear

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Cole, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr McKay, Chief Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Site capable of accommodating a dwelling but not the proposed scale submitted.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Clarke it was unanimously agreed to defer Planning Application LA07/2018/0650/F to allow for a site visit to take place so that Members could assess the site and proposed application in more detail.

(9) LA07/2017/1023/F
(Audio recorded – YES)

Location:

Lands at Ardmore Road, opposite 17-43 Ardmore Road and adjacent No. 2 Beechwood Villas, Newry

Proposal:

Proposed development of 45 no. dwellings, comprising 8 no. apartments, 8 no. townhouses, 22 no. semi-detached houses and 7 no. detached houses, infilling and re-grading of lands, associated site works and landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Joseph Burns presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

Lynsay Magill, Philip Hill & Mark Hardy, in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- The proposed development was to be located outside the flood plain.
- All statutory agencies including Rivers Agency had no objections to the proposed development.
- All issues previously raised by objectors had been addressed by Planning Department and they were now satisfied the application complied with all relevant planning policies including design and flooding.
- The lower part of the site would be infilled, however this part of the site was outside the flood plain.
- The developer had taken a conservative approach and Members were advised the construction of the houses would only commence approximately one third up from the bottom of the field.
- Members were advised that local residents were satisfied with the proposed development on the assurance that the developer would not be developing the bottom of the field.
- The issue of traffic and access issues had been discussed at a residents meeting and Members were advised that a construction management plan included catering for site traffic parking within the confines of the site.
- The lower ground of the site would not be infilled so there would be no concerns regarding flooding up or downstream.
- It was acknowledged there was a housing crisis in Newry with a high demand for accessible homes.

Councillor Hanna proposed to accept the Officer's recommendation to issue an approval in respect of Planning Application LA07/2017/1023/F, Councillor Harte seconded the proposal.

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

FOR: 8
 AGAINST: 1
 ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Harte it was agreed to issue an approval in respect of Planning Application LA07/2017/1023/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Break 3.20pm – 3.30pm)

Councillor Casey withdrew from the meeting at 3.20pm

(10) LA07/2017/1437/F
(Audio recorded – NO)

Location:

Lands 85m NW of junction of Blackrock Road and Teer Road, Crossmaglen

Proposal:

Erection of dwelling and garage (amended dwelling design, siting of dwelling and garage and relocation of access approved under application P/2013/0820/F).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Peter McNulty, Barney McKeivitt and Stephen Hughes presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

DEA Councillor Hearty presented in support of the application.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Planning Officials considered the applicant had not adhered to policy with regard to commencing site work within the required timeframe.
- The applicant believed he had complied with all required regulations and had made a material start before 13 March 2015 by ensuring the road splays and vehicular access had been instated.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1437/F contrary to officer recommendation on the basis that site works had commenced within the required timeframe.

(11) **LA07/2018/0753/F**
(Audio recorded – YES)

Location:

Lands immediately to the north of Bessbrook Community Centre within 'The Pond Field' park at No. 8 Mill road, Bessbrook.

Proposal:

Proposed new 'Sure Start' nursery building, with additional 3 No. parking spaces provided by extension of existing car park.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent; Barney McKeivitt and Brian and Olive Gallagher, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Consultees – Rivers Agency advised minor part of the site would be located within a predicted flood area, and Environmental Health had concerns regarding noise disturbance but both of these could be overcome by attaching a negative condition. Transport NI had concerns regarding road safety and intensification of use.
- An alternative safer route could be considered.
- Parking needed to be addressed.
- Further assessment and discussion was needed and DFI Roads would have to be involved.

AGREED: **On the proposal of Councillor Craig seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2018/0753/F to allow further discussion regarding access and parking to take place with Planning Officials, DFI Roads and the Applicant.**

(12) **LA07/2018/1145/O**
(Audio recorded – YES)

Location:

Lands 22m north of 15 Corliss Road, Newry.

Proposal:

Proposed erection of detached dwelling (infill dwelling).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Patrick O'Reilly, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

DEA Councillor Hearty presented in support of the application.

Power-point presentation:

Mr P Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Planning Officials did not consider the proposed application to be an infill opportunity as the land between No. 19 and the Corliss Road was overgrown and not used for domestic purposes.
- Both Mr O'Reilly and DEA Councillor Hearty acknowledged the house at No. 19 was set back from the road, however they said the owner fully intended to develop the land at the front into a garden.

Councillor Macauley proposed to accept the Planning Officer's recommendation to issue a refusal in respect of Planning Application LA07/2018/1145/O, Councillor Craig seconded the proposal.

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

FOR:	3
AGAINST:	6

The proposal was declared lost.

Councillor Larkin proposed to offer an approval in respect of Planning Application LA07/2018/1145/O on the basis that he accepted there was a continuous build up with two houses and two garages and the rough ground to the front of No. 19 was a garden. Councillor Hanna seconded the proposal.

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 Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2018/1145/O contrary to Officer recommendation on the basis it was considered that the land to the front of No. 19 was a garden and therefore the proposed application represented an infill opportunity.

FOR NOTING**P/029/2019: HISTORIC ACTION SHEET**

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning historic action sheet.

P/030/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT JANUARY 2019

Read: Planning Committee Performance Report January 2019. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report January 2019.

P/031/2019: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives 2018-2019. **(Copy circulated)**

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

P/032/2019: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – January 2019. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions January 2019.

P/033/2019: HARD COPY AGENDAS

Councillor Hanna said the quality of printed agendas was not acceptable and would need to be addressed.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was agreed to refer the substandard quality of printed agendas to Mr Hannaway and to request that all future printed planning agendas were in colour print.

The Meeting concluded at 4.20pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 10 March 2019.

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 10 April 2019

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 8** – LA07/2017/1067/F – proposed demolition of existing building in ATC and construction of 2 No. holiday let apartments (revised proposal description) – 75 South Promenade, Newcastle. **APPROVAL**
- **Item 14** – LA07/2016/1606/F – proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off Main Street for 2 dwellings – Cumran Park, Clough, Downpatrick. **REFUSAL**

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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 Berkley 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 Berkley Grove, a small housing development accessed via the Well Road. Access into the application site is proposed through Berkley 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 13th 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 16th 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.

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 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;”*

The agent has now amended the drawings to show a satisfactory red line and visibility splay to this proposal. DFI Roads having re-consulted DFI Roads on these amendments are now content. This proposal therefore complies with AMP 2 of PPS 3 in that the development would not prejudice road safety subject to conditions.

Conclusion:

Given that the proposal falls within a Plan Zoning of a residential ATC and that PPS 7 states that only in exceptional circumstances will new residential development be acceptable in ATC zonings, the Planning department recommend refusal based on the refusal reasons below.

Recommendation:

Refusal

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

Refusal Reasons

1. 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.
2. 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.

3. 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.

Berkley Grove Warrenpoint**The Proposal, The Access onto Well Road and The Change In Direction By The Planning department.**

This application seeks to build a new dwelling with an access via the estate road at Berkley Grove onto Well Road. The visibility splay at the junction of Well Road and Berkley Grove towards the A2 measures less than 26m. The 4 apartments at Rosemount have practically no lateral visibility. Visibility towards the A2 is blocked by a wall and pillar in front of Rosemount and a hedge owned by the applicant. If outline permission is forthcoming, the applicant is in a position to improve visibility at the junction of Berkley Grove and Well Road to provide a 60m visibility splay. If permission is refused, it is highly likely that this junction will never be brought up to standard and will remain unsafe.

This application was submitted in 2014. Since then, the applicant has been told by TNI/Planning Officers on several occasions, including at last April's committee meeting that the access onto Well Road is sub-standard, it's dangerous, visibility is blind and that the junction can't safely serve another house.

Seeing that he was at an impasse, my client took personally costly financial steps last summer to allow him to improve visibility at the access.

The planning officer leading the discussion in the recent February meeting was very dismissive of the public safety gain that will result as a result of the improvements to the junction. The planning officer recorded that the department don't see a planning gain due to the lack of evidence of accidents at the access. In stark contrast, the same officer advised the committee in April 2018 that the access & Well Road were tight & blind. Remarkably, the planning department has changed its stance on the safety of the access onto Well Road **AFTER** my client offered to improve the junction at his own cost.

Appendix A contains 2 photos taken after an RTA which happened outside Rosemount on 7th March past. Many north bound vehicles occupy the centre of the road close to the Rosemount access and the Berkley Grove junction to obtain better visibility of cars attempting to enter onto Well Road from Rosemount and Berkley Grove. A southbound driver seeing that a northbound car was doing as described skidded and collided with a wall on Well Road. Luckily no one was seriously injured.

Appendix B contains a letter from Mrs Rosaleen Brannigan who confirms in her own handwriting that she was involved in an accident exiting Berkley Grove. She advises that her view was blocked by the pillar and hedge which we propose to remove.

Is This An Exceptional Case?

In relation to proposals in the ATC, the most recent officer's report advises "*proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.*"

My client is the only person in a position to improve the access for the benefit of 11 houses, 4 apartments and all those who use Well Road. My client is more than willing to design a house in keeping with the other houses in the ATC & the new dwelling won't be visible from Well Road. **Does than not make this an exceptional circumstance?**

Plot Size

During the February meeting, a senior planning officer advised the planning committee twice that the proposed plot size was significantly less than the average plot size both inside the ATC and the average of the ATC plots when considered along with the surrounding plots outside the ATC. The officer further advised that failure to comply with plot size gave rise to 2 of the refusal reasons.

Planning officers have advised that the proposed plot size must reflect the **average & range** of the plots inside the ATC. They have also advised that the proposed plot size must also reflect the **average and range** of plots when the plots inside the ATC **are considered along with the adjacent plots which are outside the ATC.**

The map included plots both inside and outside the ATC.

The proposed plot size is 1165m², which, as Appendix C confirms is very much in keeping with both the averages and range of plot sizes in the ATC and the area around the ATC.

The ATC & The Application For 10 Apartments and 7 Houses On The Site Of Brosley

The ATC was proposed in the draft area plan which was published on 22nd August 2006. During the February past meeting the committee were wrongly advised that the application was not considered against the ATC. **THIS IS FACTUALLY INCORRECT.** EPIC & the planning decision notice both confirm that application P/2007/0900/F which proposed 10 apartments and 7 houses on the site of Brosley was submitted in 2007 **AFTER** the publication of the draft plan. The officer's report for the application confirms that the ATC was considered during the consideration of the Brosley application.

The refusal decision for P/2007/0900/F which was signed on 19th December 2011 confirms that constructing 10 apartments and 7 houses on the plot of Brosley which is inside the ATC was acceptable. Had the access issues been ironed out, the application would likely have been approved. The entire decision which clearly shows the relevant dates is attached as Appendix D.

Conclusion

The applicant and I contend that the planning officers involved with this case have performed a very public & somewhat un-majestic U Turn in relation to the safety of the junction. Significantly, this U Turn was performed **after** my client offered to improve the junction at his own cost.

The new dwelling will sit on a secluded site, well separated from existing dwellings and will not be visible from Well Road. Against this background it is difficult to understand how the proposal will have a detrimental effect on the ATC or the amenity of the occupants of the existing dwellings.

This case must be considered exceptional as the applicant is the only person who can improve the junction & the resulting house will not be visible from Well Road.

We have provided evidence of at least 2 traffic accidents.

Appendix C shows that the proposed plot size is actually in keeping with the average and the range of plot sizes both inside and outside the ATC.

Are the decision makers happy to wait until there is a more serious accident at this junction before it is considered to be un-safe or dangerous???

To finish, during the April 2018 committee meeting, the Council's most senior planning officer advised the Committee that the Well Road/Berkley Grove junction was "**Not Safe**"

The Oxford English Dictionary advises that the words "**Unsafe**" & "**Danger**" are the opposite to "**Safe**"

The applicant and I contend that the senior planning officer has himself advised the Committee in not such a round about way that the existing junction is unsafe and or dangerous.

I will use some maps/photos during my presentation to the committee which will allow me to elaborate on and better explain the points raised above. 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



One of the cars involved in the accident.



A very badly damaged stone wall at Well Road

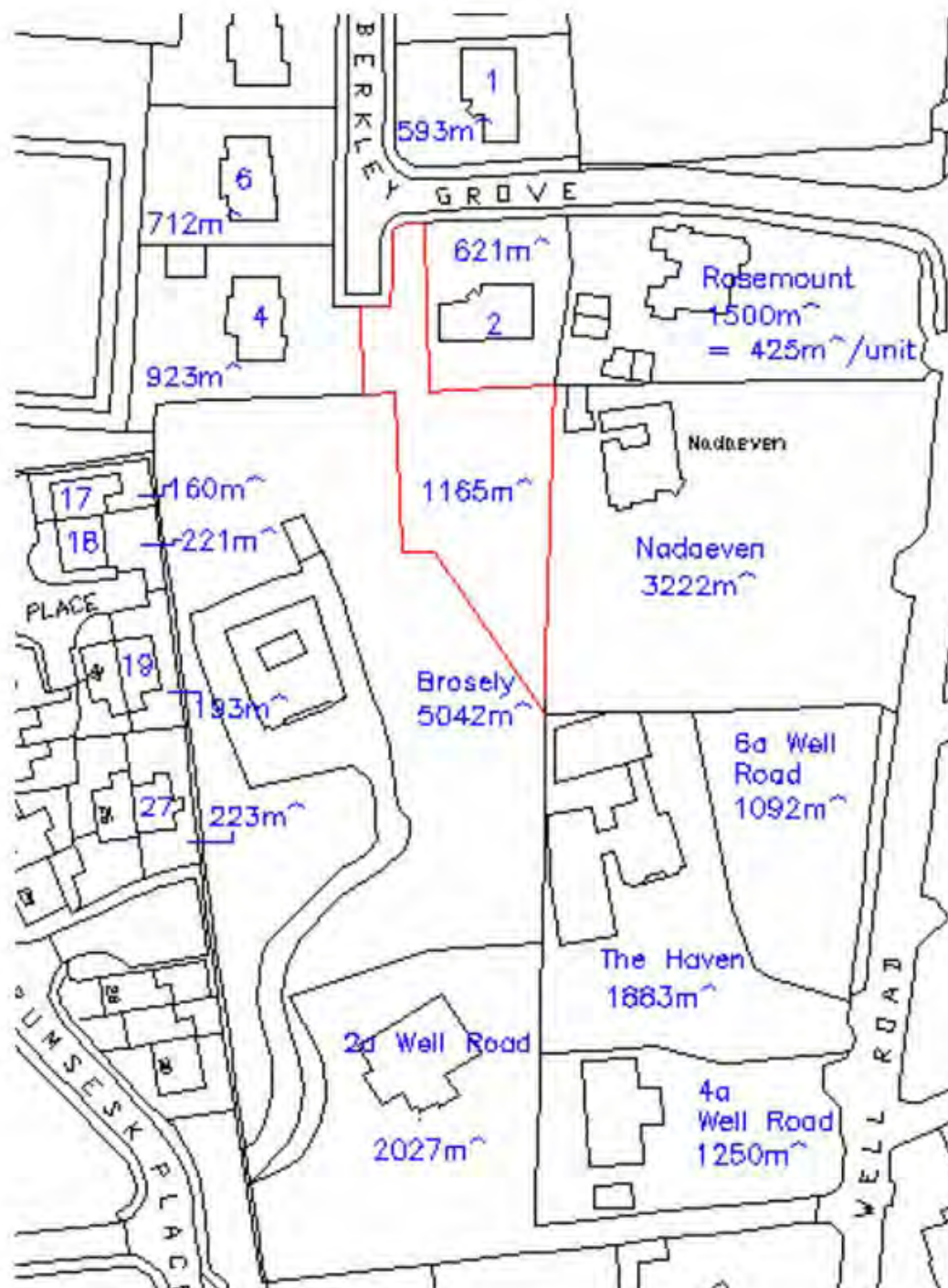
"The Rocks"
127 Restnewar Road
Hilltown
Newry
BT34 5TZ

To Whom it May Concern,

I was involved in a car accident
where my view was blocked exiting Berkley Grove
onto the Well Road in Warespoint.

Signed
Rosaleen Brannigan

Handwritten letter by Rosaleen Brannigan from Hilltown who was involved in an accident leaving Berkley Grove. As you will see she advises that her view was blocked by the pillar and hedge which we propose to remove.



Analysis of plot sizes.

The proposed plot area extends to 1165 m².

Average plot area of the houses immediately surrounding the site and inside ATC = 1601m².
This includes 10 properties with a range of plot sizes between 425m² & 5042m²

If we add in 1, 2, 4 & 6 Berkley Grove, the average drops to 1347m²,
This includes 14 properties with a range of plot sizes between 425m² & 5042m²

If we add in 17, 18, 19 & 27 Drumsesk Place the average drops to 1086m².
This includes 18 properties with a range of plot sizes between 160 & 5042m²

The proposal is clearly in keeping with the density & range of plot sizes in the adjoining area both inside and outside the ATC.

Appendix D
Decision for Application P/2007/0900/F
at Brosley



REFUSAL OF PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: **P/2007/0900/F**

Application submitted on 26th June 2007 Date of Application:
Almost 1 year after the ATC was proposed
in the Draft Area Plan

26th June 2007

Site of Proposed Development: **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)**

Description of Proposal: **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.**

Applicant: **TSC Developments Ltd.**

Address: **C/o Agent**

Agent: **Bradley McClure Architects**

Address: **184-186 Lisburn Road
Belfast
BT9 6AL**

Drawing Ref: **06A, 05A, 04A, 03A, 07A, 01, 18A, 20A,**

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

REFUSES PLANNING PERMISSION

for the above-mentioned development for the reasons stated:

1. The proposal is contrary to the Department's Planning Policy Statement 7, Quality Residential Environment in that the submitted details fail to demonstrate a satisfactory

Application No. P/2007/0900/F

CR






internal layout in accordance with the Department's Guide 'Creating Places'.

2. Having notified the applicant under Article 7 (4) of the Planning (General Development) Order (Northern Ireland) 1993 that further details regarding access were required to allow the Department to determine the application, and having not received sufficient information, the Department refuses this application as it is the opinion of the Department that this information is material to the determination of this application.

Informatives

1. This refusal notice relates to drawing No 01 which was received on 26th June 2007, drawing nos 18A and 20A which were received on 22nd August 2007 and drawing Nos 03a, 04A, 05A, 06A and 07A which were received on 23rd April 2010.

Dated: 19th December 2011

Authorised Officer 

Application decided in December 2011
5 years and 4 months after the ATC was proposed

Application No. P/2007/0900/F

CR



An Agency within the Department of the

Environment

www.mra.gov.uk



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Application No. P/2007/0900/F

CR



An Agency within the Department of the
Environment
www.mra.gov.uk



Cllr Michael Carr, "request for speaking rights" 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: Dr Joseph Mc Givern

I will be speaking in favour of the application which has been in the system for 5 years and to date has not had a fair hearing.

I will also be challenging the reasons for refusal. In particular that the application does not comply with PPS 7, Policy LC 1 and ATC 2.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0758/O

Date Received: 08th June 2016

Proposal: New dwelling and garage

**Location: lands approximately 50M South of 56 Crawfordstown Road,
Drumaness.**



Site Characteristics & Area Characteristics:

The site in question is located along the Crawfordstown Road on what appears to be rocky lands that are heavily overgrown with access lanes running off at differing points. There are differing styles of dwellings and agricultural lands and facilities in the area. The site itself is generally overgrown to the south and east and has what

appears as walls providing an enclosure and container units on the site operating as a yard as such but not clear exactly what. An access lane runs through part of the site that serves two dwellings.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no specific site constraints identified. The character of the area is generally of single dwellings in a nucleated fashion with large curtilages to dwelling and set back away from the road.

Site History:

R/2001/1281/O – Site for dwelling – 130m South West of 58 Crawfordstown Road, Drumaness – Granted – 04-04-2002

R/2000/0607/O – site for dwelling – 160m N of 48 Crawfordstown Road, Drumaness – site for dwelling – 05-03-2001

R/2001/1007/RM – 160m NW of 48 Crawfordstown Road Drumaness – private domestic dwelling – granted – 16-10-2001

R/2003/0710/RM – 130m SW of 58 Crawfordstown Road – private domestic dwelling – granted – 05-09-2003

R/1993/0224 – Crawfordstown Road (140 M SE of 56 Crawfordstown Road – Refused 24-11-1993

Planning Policies & Material Considerations:

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

Consultations:

NIEA – Water Management Unit – no objections, no specific comments to make.
NI Water – no objections

Transport NI – originally requested that the applicant amend the 1:500 scale plan clearly showing 2.4m and full frontage setback and amend P1 question 12 accordingly. The agent was not willing to submit the information and Transport NI was re consulted but could not provide comment in the absence of the requested drawings and therefore did not comment due to lack of information.

Objections & Representations

The application was advertised 22nd June 2016 which expired 06th July 2016. Neighbour notification took place 23rd June 2016 which expired 07th July 2016. To date no representations have been made.

Consideration and Assessment:

The application has not been submitted with any supporting information or clear policy intention, therefore all aspects of PPS 21 must be given consideration.

Policy CTY 2 is clearly not applicable as this is for a single dwelling.

Policy CTY 2A relates to a single dwelling however this application clearly does not meet with this section of policy with there being no focal point, no visual entity.

Policy 3 for replacement dwellings is not applicable as there is no building to replace, the applicant makes reference to a mobile home being on the site, there is a mobile classroom type building on the site but this would not be eligible for replacement.

Policy CTY 4 is not applicable as there are no buildings of permanent construction to convert.

Policy CTY 6 is not applicable as no evidence has been put forward to support an application of this nature which would be essential.

Policy CTY 10 is not applicable as there has not been any information submitted in relation to a farm dwelling and the site demonstrates no farming activity.

Having considered the aspects of PPS 21 it appears the application is most suitably considered against CTY 8 Ribbon Development.

SPPS makes comment on infill and ribbon development however does not add any additional weight than that in PPS 21 Sustainable Development in the Countryside, CTY 8.

The main policy context for this application is PPS 21, CTY 8 Ribbon Development. Policy requirements states that planning permission would be refused where a building creates or adds to ribbon development. Exception would be made for the development of a small gap site sufficient enough to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided that the development respects the existing development pattern along the frontage.

The site in question from the public view point's appears as an area of rough growth with an access lane through it. While it is not evident from the road the access through the site serves two properties that are set back off the road and are accessed onto the lane at adjacent points and fork off the lane.

When travelling in a north western direction towards Drumaness there is no perception of a continuous and built up frontage with a small gap in place. The site includes an access lane that serves two dwellings however said dwellings are not visible from the road and face onto the lane, there is no frontage onto the road and the access point is not manicured to either side so there is no perception of dwellings even being located on the lane. When standing on the site, adjacent to the structure shown on the site location plan within the red line there is an awareness of a building either side, being no 56 Crawfordstown Road and 54A Crawfordstown Road. This awareness is not present when moving to the Road and does not constitute or make a contribution to a continuous and built up frontage. 56 Crawfordstown Road does

face onto the road however no 54A clearly does not and is set well back from the road and faces onto a separate access lane.

To the south of the site is an agricultural crush yard, not a building but rather walls and a crush yard for handling livestock. Beyond this fronting onto the road are agricultural fields. Property no 54A is set back from the road, Fronts onto a separate lane and would not be considered to be part of a continuous and built up frontage along the Crawfordstown Road.

There are a number of dwellings in the area however given the siting of the existing dwellings there has been a continuous frontage created and therefore a continuous frontage, nor gap exists to accommodate a dwelling. Furthermore this application would lead to the creation of ribboning along the Crawfordstown Road along with 56 and 58 Crawfordstown Road.

As there is no gap to be filled as there is no development suitable for consideration to the south of the site consideration of the size of the gap cannot be considered. The red line of the application site would however not be an unreasonable plot size when read in the context of the wider area however would offer 67m of frontage in comparison to no 56 which is 25m wide and no 58 which is 40m at the frontage however occupies a narrower plot of 25-27m generally. The plot size curtilage could be reduced to respect the existing pattern. It is important to note the frontage is that of the site outlined in red only as there is no gap size here that can be considered.

It is also noted that the application, being at the end of the lane and not in a gap offers no possibility of fulfilling policy in terms of a gap in an otherwise substantial and continuously built up frontage along the lane.

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

A building would be unacceptable where it would be a prominent feature in the landscape however the site in question could accommodate a well-designed dwelling that would not be a prominent feature in the landscape.

The site has boundaries at present in the form of rough planting and whinn and does sit in a hollow area of land. There are no long distance views of the site given the topography of the land and existing planting. The site would not be considered to lack boundaries or be unable to provide a suitable degree of enclosure, nor would the site rely on new planting and landscaping for integration.

As this is an outline application full particulars of siting and design have not been submitted, however, it is considered that a dwelling could be accommodated on the site to meet with all aspects of CTY 13.

The application is also considered against CTY 14 Rural Character. Planning permission will not be granted for a dwelling where it would cause a detrimental change to or further erode the rural character of the area. It is clear when travelling through this particular area and when viewing the aerial images that this area has seen a considerable amount of development that through the nature of single dwellings has no formal plan, adding to this already heavily developed area will

further erode the rural character of the rural area and lead to further detrimental change.

The application also fails point D of CTY 14 in that the site will create a ribbon of development along the Crawfordstown Road.

Additional information was requested in order to allow Transport NI to fully consider if the application however the agent was not willing to submit the requested information and therefore Transport NI have not been able to provide full comment.

Having considered the relevant policy context the application is not considered acceptable.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Crawfordstown Road.
- 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 a ribbon of development along Crawfordstown Road and would therefore result in a detrimental change to further erode the rural character of the countryside.
- Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the agent has failed to provide information requested by Transport NI. This information is material to the determination of this application.

Case officer:

Authorised by:

Date:



Speaking Rights Submission – LA07/2016/0758/O – Lands approximately 50m south of 56 Crawfordstown Road, Drumaness

The starting position on all applications is that permission should be granted in the absence of clearly identifiable harm. The officer's report accepts that the proposal is in accordance with the local development plan (BNMAP 2015) that there are no objections from any 3rd parties.

The statutory agencies have raised no objections to the proposal. The Officer has failed to re-consult DFI Roads following receipt of the amended access drawing as outlined overleaf an in my email.

Reasons for Refusal

Policy CTY1 – Principle of development

The provisions of policies contained within (PPS21) will prevail unless there are other overriding policy or material considerations to outweigh them and justify a contrary decision. On that basis Policy CTY 1 must be considered subject to paragraph 5.0

Policy CTY2 – Dwellings in existing clusters

The six tests in CTY2a are not mandatory requirements. Any failure to meet one or more of them must be considered against other material considerations and the broad thrust and direction of the policies objectives.

There is always a duty to consider the objectives and thrust of a policy where a proposal on its face fails to meet the letter of the policy. This is where balanced decision taking and judgement is required.

The overall thrust of Policy CTY2a, is to round off and consolidate existing development without changing the overall character of the area.

The area is characterised by numerous single dwellings with road frontage or set back off the road and I note the Case Officer accepts that development is "nucleated" at this location. The proposed site is located in the middle of a concentration of development consisting of >30 buildings and extending for >900m on both sides of the Crawfordstown Road.

There is strong awareness of development, which appears as a visual entity in its own right, considering the scale and saturation of the buildings that are outwith the settlement limits of Drumaness and Loughinisland.

I'm reassured that I have interpreted the policy correctly as the three appeals previously provided did not have the same amount of development over such a prolonged distance. However, in each case were regarded as being a visual entity in the landscape and meeting visual policy test.

In respect of the focal point. I would direct you to the most recent appeal decision (6/06/2018) under 2017/A0222 and I can read this during questioning.

The Commissioner determined that a failure to meet the focal point test was not determining as the overall thrust is to round off and consolidate existing development. I attach a letter from the Deputy Chief Commissioner in this regard.

I would state the same in this case and ask you to find the following factors determining:



- There are several focal points in the wider vicinity of the application site at either end of the Crawfordstown Road, namely St Colemans GAC, cross roads at the Crawfordstown Road/The Heights and Loughinisland GAQ at the junction of Teconnaught Road/Crawfordstown Road;
- The site is previously developed land in the context of the existing buildings, containers and hardcored yard that are present;
- It is contained by adjoining dwellings on two of its three side and taking account of its size and relationship it accords with the existing pattern of development;
- The site is unsuitable for agricultural use and all services are available on site;
- There would be environmental benefits as result of its redevelopment;
- The proposal represents a rounding off, of development within an otherwise substantial and continuously built up frontage that is contained by Nos.56, Nos.58 and No.60 to the North and an agricultural building to the south.
- The vegetation and rocky outcrops contain the development and there is no demonstrable harm if the site was developed for a single dwelling

Collectively, these constitute material considerations **readily justifying approval in the absence of a focal point.**

Ribbon Development

The report accepts that the site has no road frontage onto the Crawfordstown Road, as it is physically and functionally detached from the road by the existing rocky outcrop. By virtue of this it cannot add to the existing ribbon of development if it has no road frontage.

Impact on Rural Character

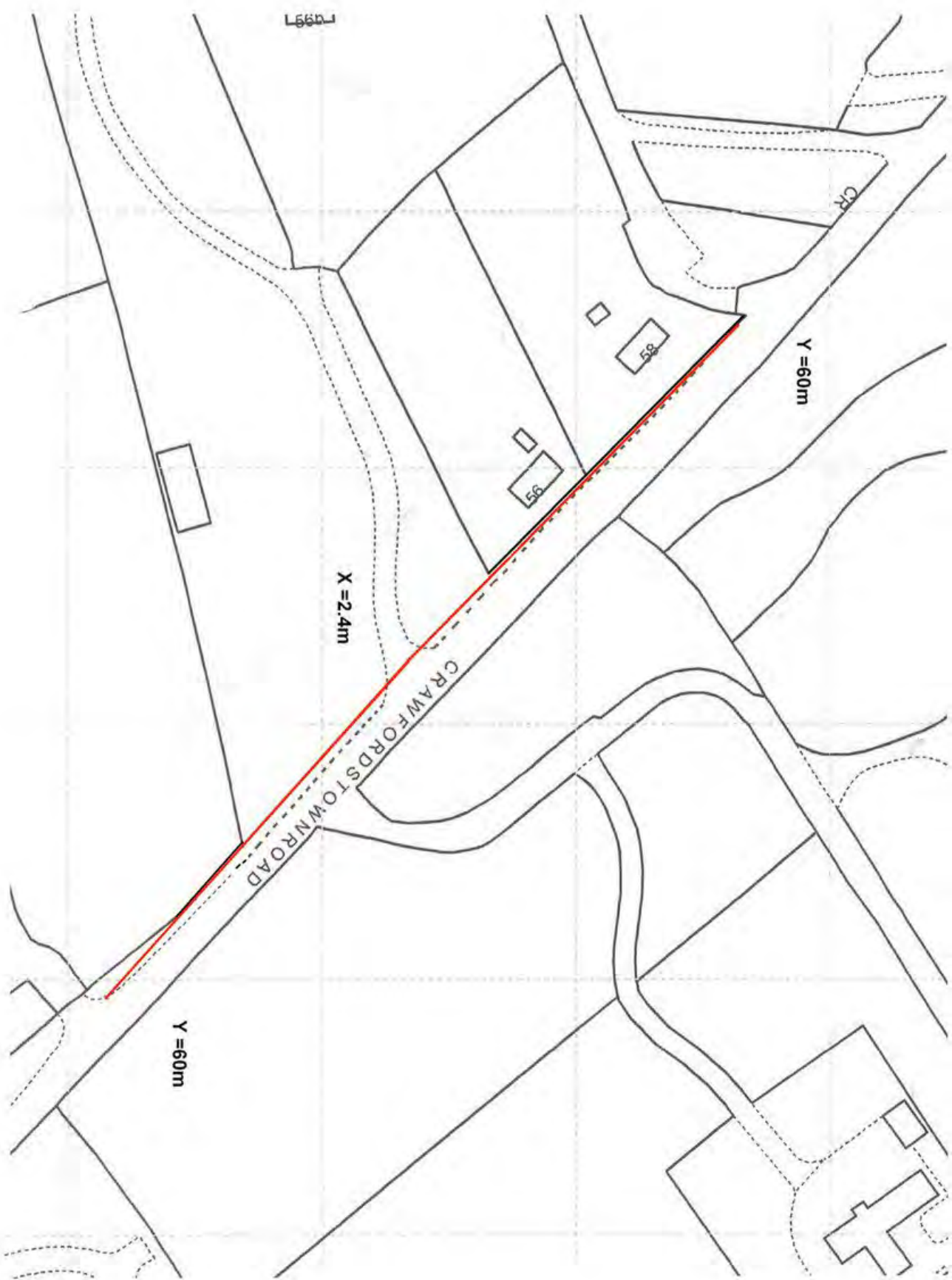
The Case Officer accepts that; "There are no long-distance views of the site given the topography or the land and existing planting" and that the site is well integrated and lacks prominence and "would not be an unreasonable plot size when read in the context of the wider area".

The report openly accepts that "this area has seen a considerable amount of development" by way of single dwellings and that it is "already heavily developed".

On this basis the character has already significantly altered. The introduction of a single dwelling on the site would not cause a detrimental change to or further erode the rural character of the area.

Roads Issue

An email was sent to the Local Planning Office on 12/10/2018 with an attached map depicting visibility splays of 2.4m x 60m. I then followed up with the Planning Office on 2/11/2018 as DFI Roads had not been reconsulted in respect of this amendment. The proposal would accord with paragraph 1.2 of DCAN 15 in that no intensification is considered to occur as the proposed development would not increase the frequency of two-way trips (arrivals/departures) using the access by >5% given the two existing properties and that yard have no conditions on the frequency of vehicles visiting the site.



Access Plan

Location - Lands approximately 50m South East of 56 Crawfordstown Road, Drumanness, BT24 8LZ

Applicant - Mr & Mrs Hickland

Proposal - New Dwelling and Garage

Date - 8th February 2017

Scale 1:500 @A3



Planning Appeals
Commission

Ms Ann McCullough
Head of Planning
Ards and North Down Borough Council
2 Church Street
Newtownards
BT23 4AP

Park House
87/91 Great Victoria Street
Belfast
BT2 7AG

Phone: 028 9024 4710 (switchboard)

Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

PAC reference: 2018/K005

Date: 19th July 2018



Dear Ms McCullough

Proposed dwelling at Craigdarragh Road, Helen's Bay (2017/A0222)

I am replying to your letter of 16th July 2018 addressed to the Chief Commissioner, who is currently on annual leave, in which you complain about a recent appeal decision taken on behalf of the Commission by Commissioner Fitzsimons. While you use the phrase "interpretation of policy", it seems to me that your complaint relates to the manner in which policy has been applied.

I wish to make some general points at the outset. I agree with you that failure to comply with every aspect of a policy need not be fatal. It is well established in case law that when making discretionary planning decisions there is no need to adhere slavishly to policy. A tick-box approach to policy criteria is therefore inappropriate.

You refer in your letter to the "ethos" of sustainable development within PPS 21. Sustainable development is not specifically defined in PPS 21. Paragraph 1.5 refers to striking a balance between the need to protect the environment while simultaneously sustaining a strong and vibrant rural community. Paragraph 3.1, which sets out the aim of PPS 21, refers to balancing countryside protection while supporting rural communities.

Sustainable development, therefore, is a multi-faceted concept. It is not solely about environmental protection. It requires a balancing of social, economic and environmental objectives. This is brought out even more clearly in Paragraphs 3.1 to 3.4 of the SPPS.

In the appeal context, there is an onus on those opposed to a development proposal to demonstrate harm to interests of acknowledged importance (see Paragraph 5.72 of the SPPS). If there is no persuasive evidence of such harm, then the development is likely to be found sustainable and to be permitted.

I now turn to Commissioner Fitzsimons' appeal decision. In its statement of case, the Council said there is a loose cluster of buildings surrounding the site, comprising a ribbon of seven dwellings on the south-eastern side of the road and five large dwellings and outbuildings on the north-western side. The Council went on to argue that the cluster does not appear as a visual entity in the landscape and that it is not associated with a focal point.

The existence or otherwise of a visual entity is not a matter of fact but of subjective judgment on which opinions may differ. In this instance, the Commissioner did not agree with the Council's assessment. She found there was a strong awareness of the cluster and that because of relatively undeveloped lands on either side of it the cluster appears as a visual entity in the landscape. That was a planning judgment she was entitled to make.

The Commissioner accepted that the cluster is not located at a focal point or crossroads. She nevertheless did not attach determining weight to the failure of the proposal to meet the third criterion of Policy CTY 2a of PPS 21. You perceive an inconsistency of approach between this decision and seven other appeal decisions you have reviewed. Having studied these decisions, I have noted the following:-

- 2017/A0133** There is no reference to Policy CTY 2a. The main issues related to access.
- 2017/A0099** The Commissioner found that the cluster was not a visual entity in the landscape. The proposal therefore failed not only against Criterion 3 but also against Criterion 2 of Policy CTY 2a.
- 2017/A0080** The Commissioner found that the site was bounded on only one side by other development in the cluster and that the proposed development would not round off or consolidate the cluster. The proposal therefore failed against Criteria 4 and 5 as well as Criterion 3.
- 2017/A0058** The Commissioner found that the proposal failed against Criteria 2, 4 and 5 as well as Criterion 3.
- 2017/A0009** The Commissioner found that there was no existing cluster.
- 2016/A0163** The Commissioner, having found that the proposal failed against Criterion 3, specifically considered whether the failure could be set aside. He rejected the argument that the development would cause no harm as he found it would extend ribboning and erode rural character.
- 2016/A0060** The Commissioner found that the proposal failed against all six criteria of Policy CTY 2a.

As can be seen from the above summary, in all the appeals you have listed where Criterion 3 was found to be offended, other policy failures were also identified. The failure against Criterion 3 contributed to the conclusion that the appeals should be dismissed but in no appeal was it the sole



reason for dismissal. These decisions are all distinguishable from the decision complained of and I do not accept that they disclose an inconsistency of approach.

You may wish to look at two other appeal decisions – 2010/A0202 and 2014/A0245. In each of these decisions, as in the decision complained of, the Commissioner found that, taken in the round, the proposal was acceptable notwithstanding a failure against one of the criteria in Policy CTY 2a. That of course does not necessarily mean that in every instance where only one criterion is offended, that criterion will not be determining. It is important to stress that in applying policy every appeal must be decided on its own merits. That is why comparisons of this kind are of only limited value.

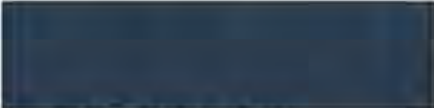
You express concern in your letter that the appeal decision may create a precedent for other dwellings on the western side of Craigdarragh Road. As the approved dwelling has been found acceptable, I do not believe it will create a bad precedent. Any future proposals will have to be considered on their merits against prevailing policy. The appeal decision will be a material consideration but the weight attached to it will depend on the similarities and differences between what has been approved and what is being proposed.

As you point out, Commissioner Fitzsimons made reference to the lack of definition on the northern boundary of the appeal site not being critical to the provision of a suitable degree of enclosure but went on to impose a condition requiring new planting on that boundary to ensure the proposed development would be further integrated into the countryside. It is important to note that the condition also referred to the retention of the existing vegetation along the eastern, western and southern boundaries of the site.

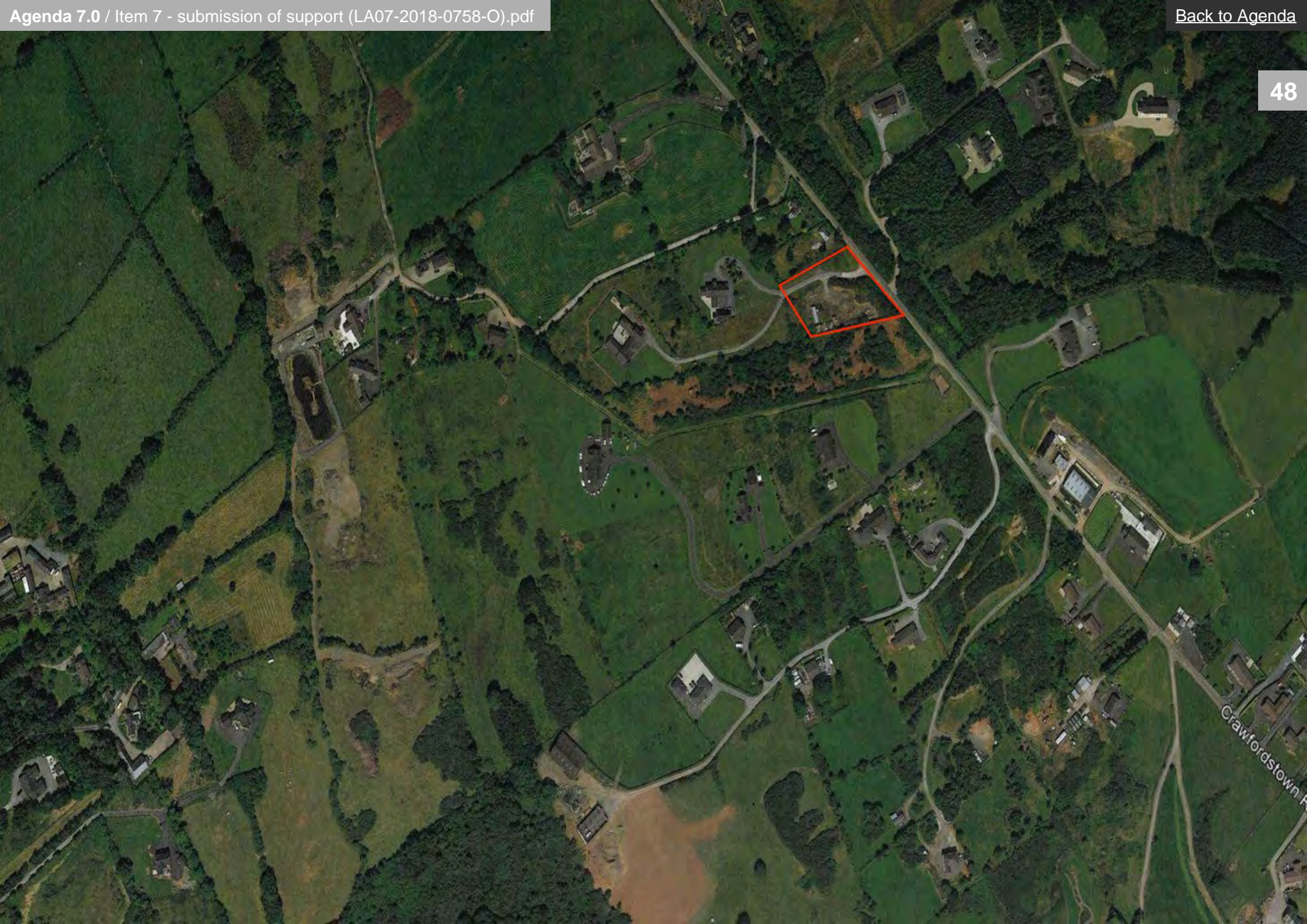
There is nothing illogical about the Commissioner's approach to enclosure and integration. It is entirely consonant with Paragraph 5.64 of PPS 21, which states that new tree planting for integration purposes will be considered together with existing landscape features.

Having carefully considered all the matters raised in your letter, I do not find your complaint to be justified. I hope that you will nonetheless find this reply helpful in explaining the Commission's approach to the application of policy.

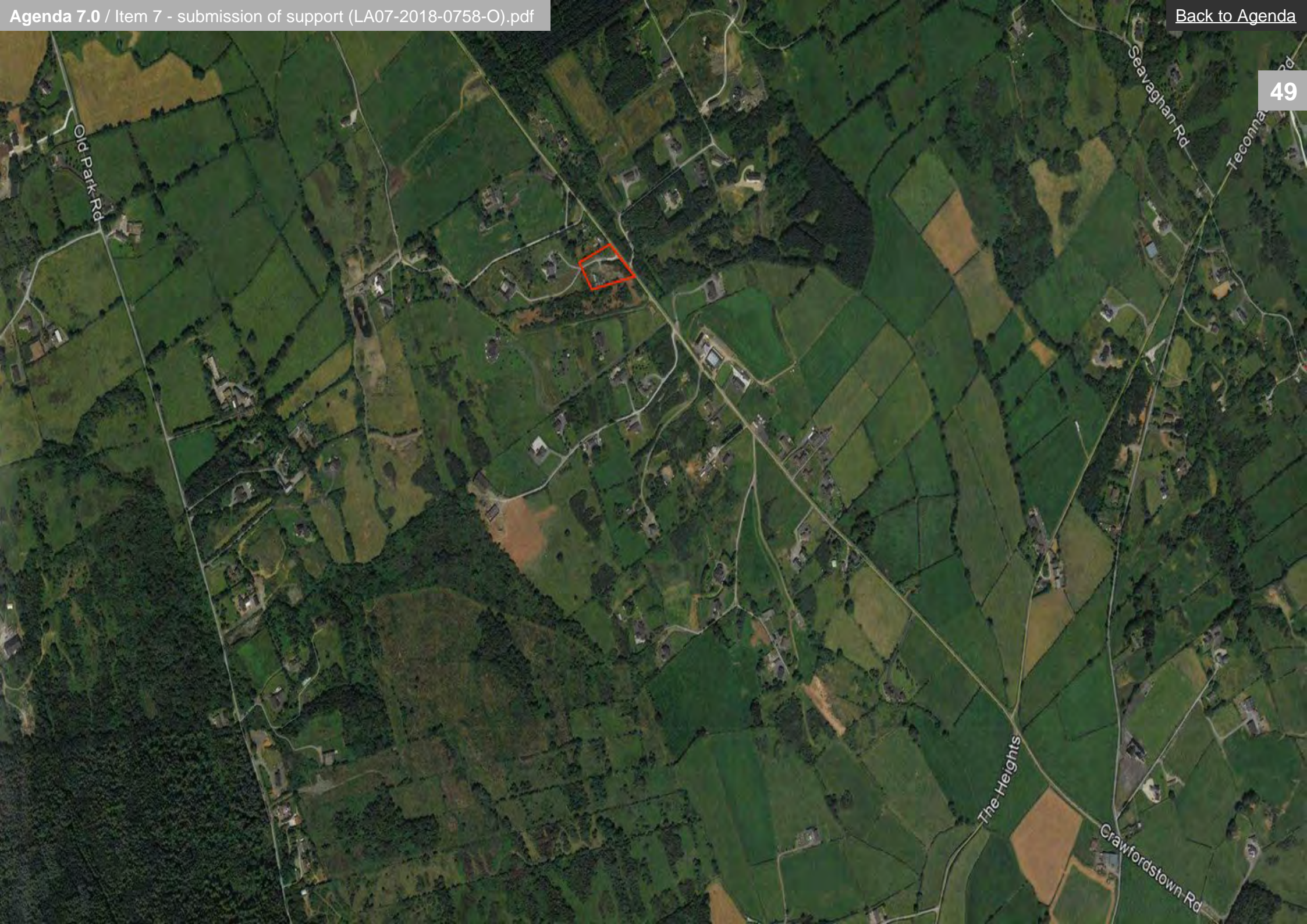
Yours sincerely


TREVOR A RUE
Deputy Chief Commissioner





Crawfordstown R





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1067/F

Date Received: 10th July 2017

Proposal: Demolition of existing building in ATC and construction of 2No holiday let apartments.

Location: 75 South Promenade Newcastle

Site Characteristics & Area Characteristics:



The site is located along South Promenade Newcastle and is comprised of a 0.05 hectare site which contains a vacant two-storey dwelling positioned immediately adjacent Mackins Bar.

The dwelling fronts onto the public road albeit for a small enclosed garden area to the front. The land to the rear of the building is accessed via an archway to the side of the dwelling, which leads to a beer garden area associated with the adjacent bar.



The area surrounding the site is predominantly residential in use, however, there are a number of retail premises within the vicinity, along with a public house immediately adjacent and opposite the site.

Site History:

R/2006/0389/F

Mackens Bar

Internal re-structuring and refurbishment of existing public house. Extended and upgraded ground floor winter garden lounge. Provision of external first floor terrace

Granted 05.10.16

R/2009/0266/F

Mackens Bar

Alterations of existing bar, ancillary space and storage to provide additional restaurant space, toilet facilities, office and kitchen area

Granted 30.03.2010

R/2015/0092/O

77 South Promenade Newcastle

Demolition of existing building and erection of 4No. apartments

Granted 15.10.2015

LA07/2016/0535/F

77 South Promenade

Demolition of existing building and erection of 4No apartments with amenity area to rear.

Granted 12.01.2017

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 3, PPS 16, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 02.08.17 and 19.12.2018

The following neighbours were notified of the proposal on 24.07.17 and 05.12.2018 (following receipt of amended proposal)

Nos 30, 32 304 and 36 King Street, Newcastle

Nos 63, 65, 67, 67a, 67b, 69a, 77, 77a-d and 79 South Promenade, Newcastle

No 6 coastguard Villas

Consultations:

In assessment of the proposal, consultations were carried out with

NIEA Coastal Development – Content

NIEA Drainage and Water – No specific comment informatives apply

Transport NI – Contrary to PPS 3 Policy AMP 7 provision cannot be made for the parking, turning, loading and unloading of vehicles attracted to the site.

Northern Ireland Water – Infrastructure available within 20m of proposal, but notes that site is located within development consultation zone in proximity to a Waste Water Treatment Works (WwTW) and there is a possibility of nuisance from odour and / or noise.

Environmental Health – No objections in principle, however, mitigation measures outlined in Noise Assessment dated 16th July 2018 should be implemented to afford a level of protection to the end users

Shared Environmental Service – The proposal would not be likely to have a significant effect on the features of any European Site.

HED – the proposal is sufficiently removed in situation and scale from the listed building at 63 King Street as to have no impact. However, HED considers the building to be of historic interest and offers an opportunity for the council to recognise and to reinforce the local distinctiveness of Newcastle, while also ensuring the critical objective of protecting, conserving and enhancing the historic environment as per the Regional Development Strategy (RDS) and SPPS as retained.

Objections & Representations

Pamela McClellan – 6 Coastguard Villas Newcastle has made comment on the proposal disputing the comments made by Transport NI, she also makes some suggestions as to how the concerns of Transport NI can be overcome.

Consideration and Assessment:

The site is located within the settlement limits of Newcastle and in an Area of Townscape Character as designated in the Ards and Down Area Plan 2015.

There is no previous history on this site, for this type of proposal, however, it is noted that a number of properties in the immediate vicinity have been demolished with apartments erected.

The proposal seeks full planning permission for the demolition of the existing dwelling and erection of 2 No holiday let apartments. The new structure will maintain the same dimensions and replicate many features of the existing dwelling i.e. vertical emphasis in the fenestration, bay windows, archway, chimney expressed on the ridge etc. It is proposed that the new dwelling will be finished with smooth render painted external walls, dark natural roof slates, black composite front and back doors, black upvc windows and rainwater goods.



Area of Townscape Character

The proposal seeks permission to demolish the existing building which is located within the Area of Townscape Character, therefore Policy ATC 1 of the Addendum to PPS 6 Areas of Townscape Character is applicable. This policy states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The demolition of an unlisted building in an ATC will only be permitted where it makes no material contribution to the distinctive character of the area. In assessment of this, it is considered that the character of the ATC in the immediate vicinity surrounding the site has been eroded through the approval of a number of recent apartment developments and therefore the demolition of the building is not considered to be significantly detrimental to the character of the area. It is however, worth noting that the replacement will replicate many of the original features of the existing building.

Tourism Policy

The policy context for this development is contained within TSM 1: Tourist Development in Settlements of PPS 16 which states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design and has regard to the specified provisions of a development plan.

In assessment of this, it is noted that the current area plan (ADAP 2015) has not zoned the site for any specific use and is therefore considered as 'white land'. In terms of the remaining policy requirements, it is considered that the proposal is appropriate to the settlement in terms of its use in principle, in addition, the proposal respects the site context in terms of scale and size. The design of the proposal is very similar to that currently on site and would therefore be acceptable.

Amenity / Noise Impact

In terms of amenity with regard to the sites position immediately adjacent a public house and beer garden, it is noted that the internal layout places a bedroom at ground floor with a study and kitchen at first floor. This layout has been considered as part of the Noise Assessment, which was carried out between 3rd and 10th July 2018. The NA found that the noise impact from traffic activity and general activity noise along South Promenade was not significant and that traffic noise rated glazing should be used on the front elevation.

The NA advises that typical levels for loud conversation and patron activity would be around 75 dB Laeq at 1m. The assessment found that the levels at the façade may

be up to a 74.1 dB Laeq during the daytime and 65.5 dB Laeq at night, with the highest recorded maximum of 81.7 dB Lamax at night while the bar was open.

The Noise Assessment has been considered by the Councils Environmental Health Department, who have concluded that there are no objections in principle to the proposed development provided the properties are used as holiday let apartments and that the mitigation measures recommended in the Noise Assessment are implemented in order to afford a level of protection to the end users of the holiday let apartments.

Those mitigating measures referred to are as follows

- The windows of the bedrooms overlooking South Promenade should provide at least 30.9 db Rw sound attenuation – the use of traffic noise rated glazing is recommended.
- The ground floor bedroom and first floor study should be fitted with a that would provide 40dB Rw attenuation
- First floor kitchen / dining room should be fitted with a window that would provide 36 dB Rw attenuation

The noise assessment concludes that the potential noise impact from loud conversation and patron activity in the smoking areas outside the bar will, in practice, meet the limits presented in current standards. The Council have no reason to dispute this and would recommend that all appropriate mitigating measures are conditioned.

Parking

As indicated above, there is no provision within the proposal for the parking, turning, loading and unloading of vehicles attracted to the site. On this basis, Transport NI have advised that the proposal is therefore contrary to Policy AMP 7 of PPS 3.

In support of the application, the applicant has submitted a Design and Access Statement which details that there is no vehicular access into the site at present and that on-street car parking is proposed as per existing dwelling.

In assessment of the above, having regard to the tourism nature of the proposal, the history of the site and that approved adjacent under applications R/2015/0092/O and LA07/2016/0535/F, where no parking provision was agreed, it is considered acceptable, in this case, to set aside the concerns of Transport NI and allow the scheme to proceed without a parking provision.

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 buildings hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residence.

Reason: This consent is hereby granted solely because of its proposed holiday use.

- 3. The bedroom windows overlooking South Promenade and those windows serving the ground floor bedroom and first floor kitchen and study to the rear of the approved building shall be fitted with glazing units which provide the appropriate sound attenuation as per the mitigation measures identified in the Noise Impact Assessment, dated 16th July 2018.

Reason: To protect the amenity of the occupants

- 4. All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Department.

Reason: To protect the integrity of Murlough ASSI/SAC designated sites and to avoid it being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).

Signed

Date

Signed

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1845/O

Date Received: 1st December 2017

Proposal: 2 no dwellings and garages and associated site and access works.

Location: Between 4 and 8 Ballintogher Road, Saul, Downpatrick.

Site Characteristics & Area Characteristics:

The site in question is agricultural lands located between 4 and 8 Ballintogher Road, Saul. The site is of an undulating topography and slopes away from the lane. There is a native hedge running between the lane and the site in question and the north western boundary is undefined. A recently constructed access has been created running through the site.

The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015 the site is however located within the Strangford and Lecale Area of Outstanding Natural Beauty and is also located adjacent to but not within a pluvial surface water flood zone.

Site History:

R/2011/0604/F – 8 Ballintogher Road, Saul – proposed granny flat extension to dwelling – 03-07-2012- granted.

R/2010/0525/F – 6 Ballintogher Road, Raholp, Downpatrick – replacement garage and stable – 13-01-2011 – granted.

R/2010/0461/F – 2 Ballintogher Road – proposed conversion and re use of existing non residential farm building to single storey dwelling for private use, retaining existing walls and openings and re-roofing existing building – granted – 28-10-2010.

R/2009/1067/F – 8A Ballintogher Road, Downpatrick – multipurpose garage/shed – to house camper van, car and boat – 29-09-2011 – granted.

R/2000/0872/F – 8a Ballintogher Road, Downpatrick – retrospective approval for dwelling as built – 06-09-2000 – granted.

R/1974/0286- 8 Ballintogher Road, Downpatrick – Bungalow – refusal – 29-08-1974.

R/1975/0075 – 8 Ballintogher road, Raholp – bungalow – refusal - 08-04-1975

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 15 Planning and Flood Risk, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

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

Rivers Agency was also consulted in relation to the proposal and has responded with no objections.

Transport NI was consulted in relation to the proposal and initially responded requesting additional information, on two occasions however once additional information was received Transport NI had no further objections.

Objections & Representations

The application was advertised in the local press on 20th December 2017 which expired on 3rd January 2018. Neighbour notification issued on 10th January 2018 which expired on 24th January 2018. To date three objections have been registered in relation to the proposal.

An objection was date stamped received on 18th December 2018 from no 4 Ballintogher Road and the objection was on the following basis:

- Concern of increased flow of traffic on a narrow gravel country lane and possible damage to the surface of laneway caused by heavy lorries making deliveries.
- Environmental concerns relating to damage to a natural spring which runs down the side of the lane.
- Provision of an adequate sewerage system due to the already wet, damp nature of the site.

The second objection received was from two separate addresses and was date stamped received 22nd January 2018 and was on the following basis:

- Site lies outside settlement limits and in a green belt.
- Site is low lying and not capable of being drained.
- Un adopted access lanes from the country road are incapable of accommodating the necessary construction traffic and machinery.
- The proposed access lane is not in ownership or control of the applicant.
- The existing access lane is substandard and unsuitable for intensification of use.
- The site is not able to accommodate two dwelling.

Consideration and Assessment:

The application has been presented as an application for an infill opportunity and therefore the application will be assessed under CTY 8 Ribbon Development.

CTY 8 States that planning permission will be refused for a building which creates or adds to a ribbon of development in the countryside however 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 provided it respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size.

The existing site measuring 74m along the frontage sits between the rear amenity of no 4 Ballintogher Road and no 8 Ballintogher Road though it is noted that there appears to have been an unauthorised extension to the curtilage of no 8 Ballintogher Road. In absence of an application to regularise the extension of the curtilage to no 8 Ballintogher Road the curtilage will be taken as what was previously approved and what is currently defined by a timber boundary fence. This results in a discrepancy as to the frontage figures. It appears that there has been an extension of curtilage to no 8 and on site at present is a small wooden outhouse on the piece of land that is part of the extension of curtilage. The frontage of no 8 is 37.9m in length, the unauthorised extension accounts for approx. 10m. Property no 8a has a frontage of approx. 37.5m and property no 4 has an overall frontage of approx. 50.84 overall with approx. 24m of that being this side of the bend given it occupies a corner site. The second measurement of importance is the building to building measurement which is 110m between property no 4 and property no 8.

Property no 4 frontage is 50.84 in total however on 24m of that contributes to the frontage when taking into consideration the break in frontage to appreciate the gap therefore the frontage of no 4 Ballintogher Road is hereafter referred to as 24m as the remainder of the curtilage is around the corner and not read as part of this frontage.

No 4 Ballintogher Road – 24m

Gap site – 74m

No 8 Ballintogher Road – 37.9m

Unauthorised extension to no the curtilage of no 8 adjacent to site – 10m

No 8A Ballintogher Road 37.5m

The average plot size in terms of frontages is 33m, the site in question offers an average plot size of approx. 37m however the building to building separation of 110m could accommodate in excess of 3 frontages of the average plot size therefore the gap provided is not considered to be a small gap site sufficient to only accommodate up to a maximum of two houses within an otherwise substantial and built up frontage. The proposal does not respect the existing development pattern in terms of plot size. It is noted that even if the additional lands claimed by no 8 are taken into consideration the policy test is still not met.

For the purposes of the policy it is considered there are 3 or more buildings in a row and it is considered that as this site does not constitute a gap site to develop this site would result in additional ribboning along the existing lane.

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

- **It is a prominent feature in the landscape.**

it is not considered that suitably designed dwellings at this location would be a prominent feature in the landscape given the topography of the land and the nature of the surrounding development. It would be appropriate to condition the dwellings to be single storey in height and design in order to not appear prominent.

- **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 and it relies primarily on the use of new landscaping for integration.**

The site in question has a good boundary to the lane side of the site however this has been punctured recently with the provision of an unauthorised access. It is also considered that this boundary will be further impacted upon if access were to be created through it. That said given the lay of the land the surrounding landscape it is not considered that this site will rely on new planting for integration although it is noted additional planting will be required to a degree.

- **Ancillary works do not integrate with their surroundings.**

It is considered that the ancillary works would be capable of integrating successfully with the surroundings. It is noted that there are objections in relation to the structural suitability of the lane however it would be the responsibility of the developer to ensure any damage as a result of construction works are repaired, the fear of this would not be a reason for refusal.

- **The design of the building is inappropriate for the site and its locality.**

Suitably designed dwellings could be accommodated on the site. It would be considered necessary for the proposed dwellings to be single storey in height and also in design to ensure that they visually integrated into the landscape and respected the character of the surrounding development.

- **It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.**

Further consideration can be given to the suitability of the design in relation to the existing landform at reserved matters stages should the application be considered acceptable however it is considered that the site could be developed for two dwellings that would be able to blend with the existing landform and natural features in terms of the physical built structure.

The application is also considered against CTY 14 Rural Character.

Dwellings located at this site would not be considered to be unduly prominent in the landscape provided they were suitably conditioned and designed accordingly.

It is not considered that development of the site would result in a suburban type build up on the lands when viewed with existing and approved development and the development of the site is not likely to offer any deviation from the existing pattern of development of settlement exhibited in the area.

It is considered that development of the site would lead to the addition of ribboning along the Ballintogher Road.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary SPPS and to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed gap site can accommodate more than two dwellings.
- The proposal is contrary SPPS and to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Case officer:

Authorised by:

Date:

WRITTEN SUBMISSION - LA07/2017/1845/O

Planning Committee Meeting Wed. 10th April 2019.

Planning Application Details:

Application Reference: LA07/2017/1845/O
Date Received: 1st December 2017
Proposal: 2 no dwellings and garages and associated site and access works.
Location: Between 4 and 8 Ballintogher Road, Saul, Downpatrick.
Applicant: Mrs C McMullan
Recommendation: Refusal

We are grateful to the Planning Committee for the opportunity to present this written statement for their consideration.

The recommendation for refusal on the delegated list, week commencing 11th Feb. 2019, is rebutted as follows:

Refusal Reasons:

1. The proposal is contrary SPPS and to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed gap site can accommodate more than two dwellings.
2. The proposal is contrary SPPS and to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

The planning report does not contest that a substantial and built up frontage exists between No.4 and No.8a but rather that the gap site can accommodate more than two dwellings. It appears from the Planners report that this conclusion arises from the measurement and calculation of the existing and proposed frontages. Of particular note is the statement that property No.4 has a frontage of 50.84m in total but that only 24m of this frontage will be used in the frontage calculations due to there being a bend in the lane at No.4.

Firstly, an accurate measurement using CAD confirms the frontage to No.4 as being 56m in length not 50.84m as stated in the planning report. I refer also to the numerous Planning Appeals Commissioners when during planning appeals have clarified what a frontage is, for example, Commissioner Pamela O'Donnell, dated 23 May 2017 stated: "A building has frontage to the road if the plot on which it stands abuts or shares a boundary with the road." As we know from policy reference to road frontage also means frontage to a lane or footpath.

Based on the above Commissioners statement a frontage can be well defined and measured, in this case 56m. To say that a building with a continuous boundary to the same lane can have only a portion of that frontage used to assess average frontages is to dismiss the Commissioners definition. We therefore propose that the whole 56m of frontage to No.4 is used in the calculation of frontages.

We also note that the Planners report refers to an area of unauthorised curtilage extension to the side of No. 8a. of approx. 10m. As clarification; the frontage of 8a (as originally calculated) was 44m and the area noted by the planning report is actually 8m wide. This would recalculate the frontage of 8a as being 36m.

Average Existing Frontages

No. 8	37.50m
No. 8a	36.00m
No. 4	56.00m
<u>Average</u>	<u>43.17m</u>

A recalculation of the average existing frontages would equate to 43.17m, with each of the proposed 2No. plots having a frontage of 40m.

The same calculation but with 3 plots would provide 3 frontages each being 26.66m; it therefore follows that 3 plots would not respect the existing development pattern along the frontage and that the gap site can not accommodate more than two dwellings.

The planning report also refers to a building to building distance of 110m. We however do not believe that this can be used as a measure to determine plot frontages as it will contain substantial areas of side gardens within the ownership of No.4 and 8a. Policy CTY8 does not refer to building to building distances but rather to respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.

The principles of respecting the existing development pattern are expanded on in 'Building on Tradition' which is supplementary planning guidance to PPS21. The section dealing with gap sites and infill principles never refers to 'building to building' distances. This design guide even gives an example of a well sited and scaled 2 house infill reflecting traditional patterns of development; it is interesting to note that if a building to building distance rule was applied to this example it would follow that the proposal would be rejected.

The only reference to gaps between buildings is in the Justification and Amplification of Policy CTY8. This however refers to visual breaks in the developed appearance of the locality and which help maintain rural character. It goes on to state that the infilling of such gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously build up frontage.

As in Policy CTY8 reference in the Justification and Amplification is made to the gap being within an otherwise substantial and continuously build up frontage i.e. the gap is to be between frontages (not between buildings) and as earlier stated frontages has been defined by several Planning Commissioners as the plot on which a building stands where it abuts or shares a boundary with a road, lane or footpath.

We believe that this application is wholly within the policy terms of CTY8 and that an approval will reflect the policy's intention and that the two stated reasons for refusal will fall away

We are assured that the Planning Committee will give this submission due consideration and are hopeful the application will be granted approval.

Yours Faithfully

Nicholas O'Neill for O'Neill Architecture.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0377/O

Date Received: 26/02/2018

Proposal: Replacement Dwelling and Garage

Location: 20m East of 53 Beechview Road, BT309DS



Site Characteristics & Area Characteristics:

Characteristics of site:

The site is located along the Beechview Road, with a total area of approximately 0.25 hectares, which contains a single storey structure that currently lies vacant. The existing structure is located towards the western boundary of the site, sited approximately 6.5m east of No. 53 Beechview Road. Boundary treatment is defined by the western boundary being bordered by a stoned laneway. The front boundary consists of a dwarf wall that encloses a concrete slab surface. The existing structure

has no defined boundary to the east and rear, fronting onto an open field. The structure is accessed via a stoned laneway, which serves as access to a large barrel vaulted shed and 2 additional large sheds.

Characteristics of area:

The application site is located outside any settlement development limits as designated with the Ards and Down Area Plan 2015. The area is of typical rural character and predominately agricultural use. There are a number of single storey detached dwellings within the immediate area of the site.



Side elevation of Structure



Proposed site for replacement



Views to proposed site from Beechview Road

Site History:

LA07/2017/0219/CA. 53 Beechview Road, Crossgar, BT309DS. Alleged U/A change of use agricultural building to boarding kennels and cattery. Case on-going

LA07/2017/0497/F Site. adjacent to 162 Derryboy Road, Crossgar, BT30 9DJ. Change of house type from previous approval R/2013/0526/F to include dwelling, garage and new access. Permission granted.17.11.2017

R/2014/0137/CA 162. Derryboy Road,Ballyaligan,Crossgar,Down,BT30 9DJ, Alleged unauthorised change of use of garage to dwelling. Enforcement case closed. 09.06.2015

R/2013/0526/F Lands adjacent 162. Derryboy Road, Crossgar, BT30 9DJ. Proposed 2no infill building sites for detached dwellings with garages. Permission granted. 21/05/2014

R/2010/0123/F 162. Derryboy Road, Crossgar, BT30 9DJ. Detached Domestic garage & domestic store. Permission granted. 04.10.2010

R/2010/0750/RM. New Dwelling adjacent to 57 Beechview Road, Crossgar BT309DS. Permission granted 17.01.2011

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Planning Policy Statement 3 – Access, Movement and Parking

AMP 2 - Access to Public Roads

AMP 3 - Access to Protected Routes

AMP 7 - Car Parking and Servicing Arrangements

PPS 21 - Sustainable Development in the Countryside

CTY 1 - Development in the Countryside

CTY 3 - Replacement Dwellings

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 -Rural Character

Consultations:

NI Water – No objections

DFI Roads – No objections subject to the RM application being in compliance with the attached RS1 form.

Objections & Representations:

2 Neighbour within close proximity of the site were notified on 21/03/2018. This application was advertised in the local press on 28/03/2018. No objections or representations have been received.

Consideration and Assessment:PPS 21 - Sustainable Development in the Countryside

The policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' whereby PPS21 sets out the planning policies for development in the countryside. Policy CTY 1 'Development in the Countryside' of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

There is no lawful status to the structure the subject of this application. The application is for a replacement dwelling and garage. The structure to be replaced is a prefabricated construction measuring approximately 4m x 13m.

Policy CTY3 allows for the replacement of dwellings and buildings previously used as dwellings. Notwithstanding the supporting evidence submitted for its past use for residential purposes it would not qualify for replacement if the use was unauthorised.

In this case, there is no LDC in respect of the subject building and as such, it cannot be concluded that it represents a valid replacement opportunity. Even if a LDC were in place, paragraph 1 of Policy CTY3 requires that the building to be replaced exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. I accept that all external walls of the subject building are substantially intact. However, It must be considered whether the building to be replaced exhibits the essential characteristics of a dwelling. The policy reference to the physical state of the building suggests that "essential characteristics" are both functional and physical. In this case, the internal layout of the accommodation is characteristic of the interior layout of a dwelling having a living room, kitchen,

bathroom and bedroom. In visual terms the building does not have the appearance of a dwelling. From all critical viewpoints it reads as a prefab office.

In light of the above, It is considered that the building to be replaced does not exhibit the essential characteristics of a dwelling to comply with Policy CTY3.

The proposal is therefore unacceptable in principle. As such, it is not necessary to consider the criteria for all replacement cases. Accordingly, the proposal is contrary to Policy CTY1 of PPS21.

Policy CTY 13 requires that a new building in the countryside be visually integrated into the surrounding landscape and it is of an appropriate design. The lands outlined in red for the replacement dwelling are carved out of a larger agricultural field. The boundaries are undefined, with the only existing boundary to the site to be removed to provide the required visibility splays. Given the position of the dwelling in the field and the removal of the roadside screening for the required splays the proposal will rely heavily on new landscaping to enable the dwelling to integrate into the landscape. Therefore the proposed development fails to satisfy policy CTY 13.

Policy CTY14 requires that buildings in the countryside not to cause a detrimental change to or further erode the rural character of the area. The proposed dwelling is to be located to the approx. 20m to the east of the structure currently in situ. Given the position of the proposed dwelling along the road frontage and the creation of a new driveway and access to the east of the site and, the development would result in the addition to a ribbon of development along the Beechview Road, when viewed with the existing development. Case Officer considers that the proposal would result in a suburban style build-up of development, as a result it fails to satisfy policy CTY 14.

PPS 3 - Planning Policy Statement 3 – Access, Movement and Parking

AMP 2 - Access to Public Roads states that planning permission will only be granted for a development proposal involving the intensification of the use of an existing access onto a public road where such access will not prejudice road safety. DFI Roads are content with the proposal, however as part of the reserved matters stage require a scale plan and accurate site survey at 1:500 (minimum) showing the

access to be constructed and other requirements in accordance with the attached form RS1.

Recommendation:
Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and therefore there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is unable to provide a suitable degree of enclosure for the building to integrate into the landscape as the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore further erode the rural character of the countryside.

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:

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Newry Mourne & Down Council
Planning Office
Downshire Civic Centre
Ardglass Road,
DOWNPATRICK,
BT30 6GQ

29th March 2019

Re: LA07/2018/0377/O – Replacement Dwelling and Garage 20m East of 53, Beechview Road for Mr & Mrs McBlain

This application is on the Schedule for the 10th April 2019 Council Planning Committee Meeting with an opinion to refuse.

A. BACKGROUND

A. 1 This proposal was submitted 26th February 2018 and on 2nd May Planning Office wrote stating the application was fundamentally flawed and recommended for refusal as contrary to CTY1, 8, 13 & 14 (**but not CTY3 Replacement**). Further, any amendments received may be returned. (**Copy enclosed**)

A. 2 Amended layout drawings were submitted with the dwelling replaced in situ, thereby meeting Policies CTY8, 13 & 14. Council's acknowledgment of 12th June said the amendments would not be considered but could be brought to Council. (**Copy enclosed**)

The application was scheduled to the 19th December Council as a refusal on the grounds of being contrary to CTY3, 13 & 14.

B. DISCUSSION AT COUNCIL

B. 1 Planners argued that the access would entail the loss of the frontage hedge and open the site up to views. It was shown that due to the curve of the road, this was not the case. In fact the frontage hedge would be retained intact. (**See enclosed Existing and Proposed Site Plan**)

B. 2 Planners argued that the off site replacement would lead to CTY13 integration issues and CTY8 ribboning issues. The amended in situ layout overcame this.

B. 3 Policy CTY3 states permission **will** be granted for a replacement where the building exhibits the essential characteristics of a dwelling and all external walls are substantially intact. **All references to dwellings include buildings previously used as dwellings.**

The Case Officer accepted all external walls are intact and the internal layout is characteristic of the internal layout of a dwelling, having a living room, kitchen, bathroom and bedroom. Photos of the internal layout were part of the submission, as were details of its erection and a recent PAC approval for a similar building. However

the planner present felt that the structure read as a prefab office and argued against any approval. Council voted to allow the applicant time to submit supportive details.

C. DETAILS OF THE STRUCTURE

C. 1 Date of Erection

As already detailed the building was purchased in Dromore and erected on site by David Buckley for his father, Sammy, in June-August 1996. David Buckley of Buckley Engineering lived in No.53 and he was assisted by Willie Ross (who lived in No.57) and Kevin Watson. Between them they put the roof on, plumbed it in to the existing septic tank, installed electric and phone, plumbed in all the pipe work for the bathroom and kitchen and installed a Park Ray fire. **(See enclosed letters)**

Confirmation of this information is given by seven subsequent letters from neighbours confirming that Sammy Buckley lived in the mobile from 1996 until 2002, and up until 2014 it was used to accommodate visiting relatives. **(See enclosed letters)**

C. 2 Interior of Dwelling

The dwelling had concrete steps to the front and hard standing surrounds. It comprised a living room, kitchen, bathroom and bedroom all connected to electricity, mains water and septic tank and had its own boiler and radiators. The roof was pitched and slated and had an attic void. Internal photographs are enclosed. **(See Appendix 1)**

C. 3 The Gardens

The house stood in its own curtilage which had a rendered wall to both the lane and Beechview Road and a post and wire fence to the field. The enclosed letters mention he was a keen gardener, planting flowers and heather and he also had apple trees. In his garden he kept bee hives and also had a chicken coop and a duck pen. **(See Google Photos)**

C. 4 Recent PAC Decision 2016/A0042 determined 23rd September 2016

This concerned a prefabricated structure measuring 6m x 10m with a flat felt roof and plastered stippled external walls which had been erected on site. It comprised a living room, kitchen, bathroom and two bedrooms. It was connected to mains water and electricity and had a septic tank.

Planners took the view it was of temporary construction and it lay within the definition of a caravan under the Caravan Act 2011. It was argued that the structure was mobile and could be towed from place to place.

P.A.C.'s determination was that it was a prefabricated dwelling but this did not mean it was of temporary construction or a caravan. Thus approval was granted.

D. Case for Approval

David Buckley lived in No.53 Beechview Road, a small cottage, until 2014 when he emigrated to Canada. In 1996 he bought the prefabricated building in Dromore as a home for his recently widowed father, Sammy. It was erected adjoining No.53 in June-August 1996. **(See letters from builders)**

The completed dwelling had a pitched slate roof and was connected to a septic tank, the electricity grid and the telephone system. Inside it had a modern kitchen and bathroom, living room and bedroom, plus central heating from a Rayburn boiler.

Outside it had a well maintained garden with flowers, heathers and fruit trees. Sammy Buckley also kept bees, hens and ducks in his garden. Sammy Buckley lived in this house until his death in 2002. (See enclosed letters from neighbours and Google Photos). Subsequent to his death the house was occupied part time by other relatives.

Councillors were sympathetic and wanted to give Mr McBlain a chance to prove his case. However, Planners suggested Mr McBlain apply for a Certificate of Lawful Development, knowing that for this approach to be successful, the dwelling would have had to be continuously occupied for the last 5 years. As this is patently not the case this suggestion was unhelpful.

Mr McBlain feels he has a strong case, namely:-

- **The structure was built as a dwelling and continuously occupied for 6 years. Additionally, the dwelling was used to accommodate family members visiting David Buckley up until 2014. This brings the proposal inside CTY3.**
- **As the amended layout retains the frontage hedge intact integration will be acceptable.**
- **As the new dwelling is proposed in situ the issue of ribboning does not arise**
- **No objections were received regarding the application**

In his view, when the above factors are considered, the proposal warrants approval.

Mr McBlain would like to thank Councillors for affording him the opportunity to provide this submission and trust they will take full account of the information provided.

LA07/2018/0377/O – Replacement 53 Beechview Road**LETTERS**

1. W.J. Ross & Mary Ross of 57 Beechview Road – lived there since 1984 – David and Kerry Buckley lived in No.53 and father Sammy lived in mobile 1996 until early 2000's
2. William Armstrong of 39 Beechview Road states Sammy Buckley lived in mobile from 1996 for 6 years
3. John Stevenson of 175 Derryboye Road states for a few years Sammy Buckley lived in the mobile
4. Robert Neill of 168 Derryboye Road recalls Mr Buckley living in the mobile in the late 1990's and he was a beekeeper and kept poultry
5. Pamela Ross of 166 Derryboye Road has lived there since 1984 and states Sammy Buckley lived in the mobile for many years in the 1990's until his death in the early 2000's.
6. Ethel Murdock of 162 Derryboye Road grew up in 53 Beechview Road and her father sold it to David and Kerry Buckley in 1991. She confirms Kerry's father Sammy lived in the mobile from approximately 1996 to 2002
7. Mr A O'Hare of 35 Tareesh Lane – friend of David Buckley and visited Sammy in the mobile home. Confirms Sammy lived there until his death in 2004. The mobile home was then used for visiting family (e.g. relations from Canada) until David Buckley sold No.53 in 2014.

PREVIOUS LETTERS SUBMITTED DURING APPLICATION

1. From David Buckley – He bought the mobile home in Dromore in 1996 and with the help of Willie Ross put the roof on, plumbed it in to the existing septic tank, put in electric and phone. Dad lived there and kept bees and has apple trees
2. Kevin Watson - Worked with David Buckley from Buckley Engineering and helped him plumb in all pipe work for bathroom and kitchen around 1996
3. W. J. Ross – helped David Buckley erect mobile in June & July 1996



Ewart Davis
14 Killynure Avenue
Carryduff
Belfast
BT8 8ED

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

Date: 2nd May 2018
Your Ref:
Our Ref: LA07/2018/0377/0
(Please quote at all times)
Please Contact: Sean Maguire
Contact Number 0300 200 7830

Dear Sir/Madam,

Location: 20m east of 53 Beechview Road, Crossgar, BT30 9DS,

Proposal: Replacement dwelling and garage

I refer to the above planning application currently with the Planning Office of Newry Mourne and Down Council for determination.

I am writing to advise you that following a detailed consideration of the application as submitted, it is the opinion of the Planning Office that the application is fundamentally flawed and is being recommended for refusal, namely that it is contrary to CTY 1, 8, 13 and 14.

The Planning office is not requesting any amendments on the application and any received may be returned to you.

Please be advised that it is the intention of the Planning Office to recommend the application to the next meeting of Newry Mourne and Down Planning Committee (please check the web site for details). A copy of the case officer's consideration will be available to you upon the issuing of the agenda by the Council 2 weeks prior to the Planning Committee meeting date.

Details of how to avail of your Speaking Rights is contained within the Planning Committee Operating Protocol which can be accessed through the link below. The Councils Scheme of Delegation is also available at <http://www.newrymournedown.org/planning>

I trust that the above clearly sets out the Councils position on the matter.

Yours faithfully

S. Maguire

Newry, Mourne and Down Planning Manager

P.P.

20m East of Beechview Road

Wed, 17 Jun 2018 15:21

From: Sean Maguire@nmdc.org

To: ewad.davis@btinternet.com

Good afternoon Ewad.

I have received your amended drawings in the post today.

However myself and the Planning Department will not be assessing these drawings, as we have made our recommendation of refusal.

I sent you a letter on 2nd May 2018 explaining our reasons for refusal and stating additional material will not be considered.

You may wish to bring the amended drawings to the meeting of Newry, Mourne and Down Planning Committee. (I will put the amended drawings into your application).

Regards,

Sean Maguire

Planning Assistant

Newry, Mourne and Down District Council

Oifig Dhún Pádraig

Downpatrick Office

Downshire Civic Centre

Downshire Estate, Ardglass Road

Downpatrick BT30 6GQ

Council: 0300 013 2233

Planning: 0300 200 7830

EXT : 4430

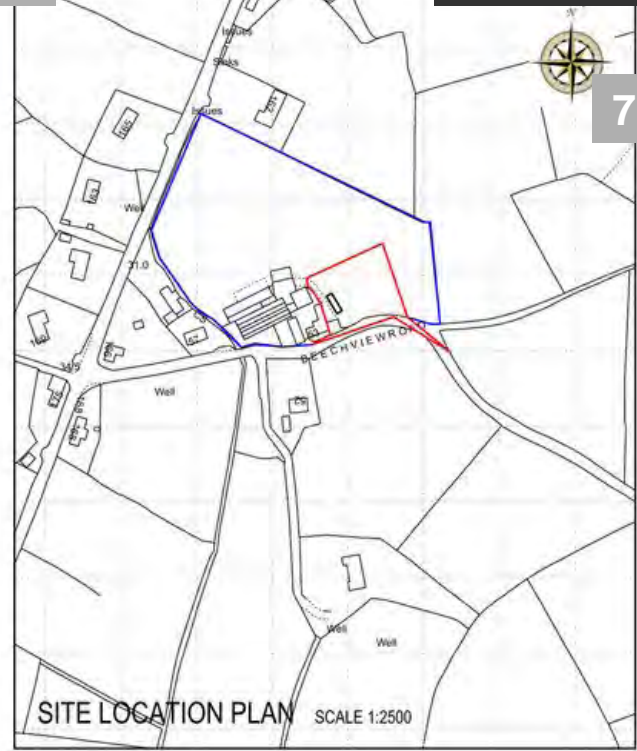
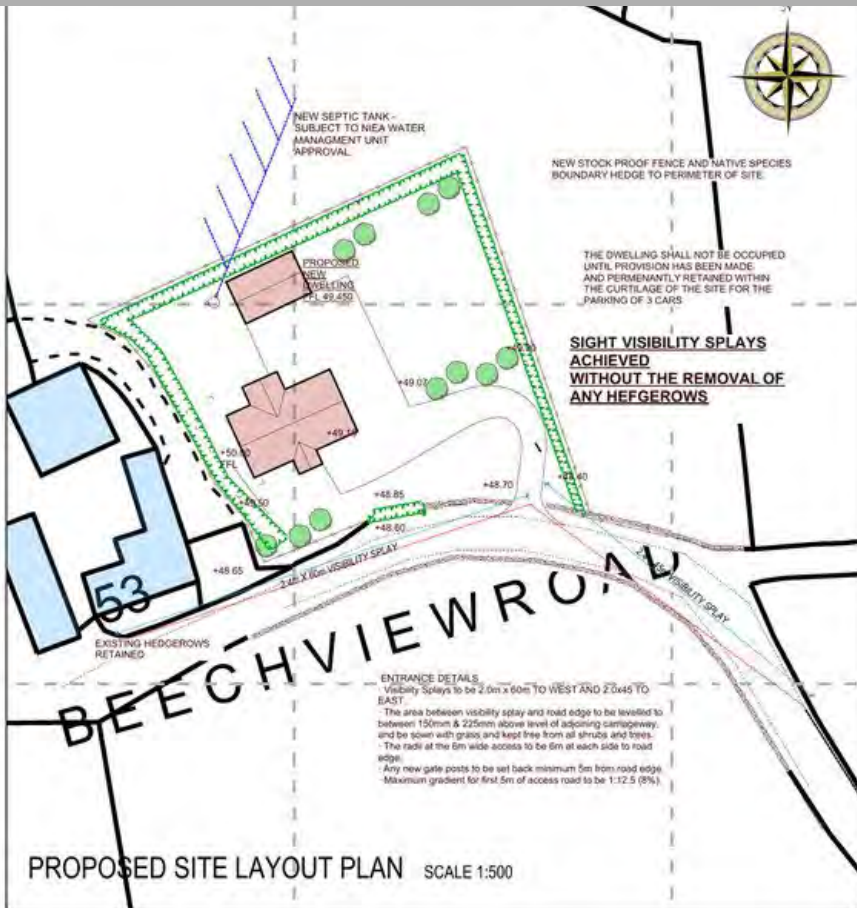
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—Inline Attachment Follows—



Site Title
PROPOSED REPLACEMENT DWELLING AND GARAGE ADJ TO 53 BEECHVIEW ROAD CROSSGAR FOR MR AND MRS McBLAIN

Drawers Name
EXISTING AND PROPOSED SITE PLANS AND SITE LOCATION

Drawn by	Date
MB	FEB 2018

Drawing Scale

Revision

REV A - PLANNING AMENDMENTS - 06/06/18
 REV B - NOTES ADDED RE HEDGEROWS ETC - 12/02/19

57 Beechview Road
Derryboy
Crossgar
BT30 9DS

Tel: 02844830159

12 January 2019

To whom it may concern,

RE: Confirmation if someone living in the mobile home adjacent to 53 Beechview Road,
Crossgar

My wife and I have lived at the above address since 1984. We live next door to No. 53. We have known the two previous owners and now the current owners John and Sharon McBlain of 53 Beechview Road.

We can confirm that when David and Kerry Buckley lived in No. 53 David's father Sammy Buckley lived in the mobile home in question. I believed he lived there from around 1996 until his death in the early two thousands. We shared many a conversation with Sammy Buckley over the years as we both had a keen interest in farming. This was nearly always the topic of conversation and we would have seen Sammy on a daily basis over the years.

If you require any further information please feel free to contact me.

Yours Faithfully

William & Mary Ross

W J Ross
Mary Ross

175, Derry Grove Road
Crossgar
BT30 9D5

8/1/19

(Tel 02230265478)

To whom it may concern.

I can state as a neighbour that for a few years in the 1990s the late Samuel Buehly (father of David Buehly previous owner) lived adjacent to no 53 Beechview Road.

This is now the property of John & Sharon McBlair

John Stevenson

168 Derrybeg Road
Crossgar
Downpatrick
BT30 905

Tel - 07762194559

1st January 2019

To whom it may concern.
RE. Confirmation of someone living in the
mobile home adjacent to 53 Beechview the
Crossgar

I live at the above address which looks
down onto 53 Beechview Road, My
family have farmed the ground across the
road to 53 Beechview Road for
generations.

I recall Mr Buckley living in the mobile
home in the late 1990's as he was
a keen Bee keeper and kept poultry
which interested me coming from a farming
background.

If you require any further information
on this matter please contact me

Yours faithfully

Robert Neill
R - Neill

Pamela Ross

166 Derryboy Road,

Crossgar, BT30 9DJ

10-01-2019

To Whom It May Concern,

I am writing in relation to the use of a mobile home that is situated at number 53 Beechview Road, Crossgar, BT30 9DS, I have lived at my current address on the Derryboy Road since 1984, my property is a short matter of metres from 53 Beechview Road with the back of my property overlooking theirs, during the period when 53 Beechview Road was owned by the Buckley family a mobile home was constructed on site and I can confirm with certainty that this mobile home was used as the residence of Mr David Buckley's Father Mr Sammy Buckley who lived there for many years in the 1990's until his death in the early 2000's

I often chatted with Sammy when he was walking his dog, I also did with Mrs Buckley's father who on occasion stayed in the mobile home when visiting the family after Sammy's death, I trust you will find this information useful, any further information that may be needed please don't hesitate to contact me. Thank you

Yours Faithfully



Ethel Murdock

162 Derryboy Road
Crossgar
Downpatrick
Co Down
BT30 9DJ

Email: mervyn.murdock@btinternet.com

Tel: 028 4483 0768

20 December 2018

To whom it may concern

RE: CONFIRMATION OF SOMEONE LIVING IN THE MOBILE
ADJACENT TO 53 BEECHVIEW ROAD, CROSSGAR

I grew up on my father's farm at 53 Beechview Road until I moved to a bungalow across the fields at the above address. My father sold the above address to David & Kerry Buckley in 1991 and Kerry's father moved into a mobile beside the farmhouse from approximately 1996 to 2002.

I have a clear view of the mobile from my kitchen window and can confirm I witnessed Sammy living in the mobile at this time. Please see below the view I have of the mobile.

If you require any further information, please don't hesitate to contact me.

Yours faithfully

E M Murdock

E M MURDOCK



Mr A O'Hare
35 Tareesh Lane
BT30 8QD
25th January 2019

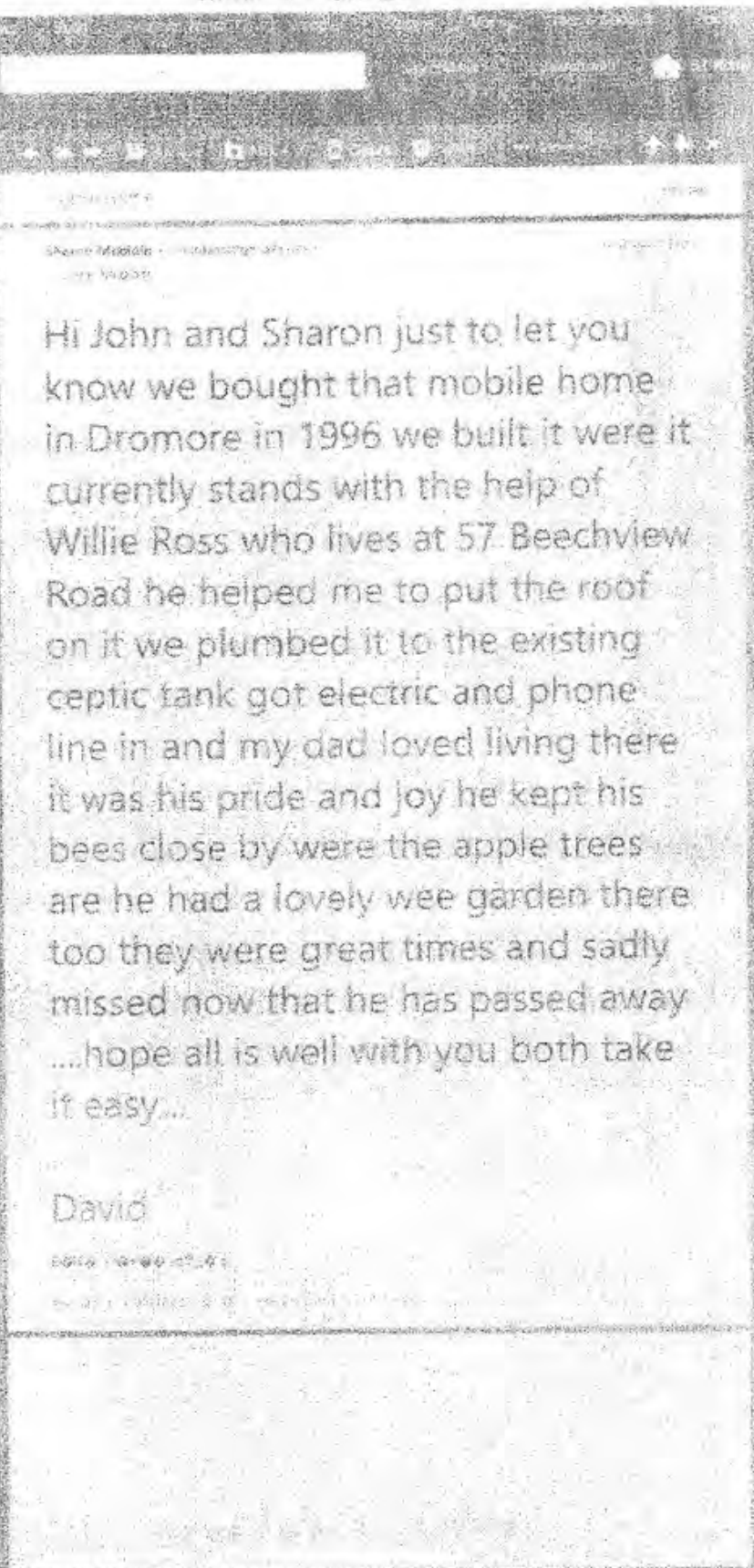
Dear Sir/Madam

I am dictating this letter in response to the use of a mobile home situated at number 53 Beechview Road Crossgar bt30 9ds, I was a personal friend of Mr David Buckley up until he moved to Canada in 2014 I knew his father very well (Sammy) I frequently visited the Buckley family as we were involved in relation to farming and on many occasion we helped each-other out in times of need, David Buckley's Father Sammy lived in the mobile home adjacent to Number 53 Beechview Road for around 6 or 7 years he was very happy there as he was close to his family he had everything he needed in the mobile he even had his own telephone line and a park ray fire in his living quarters and the heat would have put you out of the room when he lit the fire as it had a back boiler which run all his radiators it was quite a cramped space, many a time I would have sat alongside Sammy for a yarn and a cup of tea, I regarded him as a personal friend, he kept his bee's, some hens and ducks which gave him an interest, unfortunately Sammy passed away after a short illness around 2004, the mobile home became a focal point for other members of the extended family to stay there, relations from Canada would visit on many occasion and live at the mobile home as there was very little room in the cottage there was David his wife Kerry and two children Anna and Peter..... it remained a hub for David Buckley's children to stay there as they got older until around 2014 then David decided to move his family to Canada and sold the cottage to John and Sharon Mcblain.

If you need any further clarification on any matter relating to the above statement I will gladly assist.

Mr A O'Hare





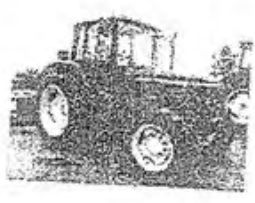
Hi John and Sharon just to let you know we bought that mobile home in Dromore in 1996 we built it were it currently stands with the help of Willie Ross who lives at 57 Beechview Road he helped me to put the roof on it we plumbed it to the existing ceptic tank got electric and phone line in and my dad loved living there it was his pride and joy he kept his bees close by were the apple trees are he had a lovely wee garden there too they were great times and sadly missed now that he has passed away ...hope all is well with you both take it easy...

David

Re. 53 Beetham Road 20/02/2018
Crossgar

To John & Susan I worked
with David Buckley from
Buckley engineering and
plumbed in all his pipe
work into his mobile home
this was around 1998
this included his bathroom and
I piped into his kitchen
area and installed a
Pank Ray live also if you
need any other information let
me know

Kevin Watson



WJ ROSS
Mobile Excavator and Dumper Hire
57 Beechview Road, Crossgar
Tel: 02844830159



In regard of mobile home
at 53 Beechview Rd Crossgar
I gave David Buckley a hand
to erect a mobile home on site
In and around June, July 1996.

W. J. Ross

13/02/2019

Google Maps

57 Beechview Rd

this is a side shot of the mobile home

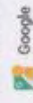
57 Beechview Rd - Google Maps



Google

Image capture: Sep 2008 © 2019 Google

Northern Ireland



Street View - Sep 2008



Photos of Interior of dwelling to be replaced



Central heating boiler



Fireplace



Kitchen



Bathroom



Radiator





Google

Image capture: Sep 2008 © 2019 Google

Northern Ireland



Street View - Sep 2008

KEEPING DUCKS WILD FOWL ETC



Google Maps 53 Beechview Rd



Google

Image capture: Sep 2008 © 2019 Google

Northern Ireland
Google
Street View - Sep 2008

BEE hives



Google Maps 53 Beechview Rd



Image capture: Sep 2008 © 2018 Google

Northern Ireland

Google, Inc.

Street View - Sep 2008





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0748/F

Date Received: May 2018

Proposal:

Full permission is sought for an un-manned Petrol Filling Station with associated plant room and alteration to existing parking and pedestrian crossing, on lands approx 15m NW of Ballymote Shopping Centre, Killough Rd, Downpatrick.

Applicant: Nicholl Fuel Oils Ltd.

Location:

The site is located within the development limits of Downpatrick, on land regarded as white-land, as identified in the Ards and Down Area Plan 2015.

It is noted this area of Downpatrick is largely characterised by housing with open space, however also includes Ballymote Shopping Centre and a sports complex. Ballymote Shopping Centre is identified as a Local Centre in the Area Plan.

While the lands comprising the application site are zoned as white-land, the open space grassed area to the north of the site, beyond the entrance road serving the development within Colmcille Rd, is zoned as an existing area of open space.

Site Characteristics & Area Characteristics:

The lands comprising the application site comprise a plot of land to the north side of the existing Ballymote Shopping Centre complex, whereby the red line extends to include the entrance road serving this shopping centre and also an existing area of parking, and grassed area. This area of parking appears to be an over-spill from the adjoining shopping centre. This site is accessed from the same existing access which serves the Ballymote Shopping Centre.

The site is bounded by the Killough Rd and residential properties of 2-10 Islandbane Walk to the front and rear.

A wide footpath runs along the boundary with the Killough Rd, whereby the ground levels rise gently from this road up to no.2-8 Islandbane Walk, which comprise single storey semi-detached and terraced properties. These properties are enclosed by railings with front garden areas, while a path also runs the front of these properties (outside the curtilage).

Site history

A history search has been carried out for the site and surrounds, whereby the history for the shopping centre and environmental improvements to the housing within Colmcille Rd is noted.

The approved Ballymote Shopping Centre complex (R/92/1125) included retail units, supermarket, offices and a training hall, whereby the boundary of this application extended to include the lands of the current application. The approved plans indicated this portion of the site was to be planted and landscaped.

There was also a previous approval on the application site for a new Sports complex to include main sports hall, boxing club and ancillary rooms with associated car parking (R/2006/0200).

No other relevant history was observed.

Representations

4 objections have been received to date (03-01-19) from the owner/occupiers of 7 Ballymote Pk, 7 Elliotts Court (Strangford), 12 Islandbane Walk, 9 Drumaness Walk, whereby the main issues raised include:

- the site is too close to residential properties in case of fire,
- this area is repeatedly targeted by arsonists and is vandalised, and there is a lot of anti-social behaviour in the area,
- there is a petrol station only 5 minutes away in the town,
- there is no demand in the area for this,
- there will be no benefit for residents, rather it will impact negatively on their lives,
- it will have a detrimental impact on a similar operating business operating just one mile away,
- there has been no consultation with the local community on this proposal,
- those supporting the proposal are not from the area. The residents should decide.

(It is noted the system states 5 letters of objection however one of these was logged twice, whereby a total of 4 objections have been received to date)

It is also noted 7 letters in support of the application have also been received from Ballymote Community Project Ltd, 20 Drumbuck Rd (Castlewellan), 64 Downpatrick Rd (Killough), McGreevys Butchers (Unit 2 Ballymote Centre), Musgrave Retail Partners (Belfast), 8 The Square (Clough), and Model Farm Community Association, whereby the main points raised include that this facility will:

- be a big asset to the area, whereby people can refuel here and avoid the town centre.
- There is no petrol filling station on the south side of Downpatrick. - the villages south of here also need access to fuel without having to travel through the town and add to congestion.
- There is a huge rural community in south Lecale,
- secure 140 permanent jobs at this site,
- make use of land that has little amenity value,
- is a critical component in maintaining the Ballymote Centre as a place to visit for a range of retail, health and community needs,
- welcome this unmanned filling station and additional parking being provided for customers of the centre,
- create employment and much needed service for the area,
- there is overwhelming support for this proposal,

- the site is zoned for economic activity.

See file for full content of issues raised as the above is only a summary.

Having account the extent of the red line neighbour notification was undertaken with a number of properties in Islandbane Walk, Drumaness Walk, Killough Walk and Ballymote Shopping Centre in May 2018, while the application was also advertised in the local press in June 2018.

A further round of neighbour notification was undertaken in Sept following receipt of amended plans.

Consultations-

Having account the nature of this proposal and location and constraints of the site and area, consultation was carried out with Transport NI, NI Water, Environmental Health, Shared Environmental Services (SES), Rivers Agency, and Historic Environment Division (HED), as part of this application.

NIW, HED and SES offered no objections in principle.

Environmental Health, Transport NI, and Rivers Agency initially requested further information.

Following receipt of further information these bodies now offer no objections in principle.

Policy considerations:-

RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS4, PPS6, PPS8, PPS15, and supplementary guidance.

The SPPS came into effect in Sept 2015, whereby the provisions apply to the whole of N.I, and must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

As stated above the site is located within the development limits of Downpatrick as identified in the Ards and Down Area Plan 2015.

The policies retained by the recently published SPPS include those listed above, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those listed.

As such it is considered the policies listed remain the applicable policy context to consider the proposed development under.

A Petrol Filling Station is considered to fall within the category of 'sui generis' and not within any particular Use Class.

The SPPS includes a number of subject policies including Economic Development, Industry and Commerce, and also Town Centres and Retailing.

It is considered petrol filling stations falls within the Retailing element of the SPPS, whereby this chapter focuses on a town centre first approach.

The application site is located outside the town centre, on land regarded as white-land, within an existing urban area, immediately adjacent to, and shares the entrance with Ballymote Shopping Centre. This Shopping Centre is identified as a Local Centre in the area

plan, and includes a mix of uses, whereby the wider area is largely characterised by housing, although also includes community facilities, and zoned industrial lands to the south. (The application site is not zoned for economic activity as alluded to in the representations received).

It is considered the use of this site as a petrol filling station will not adversely impact on the existing town centre of Downpatrick, due to its nature, which may be considered will consolidate the existing shopping centre site adjacent.

However concern is expressed as to whether this is an appropriate use in this area which is largely characterised and surrounded by housing.

As outlined above the application site extends to include the entrance road serving the Ballymote Shopping Centre, the end unit of this centre, the overspill car park associated with this centre and a grassed area. This overspill car park has capacity for approx 20 cars at present which is surrounded by a maintained grassed area.

This assessment is based on the amended/reduced scheme submitted in Aug 2018.

The site plan indicates the site will share the existing entrance road serving the Ballymote Shopping Centre, and also the existing access point serving the existing over-spill parking area, with improvements.

The petrol pumps will be located towards the northern end of the site adjacent to Colmcille Rd, while the central portion of the site will be used for parking.

This proposal includes 2 sets of un-manned pumps, with a total of 4 lanes, canopy and a plant room.

A total of 21 parking spaces are being provided in this existing area by reconfiguring the existing layout, while an additional 8 spaces are being provided to the side and rear of the end unit of the Ballymote Centre to the far side of the entrance road.

The current proposals and layout, (although reduced from the original submission comprising 42 spaces), includes a significantly larger area of hard-standing, which also extends significantly closer to the adjoining residential units in Islandbane Walk. A large area of hardstanding is proposed for the petrol filling station for vehicle movement.

It is noted the lands comprising the application site formed part of the application site for the original Ballymote Centre complex which requires consideration.

This portion of the site was to be grassed and landscaped. The landscaping and planting approved has not been carried out while the car parking currently on site does not have the benefit of planning permission, although it is noted from Google Earth images it has been in place since 2010.

It is considered the reconfiguration currently proposed which will result in the parking and also petrol filling station being located very close to the boundary with several residential properties, will harm the amenity of adjoining residents.

While it is noted there is an existing unauthorised over-spill car park in this area at present, the current proposals are larger and extend much closer to these adjoining residential properties.

It is considered this 24 hr facility with the associated increased vehicle movements, which will be very close to residential properties, will have a detrimental impact on, and will adversely impact on the quality of life and enjoyment of these residents.

No CLUD has been submitted to seek to regularise the use of this site as a car park.

Accordingly it is considered the proposal is contrary to PED9 of PPS4, even though planting is proposed to try and mitigate the potential impact.

It is noted residents from Islandbane Walk have objected to this proposal as outlined above.

Also, it is considered the use of this site as an unmanned petrol filling station in such close proximity to residential properties, is not compatible with this surrounding area, due to the adverse impact that will result, as outlined above and is again contrary to Policy PED9 of PPS4.

In addition to the provisions of PPS4, it is considered the development will result in the loss of an area of open space. As outlined above the site history indicated this area was to be landscape and planted out, as part of the development of the Ballymote Centre, however there has been an overspill car park at this location since 2010.

Policy OS1 (Protection of Open Space) of PPS8 (Open Space, Sport and Outdoor Recreation), states that development that results in the loss of existing open space will not be permitted. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception however can be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and subject to certain criteria.

While it is noted this site is zoned as white-land (and not specifically zoned as open space), it is considered this area of open space is of amenity value, and is well maintained, comprising part of several portions of open space/grass land in this wider area. This pocket of open space between the shopping centre and Colmcille Rd measures approx 0.25 hectares.

The agent submitted a Supporting Statement regarding the loss of open space, advising there is an abundance of existing zoned open space as well as proposed amenity open space in the immediate surrounding area. This site is described as 'left over land' by the agent from previous commercial and residential developments, which has been partially developed as a car park. Also that the site is of little amenity or visual value, and which is adjacent to a local centre.

It is also stated this proposal will provide a facility that is complimentary to the local centre and adjacent uses, and would not be out of character with the area.

The agent also advised a community consultation event took place in June 2018, whereby no issues were raised regarding loss of open space or biodiversity, with the majority of people in support of the proposals.

The site will include CCTV which it is believed will discourage anti-social behaviour. The proposed landscaping was also referred to.

In summary it is stated that given the limited amenity value of the site, its fragmented nature, the abundance of surrounding green open space in the area, it is considered the community benefits produced as a result of the development of this site would decisively outweigh the loss of open space.

In response to this supporting statement, no evidence has been provided demonstrating how the local community support the proposals. The reference to the community consultation event is noted however no details of this meeting have been provided, including how many attended and where from.

It is noted there is both support and opposition to this proposal as outlined above, with this support including 3 local properties, namely 2 units from the Ballymote Centre and local Community Association, while there are 4 objections to the proposals from local residents. There was also a recent newspaper article in the Mourne Observer from local residents in Model Farm and Flying Horse estates (publication date 20th June 2018).

On the basis of the information submitted it remains to be considered the proposals are contrary to Policy OS1 of PPS8, due to a loss of open space.

It is also noted the proposals include a total of 9 new street lighting columns, which will be 6m high. Lux levels and information has been provided. It is noted several of these lighting columns will be located close to residential properties, thus consultation was undertaken with Environmental Health who offer no objections in principle subject to condition.

Taking into account the above, it is considered the use of this site for a petrol filling station is not compatible with existing land uses, while it is also considered it will result in unacceptable impact on adjoining/adjacent residential properties, and will also result in the loss of open space.

Following initial consideration of the case a letter was issued to the agents in July 2018, outlining the concerns from the Planning Dept.

Amended proposals and further supporting information were submitted in Aug.

A further letter was issued to the agents in Oct advising the proposals remain to be considered unacceptable for the reasons outlined above.

A further letter was issued to the agents in Jan 2019 advising of the new Scheme of Delegation and that the application has now been recommended for Refusal.

Accordingly Refusal is recommended.

Recommendation: Refusal

Reasons:

- The proposal is contrary to Policy OS1 of PPS8: Open Space, Sport and Outdoor Recreation, in that the development would, if permitted, result in the loss of an area of existing open space.

- The proposal is contrary to Policy PED 9 of PPS4: Planning and Economic Development, in that the development would not be compatible with the surrounding land uses and will harm the amenities of nearby residents.

Proposed unmanned Petrol Filling Station with associated plant room and alteration to existing parking and pedestrian crossing (LA07/2018/0748/F)

Written submission in support of application – points for discussion at Planning Committee Meeting (10/04/19)

Kieran Burns (GM Design Associates - Agent):

- The site is unzoned white land within the Ards and Down Area Plan 2015 meaning there is no specific land use identified for the site. The site is not zoned as existing open space, nor is it zoned for the provision of open space.
- Policy OS 1 of PPS 8 states that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. The policy states that an exception will be permitted where development would produce such community benefit that this would decisively outweigh the loss of open space.
- The community benefits produced as a result of the proposed development of this site would decisively outweigh the loss of any perceived open space.
- There is an abundance of existing zoned open space and proposed amenity open space in the immediate surrounding area.
- Any loss of perceived open space will have no significant detrimental impact on the amenity, character or biodiversity of the area.
- This is a fragmented site with features which are not conducive with safe and enjoyable open space. Land is of little amenity or visual value and is adjacent to a local centre.
- The proposal is compliant with Policy PED 9 of PPS 4. It will provide a facility that is compatible to the adjacent local centre at Ballymote.
- The proposal will not adversely affect the amenity of adjacent residents. No issues identified by Env Health with regards to lighting, noise, odour etc. It will also help to reduce and deter anti-social behaviour.

- There is an identifiable local need for this facility with no other such filling stations located in the south side of Downpatrick.

Nicholas McCrickard (Ballymote Community Project Ltd - Supporter):

Background to Ballymote Centre

- BCPL is a local charity and community business which has helped to maintain and expand the centre for over 25 years.
- Over 150 permanent jobs on site – most employed directly from within a 10 mile radius
- It is the hub for the local estates and the wider Lecale peninsula
- Contains a supermarket, Post Office....etc. Also, a Community hall, Citizens advice HQ for Down, Action for Children and surestart – childrens centre, crèche and after school clubs, clanrye family intervention programmes, County Down Rural Community Network HQ and a variety of counselling, debt advice and other training and activities...

Why do we need a petrol filling station (and associated parking)

- Ballymote Centre is hugely successful but is a victim of that success. Free and accessible Parking is part of that success but is well over capacity.
- Quinns PFS at the old Down Hospital site has closed down and the wider Lecale population has to battle through Downpatrick to get to Belfast road or Newcastle road side of the town, adding to congestion (only 3 filling stations now serving a huge area)
- Local community support is solid for this proposal. Initial opposition was based on the fear of anti-social behaviour. Additional CCTV on this canopy will actually discourage such behaviour

Why this piece of land

- BCPL owns this land. In my 20 + years working at this site, it has never been used for amenity or play and is already a temporary car park for the centre.

- BCPL spent 10 years lobbying and working with Council and others to create the Ballymote Sports and wellbeing centre – just across the road. This centre is very well used and appreciated by the local community
- There is at least 3 acres of open space within 50 metres of this site. No community opposition to loss of this small area of grass.
- Huge support for additional car parking and much anticipated convenient petrol, diesel and home heating oil facility
- It completes the carefully planned range of services at Ballymote and protects this unique community business from larger external supermarket interests buying land locally and trying to compete.

Sean Kennedy (Nicholl Fuel Oils - Applicant):

- Nicholl Fuel Oils Ltd are family owned and managed business for over 50 years in Northern Ireland
- It is the country's largest independent oil company, with over 230 people employed throughout the North
- Consistently investing and growing within the province
- Almost 50 Star branded retail sites and 15 unmanned company owned Nicholl branded sites across the North
- The retail fuel market within Northern Ireland is rapidly moving to unmanned sites and now has over 50 unmanned sites
- This new site development in Ballymote helps us to grow our unmanned network and bring a new and necessary service to the local community
- Although unmanned, the filling station will safeguard the future of the ballymote centre and the jobs already in place here





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

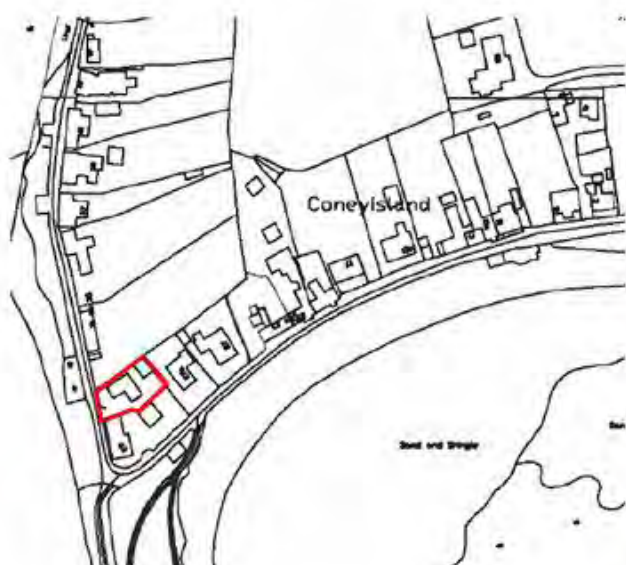
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1562/F

Date Received: 09/10/2018

Proposal: Demolish existing garage and replace it with a new domestic attached garage, living room and bedroom to the rear of the property

Location: 29a Coney Island, Ardglass, BT30 7UQ



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form a rectangular shape, sited immediately north of No. 29 and west of No. 27a. The building on situ is a two storey detached residential dwelling with detached garage. The dwelling has an 'L' shape footprint, with a two storey return projecting from the front elevation. The dwelling has a standard pitched roof construction, finished in Bangor Blue slate roofing, sand/grey pebble dashed render, white uPVC windows and black uPVC RW goods. The site is level in topography, providing stoned area of hard standing to the front of the dwelling, and tarmac hard stand to the rear of the dwelling. In terms of site

boundary treatment, the northern boundary that forms the common boundary shared with site adjacent No. 31-33 Coney Island consists closed boarded timber fencing approx. 1.6-1.8m high. The eastern facing boundary that fronts the shared access laneway consists of a solid masonry wall approx. 1.2m high. The east boundary that forms the common boundary shared with neighbouring No. 27A consists of closed boarded timber fence approx. 1.5m high. The remaining southern boundary which forms the common boundary with No. 29 consists of a solid masonry wall of approx. 2.0m high.

Characteristics of area: The site is located within the settlement developments limits of the settlement of Coney Island as defined in Ards and Down Area Plan 2015. The site is within a designated Area of Outstanding Natural Beauty. Immediate opposite the site is Killough Bay, which is identified as Ramsar Site, Special Protection Area and Area of Special Scientific Interest.



Front and side elevations (above)



Views looking onto No. 27a



Views looking onto dwelling adjacent to 31-33



Views of No. 29a from No. 29



Views of No. 29a from No. 27a

Site History:

LA07/2016/1543/F 31/33 Coney Island Coney Island Ardglass BT30 7UQ.
Retrospective application for extension to provide kitchen/dining room and utility room. 24/01/2017

LA07/2016/1195/F Adjacent to 31/33 Coney Island Ardglass New single storey dwelling infill site, 2 storey at front with single storey at rear. Permission granted. 17/02/2017

LA07/2016/1177/LDE 31-33 Coney Island Road, Coney Island Ardglass BT30 7UQ
Extension to dwelling to provide new kitchen/dining room and utility room.
Application withdrawn.

R/2014/0648/F 31-33 Coney Island Road Coney Island Ardglass BT30 7UQ.
Single storey rear extension. Single storey rear extension. Permission granted.

R/2011/0835/F Site adjacent to and to the south of 31/33 Coney Island Road Coney Island Ardglass BT30 7UQ. New dwelling on infill site part single storey and part two storey (amended plans). Permission granted. 06/09/2012

R/2010/0067/F 45 Coney Island, Ardglass, Co Down, BT30 7UQ. Replacement dwelling & attached domestic garage. (Amended site plan). Permission granted.

R/2000/1521/RM Site Adjacent to 29 Coney Island, Ardglass, Downpatrick. Dwelling. Permission granted. 23/02/2001

R/1998/0367 29 Coney Island, Ardglass, Downpatrick. Double detached garage. Permission granted.

Planning Policies & Material Considerations:

The Ards and Down Area plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland This policy provides overall context under which the Council will determine planning applications.

PPS 2 - Natural Heritage

NH 6 – Area of Outstanding Natural Beauty

PPS 7 Addendum - Residential Extensions & Alterations

This policy sets out the main considerations that the council will take into account in assessing proposals for residential extensions and/or alterations. The provisions of this policy will prevail unless there are any other overriding policies or, material considerations that outweigh it and justify a country decision.

Creating Places - Achieving Quality in Residential Developments

Consultations:

Northern Ireland Environment Agency (NIEA) - Content subject to Planning Informatives

Shared Environmental Services (SES) - Content subject to Planning Informatives

Objections & Representations:

3 Neighbours within close proximity of the site were notified on 24/10/2018. These neighbours were re-notified on 16/01/2019 regarding amended plans received. This application was advertised in the local press on 31/10/2018.

Three letters of objection have been received from neighbouring 29 Coney island dated 6th November 2018.

The planning concerns raised are summarised as follows:

- Overlooking onto private amenity space
- Size, scale and massing of proposal
- Potential loss of light

Three letters of rejection have been received from neighbouring dwelling adjacent to No. 31-33 Coney Island.

The planning concerns raised are summarised as follows:

- Size, scale and massing of proposal
- Potential loss of light

One letter of rejection has been received from neighbouring No. 27A Coney Island date stamped 7th November 2018. An additional 7 letters dated 7th November 2018, 08th November and 9th November were received regarding impacts onto No. 27A Coney Island.

The planning concerns raised are summarised as follows:

- Overlooking onto private amenity space
- Size, scale and massing of proposal
- Potential loss of light
- Potential use of the extension

Consideration and Assessment:

PPS 7 Addendum - Residential Extensions & Alterations

The proposed development must accord with the main considerations in terms of design and amenity, which is set out in EXT1 of PPS7. The proposal seeks to demolish existing garage and replace it with a new domestic attached garage, living room and bedroom to the rear of the property. The reason for this works is to create additional living accommodation.

After an initial site inspection and a formal discussion with the Senior Officer a number of issues regarding the proposal were identified. These included, size, scale and massing of the proposal and potential issues of direct overlooking caused by first floor windows. The agent was made aware of these concerns by written letter dated 13/11/2018, and a meeting was held on 04/12/2018 discussing the potential issues with the current scheme. Amendments were received to the Planning Office dated 19/12/2018.

To accommodate space for the proposal, the existing detached garage will be demolished. Planning approval from the Council is not required to undertake this works. The proposed extension will extend approx. 7.0m beyond the rear elevation, with a maximum width of approx. 8.0m. The proposal will extend approx. 1.2m beyond the north facing side elevation for a length of approx. 3.3m. The proposal will incorporate a standard pitched roof construction with a maximum ridge height of approx. 6.2m above ground floor level, resting 700mm subordinate to the dwelling house. The section that will run along the north facing side elevation will have a mono-pitched roof, resting 4.05m above ground floor level.

In terms of elevation design of the proposal, the front facing (west) elevation will be completely solid. The rear elevation will consist of single garage window, the north facing side elevation will consist of three additional roof lights similar in design to existing. Roof lights will serve ground floor utility room and first floor living room and en-suite. The south facing side elevation will consist of ground floor door entrance and a garage door measuring approx. 3.6m x 2.9m. The first floor will consist of two double roof lights (fire escape velux) each measuring approx. 1.5m x 1.0m serving living area and bedroom.

The proposal seeks to erect a car port to the rear elevation, running the length of the rear elevation (8.0m) consisting of a mono-pitched roof with a maximum height of 3.9m above finished floor level.

The proposed scheme of materials and finishes include, removal of existing plaster and replacing entire dwelling and extension with smooth white render and roof to match existing. The external door and garage door will be finished in red timber.

Consideration of the proposal is given to the impacts to the appearance and character of the surrounding area. When looking at the dwelling house face on, the proposal will appear modest in size given the design of the proposal. The ridge height of the extension will be approx. 700mm lower than the existing, therefore will not be intrusive when observing the front elevation. In terms of critical views onto the site, when travelling north along the shared access laneway, views of the extension will be minimal. When travelling south along the laneway, views of the extension will be more visible but are considered to be glimpses. When considering the local context of this particular site, whereby two storey & storey and a half dwellings are located to the north, south and east of the site, the proposal is not expected to be prominent as to dominate the host property or its wider surroundings. When considering size, scale and massing of the proposal, the existing dwelling house has a gross floor space of approx. 198m² and the proposal will have a gross floor space of approx. 116m². It is noted that the extension will be quite sizeable, but the development is subordinate to existing dwelling. The provision of rear amenity space that will remain is approx. 105m² which is considered sufficient in order to comply with Creating Places guidelines, thus is considered not to overdevelop the site.

The applicant seeks to render the entire house in a smooth render painted white. Case officer notes that several dwellings in the immediate area have a similar finish, thus the proposed external finish is not expected to detract from the appearance and character of the surrounding area.

Consideration is given to the impacts of the extension to on surrounding properties. In terms overlooking caused by the first floor extension, case officers must consider the overlooking from all first floor windows. There will be no additional first floor windows to the rear, therefore no direct overlooking onto neighbouring No. 27a. The north facing side elevation will consist of two first floor roof lights. Weight is attached to the design of the roof lights and the siting. The roof light that will be nearest to the

rear elevation will serve an en-suite therefore is not considered a main room thus no expected over-looking. The second first floor roof light will serve a living room, which is a room considered to get more often use. However, given that the two storey design of the neighbouring property this will face onto a two storey side elevation, causing no expected overlooking.

The first floor windows located along the south facing elevation, are expected to cause direct overlooking onto neighbouring No. 29 private rear amenity space. The design of these windows differ from the other elevations, in that larger in design and are double. The windows will serve a bedroom and Living area, which are considered main rooms. Case officer made the acting agent aware of the potential overlooking caused by these windows and was requested to remove them. The agent amended the design of the windows, however due to their position, design and orientation are expected to cause direct overlooking.

Creating Places guidelines states that where developments in lower density areas (such as applicant site), that where such a development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of an apartment and the common boundary. Given that this upper floor window will serve a living room this guideline must apply. The separation distance from window and the common boundary to No. 29 is approx. 9.0m, thus falling short of good practice guidelines. A reasonable amount of space between upper floor window and 29a rear amenity space is not sufficient, and is considered unacceptable. As such the proposal is contrary to PPS Addendum EXT 1 in that if approved the proposal will unduly affect the privacy or amenity of neighbouring residents.

In terms of potential overshadowing/loss of day lightening and dominance on neighbouring properties, consideration must be given to neighbouring property adjacent to No. 31-33. Upon inspecting the planning approval for this site, rooms potentially impacted on include, an entrance hallway and toilet/cloak room. Paragraph A33 of PPS 7 Addendum, states that rooms of this nature will not be considered. Adding to this, given the two storey construction of the dwelling adjacent to No. 31-33, dominance is not expected.

The proposal will result in the loss of some in-curtilage parking amenity, however parking arrangements are still considered sufficient.

When considering boundary treatment of the proposal, it is acknowledged that the proposal will come quite close to the northern boundary shared with dwelling adjacent to 31-33. Due to separation distance between properties and the siting of current detached garage, the boundary treatment is not expected to be unneighbourly.

PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. The proposal accords with the requirements of this policy.

Consideration of objections:

Three letters of rejection have been received from neighbouring 29 Coney island dated 6th November 2018.

The planning concerns raised are summarised as follows:

- Overlooking onto private amenity space
- Size, scale and massing of proposal
- Potential loss of light

As discussed above, the Planning Department considers that the upper floor windows along the southern elevation are considered unacceptable, in that if approved would cause direct overlooking onto No. 29 rear amenity space. There will be no expectant loss of light and size, scale and massing are considered acceptable.

Three letters of rejection have been received from neighbouring dwelling under construction adjacent to No. 31-33 Coney Island date stamped 02/11/2018 and 11/01/2019.

The planning concerns raised are summarised as follows:

- Size, scale and massing of proposal
- Potential loss of light

There will be no expectant loss of light onto dwelling adjacent to No. 31-33 and size, scale and massing are considered acceptable.

One letter of rejection has been received from neighbouring No. 27A Coney Island date stamped 7th November 2018. An additional 6 letters dated 7th November 2018, 08th November and 9th November were received regarding impacts onto No. 27A Coney Island.

- Overlooking onto private amenity space
- Size, scale and massing of proposal
- Potential loss of light

- Potential use of the extension

Given that there will be no additional windows to the rear of the proposal, there will be no expected overlooking caused onto No. 27A. Size, scale and massing, along with configuration of first floor rooms are considered acceptable.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy EXT 1 from Addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of its direct overlooking onto No. 29 Coney Island.

Case Officer Signature:

Date:

Appointed Officer Signature:

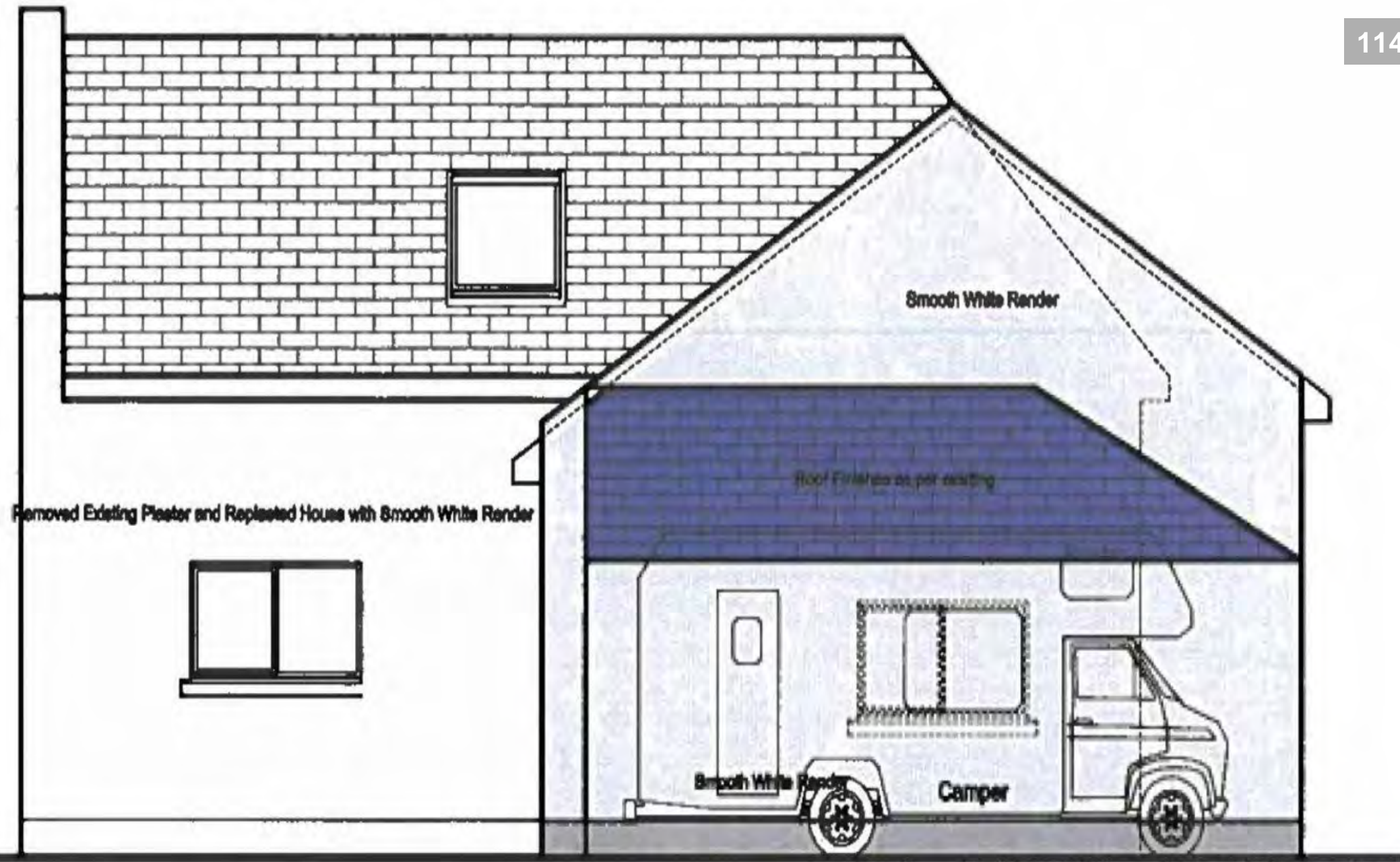
Date:



Rear Elevation....

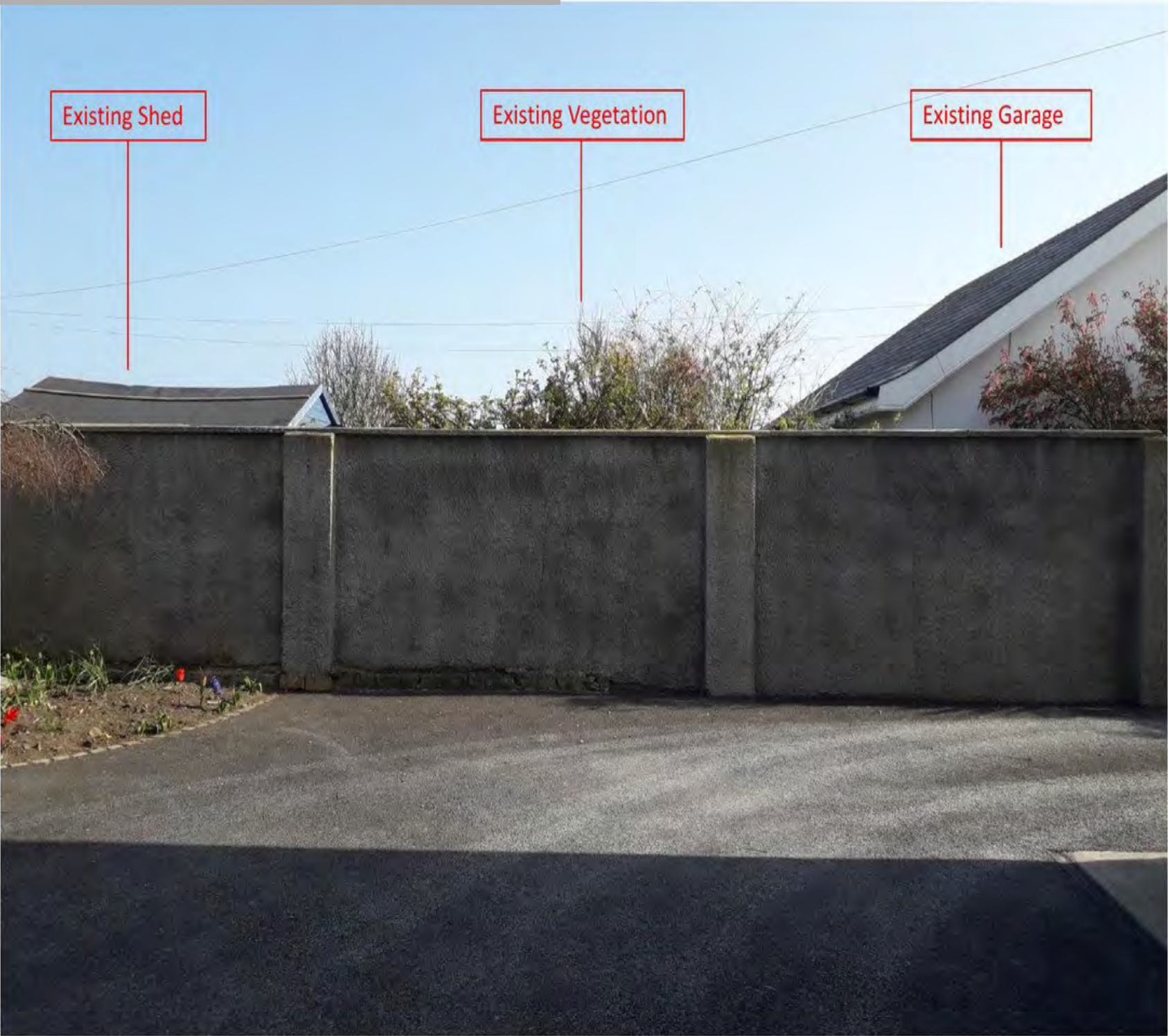


Side Elevation....



Rear Elevation....



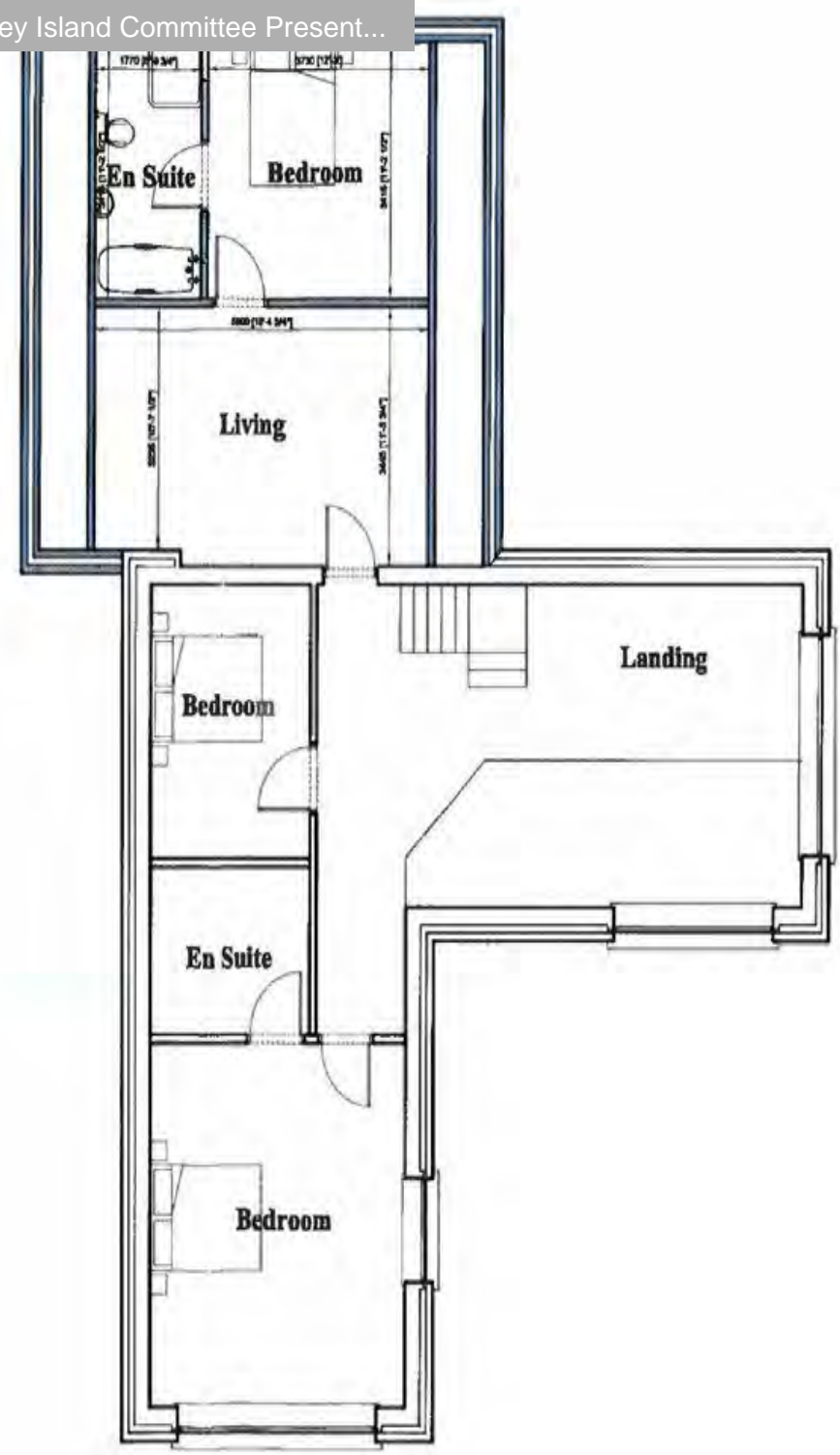


Existing Shed

Existing Vegetation

Existing Garage





First Floor Plan..





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1663/O

Date Received: 31st October 2018.

Proposal: Proposed dwelling on infill site under policy CTY 8 of PPS 21.

**Location: Between 153 and 157 Strangford Road, Bucks Hill,
Downpatrick.**



Site Characteristics & Area Characteristics:

The site in question is located off the Strangford Road and is currently an agricultural field that is bounded on all sides with native planted hedging. The site sits higher than the level of the road and rises gradually from the front of the site to the rear. Beyond the east of the site there is an existing concrete lane that serves no 157 Strangford Road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty. There are no other specific site constraints identified.

Site History:

LA07/2018/0309F – 153 Strangford Road, Downpatrick – alterations to front and rear façade, new roof over existing outhouse/wood store – granted – 27-04-2018.

R/2012/0530/F – 157 Strangford Road, Downpatrick – new single storey dwelling on enlarged site for previously approved dwelling – granted – 07-10-2013.

R/2011/0239/F – 40m East of 149 Strangford Road, Downpatrick – proposed farm dwelling and garage – granted – 19-04-2012.

R/2010/0960/O – 157 Strangford Road, Downpatrick – new dwelling – granted – 28-07-2011.

R/2009/0752/O – 155 Strangford Road, Downpatrick – replacement dwelling and garage – granted – 06-01-2010.

R/2005/1337/O – 100m S/SE of 149 Strangford Road, Downpatrick – proposed dwelling and detached garage – application withdrawn.

R/2002/1098/F – 153 Strangford Road, Balintogher, Downpatrick – proposed replacement dwelling – 12-11-2002 – granted.

R/2006/0604/F – 153 Strangford Road, Downpatrick – new access to dwelling – application withdrawn.

R/2002/1143/O – 100m S of 149 Strangford Road, Ballintogher – site for a dwelling – refused – 03-03-2003.

R/1999/0886/F – Land adjacent to 149 Strangford Road, Ballintogher, Downpatrick – proposed retirement dwelling – application withdrawn.

R/1989/0837 – Adjacent to 157 Strangford Road - new vehicular access – granted – 17-10-1990.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

Transport NI was consulted in relation to the proposal and has responded with no objections, conditions have been given to be attached to any approval.

NI Water was also consulted in relation to the proposal and has responded with no objections.

Objections & Representations

The application was advertised in the local press on 21st November 2018 which expired on 5th December 2018, neighbour notification issued on 7th November 2018 which expired on 21st November 2018. To date no representations have been received in relation to the proposal.

Consideration and Assessment:

The application is considered initially against PPS 21 Sustainable Development in the Countryside, CTY 8 Ribbon Development.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. 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 purposes of the policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site sits between no 157 Strangford Road which has a frontage to along the road of approx. 62m and no 153 Strangford Road, which has a frontage of approx. 50m.

The sit sits in a row of three buildings with frontages to the road as follows:

151 Strangford Road which has a frontage of approx. 45m

153 Strangford Road which has a frontage of approx. 50m

157 Strangford Road which has a frontage of approx. 62m

All of the above properties have frontages to the road and are single dwellings with associated outbuildings, the average of the frontages to the road is 49m.

The second aspect of this test is to consider the separation distance from building to building in association with the frontages. The separation distance from building to building is approx. 86m, measuring from no 157 to 153 Strangford Road, where the gap exists and lands to which this application relates.

On this basis the site presented is too large to accommodate one dwelling and is not large enough to accommodate two dwellings as approx. 98m would be required to accommodate two dwellings with only 86m being available.

Therefore it is not considered that a dwelling on this site would respect the existing plot sizes and siting of buildings and it is not considered that a gap site sufficient to accommodate up to two dwellings exists, as previously stated the gap, building to building is too large to accommodate one dwelling and not large enough to accommodate two, thus the policy requirements have not been met as it is considered that the proposal would not respect, or be in keeping with the existing development in the area as demonstrated by the measurements.

It is considered that the application fails to meet with the provisions of CTY 8 Ribbon Development.

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

Development of a new building will be unacceptable where:

- **It is a prominent feature in the landscape.**

It is considered that the site can accommodate a single storey dwelling in both height and design that is centrally located in the plot and respecting the existing building line, the site can make use of the lands to the rear of the site that will act as a back drop, the site will sit between existing development which reduces the overall impact provided the design is respectful of the design of existing development.

- **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 and it relies primarily on the use of new landscaping for integration.**

The site has adequate boundaries in the form of native planted hedging, the majority of which will remain. The hedge to the front of the site would be removed to create an access and to achieve sight splays however it could be conditioned that a replacement fence and hedge will be put to the back of the splays. There are sufficient natural boundaries to the site to achieve a suitable degree of enclosure for the building to successfully integrate.

- **Ancillary works do not integrate with their surroundings.**

Ancillary works could integrate with their surroundings, the site is roadside so access is adjacent to the site without the need for a creation of access lanes. All necessary services are in close proximity to the site already and it is not thought there will be any demonstrable harm as a result of the proposed ancillary works.

- **The design of the building is inappropriate for the site and its locality.**

As this is an outline application the design is yet to be presented however it is considered that a single storey dwelling in both height and appearance of a traditional design could be accommodated on the site.

- **It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.**

A dwelling on this site can blend with the existing landform of the site, the site slopes but not an extent that would prohibit a dwelling on the site.

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

The application is not for a dwelling on a farm so this aspect of policy is not under consideration.

While it is considered that a dwelling would be considered acceptable on the site in terms of CTY 13 it is not considered that the application meets the policy requirements of CTY 8 as outlined previously.

The application is also considered against CTY 14 Rural Character, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area.

- **It is unduly prominent in the landscape.**

A dwelling on this site would not be unduly prominent in the landscape provided the dwelling is suitably designed as outlined in the consideration of CTY 13.

- **It results in a suburban style build-up of development when viewed with existing and approved buildings.**

A dwelling on this site would not result in a suburban style build-up of development when viewed with the existing buildings, while three buildings are considered for the gap there are several buildings along this stretch of road and a dwelling on the site suggested would not alter the overall context of the area in terms of leading to a suburban style of development.

- **It does not respect the traditional pattern of settlement exhibited in that area.**

A dwelling at this location would respect the traditional pattern of settlement in the area and would not detract from that settlement pattern.

- **It creates or adds to a ribbon of development (see Policy CTY 8).**

A dwelling at this location would create a ribbon of development along the Strangford Road as it is not considered that the site is suitable to be considered as a gap in an otherwise substantial and built up frontage for the reasons outlined in the consideration of CTY 8 in that the building to building separation distance is too great for one dwelling and not great enough to accommodate two dwellings in accordance with existing frontages to the road.

- **The impact of ancillary works (with the exception of necessary visibility plays) would damage rural character.**

It is not considered that the ancillary works associated with the proposal will detract from the character of the area and it will not damage the rural character of the locality.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to 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.

- 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 Strangford Road.
- 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 a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case officer:

Authorised by:

Date:

Planning Committee Schedule of 10th April 2019

Planning reference: **LA07/2018/1663/O**

Proposal: **Proposed dwelling on infill site under Policy CTY8 of PPS 21.**

Applicant: **Mr & Mrs C Hamilton**

Location **Between 153 & 157 Strangford Road, Buckshill , Downpatrick**

Recommendation: **Refusal**

Reasons

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

2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Strangford Road.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Site Description

The application site which is currently in agricultural use is located off the Strangford Road between the settlements of Downpatrick & Strangford.

The site is bounded to the west by a single storey dwelling and garage with a further dwelling and garage beyond to the west towards the town of

Downpatrick, while to the east towards Strangford lies a two storey dwelling with a complex of out buildings.

The site is bounded on all sides by existing well maintained hedging and the land rises from the Strangford Road to the south.

The site is located the countryside as defined in the Ards and Down Area Plan 2015 and the site lies within the Strangford and Lecale Area of Outstanding Natural Beauty. There are no other specific site constraints identified.

Planning Policies & Considerations

RDS

SPPS

PPS 21

PPS2

PPS3

Ards & Down Area Plan 2015

Consultations and Representations

The following consultations were carried out –

Transport NI

NI Water

No objections were received from any of the consultees and following notifications of the relevant neighbours and advertisement in the local press no objections to the proposal were received either.

Relevant Planning History

There are no site specific Planning history and a detailed site history of the surrounding area was presented as part of the officer's report.

Assessment of reasons for Refusal

1 The proposal is contrary to 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.

The development of a small gap site within an otherwise substantial and continuous built up frontage in accordance with Policy CTY8 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is a gap site and its meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

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 Strangford Road.

The proposal is compliant with the above policy as the site is a gap site with a frontage of some 49m similar to the average as reported in the officer's report while adjacent sites are measured as below

151 Strangford Road which has a frontage of approx. 45m

153 Strangford Road which has a frontage of approx. 50m

157 Strangford Road which has a frontage of approx. 62m

Building site Strangford Road which has a frontage of approx. 53m

159 Strangford Road which has a frontage of approx. 45m

New dwelling site Strangford Road which has a frontage of approx. 86m

As stated sites in the countryside are generally not uniform in size but in this case the site does form a gap site and should benefit from a planning consent on the basis of having a frontage akin to the so called average.

A review of aerial photography (**attached**) clearly shows the foundations have been put in for a dwelling to the east side of 157 and a further dwelling now exists to the east of No 159 frontages and separation distances vary for every site and when viewing this photograph it is hard to say that the development of the application site with one dwelling and garage could result in the creation of a ribbon while 6 dwellings will exist and only the small gap site associated with this proposal will remain in this built up frontage of some 400m, rather development of this site will complete the infill opportunity which exists and is compliant with the spirit of the Policy.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

The site has been considered by the officer in the report to committee and is compliant with policy CTY13 as the deliberations indicate and it is the writer's opinion that contrary to the officer's opinion the proposal is also compliant with Policy CTY14 and that development of the site would not further erode the rural character as development of this gap site would be read in the totality of this area and development of the site would not create a ribbon rather it would link the existing development and cause no demonstrable harm to the countryside thus compliance with Policy CTY14.

Overview

The main consideration in relation to this proposal is to whether the site is a gap site in a substantially built up frontage along this stretch of the Strangford Road capable of accommodating a dwelling and garage.

The site is considered a gap site in this stretch of built up frontage and it is noted that when viewed in passing from the adjacent road it reads as such and is capable of accommodating a single storey dwelling and garage similar to the dwellings located to the west.

There is no uniformity of frontage along this portion of road with frontage varying between 35 to 80 meters while the application site has a comparable site frontage to that of the dwellings to the west of its location.

The application site has a plot size similar to adjacent dwellings as can be seen from site location map and concept plan which were attached the submission and the proposal does respect and is in keeping with the existing development in the area.

The applicant previously met with the Head of Planning Mr McKay on an alternative site based on medical need as Mrs Hamilton is the main carer for her elderly mother and at that meeting a potential site was identified but as the entire site was not under her control she was unable to proceed with that proposal and thus the current site the subject of this application was submitted.

This site is quite close to the applicant's mother's residence and would also allow the applicant to care for her mother while living close at hand.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for in compliance with Policy CTY 8 for development of a small gap site in a continuous built up frontage.



100 m



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1606/F

Date Received: 30.11.2016

Proposal: The application is for full planning permission for a proposed development of 8 x 2 storey dwellings and associated site works. Alterations to an existing access off main street for 2 dwellings.

Location: The application site is located inside the settlement limits of Clough and within an Area of Archaeological Potential as designated in the Ards and Down Area Plan 2015.



LOCATION PLAN - 1:1250



Aerial of site – Spatial NI

Site Characteristics & Area Characteristics:

The site is located at lands which bound both Main Street Clough and Cumran Park. The site is irregular in shape and forms a roughly 'L' shaped plot. To the north of the site there are open fields and this defines the edge of Clough settlement. This boundary is defined by a substantial native species hedgerow. To the west of the site is No 12 a two storey detached dwelling which runs parallel to part of the site. The eastern boundary is defined by some whinbush and some vegetation and bounds both the rear gardens of No 7 and 9 Main Street and the Main Street, given its irregular shape. The character of the immediate area is a mixture of house types. Cumran Park itself comprises semi detached dwellings and apartments. There are a pair of semi-detached dwellings which front directly onto the Square with parking to the rear and a pair of semi-detached dwellings in Cumran Park which have small front gardens and in curtilage parking to the side. The apartments are designed to resemble a larger dwelling and front directly onto the Square with some parking to the rear. Cumran Park is located close to the Square which is characterised by two storey blocks of terraced dwellings which step down from Main Street as the land slopes in a westerly direction. The primary school, church and hall are located in close proximity.



View on entrance to the site



No 12 – adjacent and west of the site



Western boundary with No 12



Eastern boundary



View to the south towards Cumran Park



The Square



View from No 7 Main Street towards No 12



Edge of settlement limit

Site History:

R/1973/0266 Main Street Clough. Alterations And Extension To Dwelling. Permission Granted

R/1981/0035 7 The Square, Clough Change Of Use To Offices - Permission Granted
 R/1981/0036 7 The Square, Clough Change Of Use To Restaurant Permission Granted
 R/1984/0174 7, The Square, Clough. Change Of Use To Rest Home For The Elderly.
 Permission Granted
 R/1985/0207 11 The Square Clough Extension To Dwelling. Permission Granted
 R/1987/0461 Adj To No 7 The Square Clough
 Dwelling Permission Granted
 R/1990/0284 Ashmore House 7 The Square Clough Single Storey Extension To Residential
 Home - Permission Granted
 R/1990/0285 Ashmore House 7 The Square Clough Demolish Existing Single Storey Annex
 And Replace With Single Storey Pitched Roof Extension - Permission Granted
 R/1991/0355 11 The Square Clough Alterations And Extension To Dwelling - Permission
 Granted
 R/1992/0498 11 The Square Clough Alterations And Extension To Dwelling Permission
 Granted
 R/1995/0476 9 The Square Clough Alterations And Extension To Dwelling Permission
 Granted
 R/1996/6202 Rear Of 9 Main Street Proposed Dwelling Rear Of 9 Main Street
 Clough
 R/2000/0088/F No 5 Main Street, Clough, Co Down. Replacement Two Storey Dwelling
 House For Use As Private Dwelling. Permission Granted 27.03.2000
 R/2001/1197/Q Lands To Rear Of 9 The Square Clough Residential Development Pre
 Application Enquiry - Non Committal
 R/2002/0855/F Lands Adj To No.9 The Square, Clough. 9 Dwelling Houses. Permission
 Granted 15.11.2002
 R/2004/0061CA - 4 Main Street, Clough. Unpermitted Building Enforcement Case Closed
 R/2006/0514/F 7A & 9 The Square, Clough, Downpatrick. Housing Development Comprising 4
 No Houses And 4 No Apartments. Permission Granted 20.11.2007
 R/2008/0084/F 5-9 Main Street, Clough, Residential Development Comprising 12 No
 Of Apartments And 9 No Of Townhouses And Associated Site Works, Including Minor
 Relocation Of Bus Stop. Permission Refused 30.06.2009
 R/2010/0093CA 5-9 Main Street, Clough. Operational Devt Enforcement Case Closed

Planning Policies & Material Considerations:

The application site is located within the settlement limits of Clough 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 relevant regional policy context provided by PPS 3, PPS 7 'Quality Residential Environments' and the second addendum to PPS7 'Safeguarding the Character of Established Residential Areas' (the Addendum). Supplementary guidance contained in 'Creating Places - Achieving Quality in Residential Developments' (CP) is also material to the consideration of the application as is DCAN 8 'Housing in Existing Urban Areas'.

Consultations:

NI water – No objections
 DFI Roads – objection for the reasons given at the end of this report
 NIEA Water management – No objections
 NIEA – Land, Water, Soil – No objections subject to conditions
 Historic Environment Division – HED-HB – no objections subject to conditions
 Historic Environment Division – HED-HM – Archaeological evaluation required however, HED will to accept conditions if proposal is approved.
 Rivers Agency – no objections

Objections & Representations

In line with statutory requirements sixty one neighbours have been notified on 14.12.2016, 18.12.2017 (amended plans) and again with amended plans on 13/09/2018. The application was advertised in the Mourne Observer and the Down Recorder on 21.12.2016 and again with amended plans 10.01.2018. A total of 49 objections were received.

The main issues raised by the majority of objectors relate to

- **Traffic and Transport** – the proposal would increase the volume of traffic given there is already a would pose an increased risk to both pedestrians and road users.
- **Traffic** – there are already a number of community facilities already located at the Square, Clough including the local primary school, Church and Church Hall, Orange Hall, play park and old school, increased traffic will have an impact on all of these facilities
- **Environmental Impact** – noise and dust during construction. Establishment of a construction site would have a negative impact on surrounding facilities.

The occupant of No 11 The Square makes reference to birds of prey circulating the area and using the area for hunting and nesting ground.

No 12 Cumran Park objects to:

- The area to the left of the entrance was an area of open space for a play area
- How the proposal will operate smoothly in terms of traffic as No's 7 and 8 reverse from their drive and there have been some near mishaps
- Footpath going across their entrance (crossing) which they see as very dangerous, regarding safety of pedestrians

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with, or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhood's are important matters to consider.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local

character and the environmental quality, amenity and privacy enjoyed by existing residents. Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

Policy LC1 of the Addendum sets out additional criteria to be met in Established Residential Areas (ERA). Criteria (a) and (b) thereof require that the proposed density is not significantly higher than that found in the ERA and that the pattern of development is in keeping with the overall character and environmental quality of such an area. In defining what constitutes an established residential area, Annex E of the Second Addendum to PPS 7 refers to neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. In smaller towns, villages and settlements established residential areas generally display a more intimate character and spatial scale. There is often more local variety in architectural styles and treatments, with building lines, property sizes, plot ratios and road layouts being much more changeable.

The site is irregular in shape and forms a roughly 'L' shaped plot. The site extends from the rear gardens of Nos 1 & 2 Cumran Park to the east of No 12, where the plot at this point has an overall length of approx 345m with a maximum depth of 115m. The site then turns at right angles towards Main Street, where the site extends a further 340m with varying depths from approx. 110m at its narrowest to 143m towards Main Street. This area is currently overgrown. The site bounds open countryside to the north and forms the edge of Clough settlement limit at this point. The wider area or ERA around the site exhibits a broad range of development predominantly characterised by both detached dwellings that front onto Main Street, with long rear gardens, extending to terraced dwellings which front onto the Square.

0.35ha



Plan as originally submitted

Amended plan

Latest plan on which this report is considered



In consideration of the above, the character of this part of the road is predominantly residential with the exception of the primary school and hall. The site is 'L' shaped and the topography of the site is such that it falls gradually from Main Street to the rear of the site. The portion from Cumran Park is relatively flat in nature.

The scheme was initially submitted and it was deemed at this stage that the layout was unacceptable. A meeting was held and the issues regarding the layout were discussed, following the meeting the agent resubmitted plans which were submitted dated 5 March 2018. On the initial application, a dwelling was located on an area which was indicated on previous approval R/2006/0514/F as an area of open space. This open space therefore is gained protection under PPS 8 policy OS1. This was referenced when the meeting was held with the agent/applicant. A further amended scheme was submitted on, 14 December 2017, and 5 March 2018 which were also all deemed to be unacceptable. Further plans were also received on a number of other occasions, the final submission on which this layout assessment is based was submitted on 15th August 2018 with house type floorplans and elevations submitted 21st May 2018.

The dwelling that was located on this area of open space has since been removed from the latest plans. On the layout at the entrance to the scheme is indicated as a detached house type C. The dwelling is face on and parallel to the shared driveway, with a gable depth of 7.5m, the dwelling is set back approx. 2.2m from the service strip shared with the porch approx. 0.8m from it. House type C has a ridge height of 7.6m to FFL. Parking is to the side

of this dwelling with two spaces indicated. Private amenity is indicated to the rear of this dwelling and the side and while it is above the recommended 70sq metres as referenced in Creating Places guidance, the boundary treatment to the side by way of a low railing would not ensure that this space is private. Boundary treatment along the side of House type B (at the entrance) has not been specified, but reference is made that garden spaces are demarcated by new boundary fences at 1.8m high clearly there would have to be some sort of treatment to ensure that rear gardens remain private. Paragraph 7.16 of CP indicates that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. In this latest plan it is gable on as one enters the site, due to the restricted nature of the site, there is a rear boundary distance of 5m to No 12's gable which lies directly to the rear of house Type C. This dwelling has a width of 8.5m at two storeys, excluding the single storey garage which is a further 3.4m. Given its bulk, massing, design and proximity to the party boundary, the proposed dwelling would be over dominant and visually intrusive to the extent that it would have an unacceptable impact on the residential amenity of occupants of No. 12. The proposal would create conflict with adjacent land uses, fail to respect the surrounding context and consequently offend criteria (a) and (h) of Policy QD 1. Following a number of meetings with the agent whereby House type C at the entrance has been orientated in both directions, and where neither design proved acceptable, thus reinforcing that the site is a difficult one to development appropriately and in keeping with the policy and guidance given.





In the northern corner of the site layout is house a pair of semi detached dwellings of house type A. The houses are located close to the shared driveway and are less than 2m from it, this combined with the way the dwellings are angled into the corner creates a dominant and imposing effect. Rear boundaries are short of the 10m, however, both properties have over the recommended level of private amenity space, parking is located to the side of the dwellings. Continuing east leads towards a turning head whereby 3 further house type B's are located, one detached and one pair of semi detached. There is approx. 1m separation distance between the detached and semi detached property. At the meeting that was held with the agent who is also the applicant, the edge of settlement buffer was also discussed. A requirement to soften the impact of development on the urban edge. This has been shown as 5m buffer which runs to the north of the site along the NW boundary. The service strip from the access road, appears to be within this buffer zone. With the detached house type B running very close to the buffer, thus separation and maintenance of this landscape buffer is compromised by the development.

Indicated as two House type Cs these are located facing onto Main Street with one paired access to serve both dwellings. The dwellings are also two storey and are detached in nature. The dwellings are set back from the main road and share a paired access onto Main Street. In this proposal, there is a 20m back to back separation between new properties, (i.e. the properties fronting Main Street and those 3 properties at the end of the turning head). While these two dwellings are set back slightly from the road (further back than No 7 and 9 main Street), the dwellings do address the road frontage and provide a balanced amount of hardstanding and landscaped area and thus would in Planning terms be deemed acceptable.

The site is an irregular shape, which makes its development very difficult. While views of the proposal would be mainly from Cumran Park, the roofscape and shared surface nature of the access arrangements would be appreciated from the surrounding area. The site's width is too restrictive to suitably accommodate the proposal, and the access road is informing its design. The proposal would result in a contrived landform incompatible with its surroundings. The site's restricted nature would result in unacceptable damage to the area's local character and fail to provide a quality residential environment. The proposed scheme therefore fails the tests of QD 1 in that the development overall does not respect the surrounding context and is not appropriate to the character and topography of the site in

terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.



PPS 3 – Access, Movement and Parking – Policy AMP 2

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 had also been present at the initial meeting regarding the layout. Following consultation regarding the latest plan, they have also considered that the layout does not comply with policy.

1. Sight visibility splays from the existing car parking to the rear of No 1 & 2 The Square cannot meet with the minimum requirements as set out in DCAN 15. 2.0m x 33m.
2. Bollards indicated on plan to be removed.
3. Proposed turning head does not comply with DMRB standards, ie HGVs unable to negotiate bends.
4. Type 5 road does not have any speed humps.
5. Proposed service strip shows buffer zone encroaching on its entire length of the northern boundary.

Thus the proposal is being refused for the reasons given below.

PPS 6 – Planning Archaeology and the Built Heritage

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage.

The potential impact of the proposal on the archaeological heritage of the site needs to be assessed.

The proposal is in close proximity to 2-4 Main Street (Grade B2), No.1, The Square Street (Grade B2), and No.7 The Square, Clough Street (Grade B1), which are of special

architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division, Historic Buildings (HED: HB) was consulted on the application and having considered the drawings is satisfied that the requirements of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, Policy BH11 (Development affecting the setting of a listed building) and the Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development, 6.12, subject to conditions.

Historic Environment Division: Historic Monuments (HED: HM) has previously requested an archaeological evaluation under Policy BH3 of PPS 6. HED: HM advised that an archaeological evaluation is the preferred option to manage the archaeological risk at this site in terms of the potential for previously unrecorded archaeological remains to be encountered during the course of development works. However, should the applicant be willing to accept the risk of dealing with archaeological mitigation post-planning decision, HED: HM is content that an archaeological mitigation strategy may be implemented by way of planning condition should the local planning authority be minded to approve the application. They have included conditions as per Policy BH 4 of PPS 6.

PPS 15 – (Revised) Planning and Flood Risk

PPS 15 adopts a precautionary approach to development in areas susceptible to flooding.

Rivers Agency have been consulted regarding the proposal and since the development was less than 10 dwellings and the hardstanding did not equate to over 1000m² then a drainage assessment was not required. Rivers Agency have no objections to the proposal.

Conclusion

The proposal does not comply with relevant planning policies as dealt with in this report and it is recommended that the application be refused for the following reasons.

Recommendation:

Refusal.

Refusal Reasons:

1. The proposed development is contrary to SPPS and Policy QD 1(a) of Planning Policy Statement 7, Quality Residential Environments in that the development does not respect the surrounding context and is inappropriate in terms of layout, scale, proportions, massing and appearance of the buildings, structures and landscaped and hard surfaced areas.
2. The proposal is contrary to SPPS and Policy QD 1 (c) of PPS 7: Quality Residential Environments in that the design and layout would cause conflict with the adjacent dwelling at No 12 Cumran Park causing an unacceptable adverse effect on their residential amenity due to poor separation distances and over dominance.

3. The proposed development is contrary to SPPS and Policy QD 1 of PPS 7 in that the design and layout of the proposed residential development is not based upon an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
4. The proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction and filling station where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction of Main Street.
5. The proposal is contrary to Planning Policy AMP1 Creating and Accessible Environment of Planning Policy Statement 3, access, movement and parking, in that it would, if permitted, prejudice the safety and convenience of road users since the road infrastructure to sustain this type of development is not available within the scope of the application.
6. The proposal is contrary to the Planning Policy Statement 7 Quality Residential Environments in that the submitted details, fails to demonstrate a satisfactory internal layout in accordance with the Departments Guide Creating Places.

Case Officer Signature

Date

Appointed Officer Signature

Date



Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**

**Newry, Mourne
 and Down**
 District Council

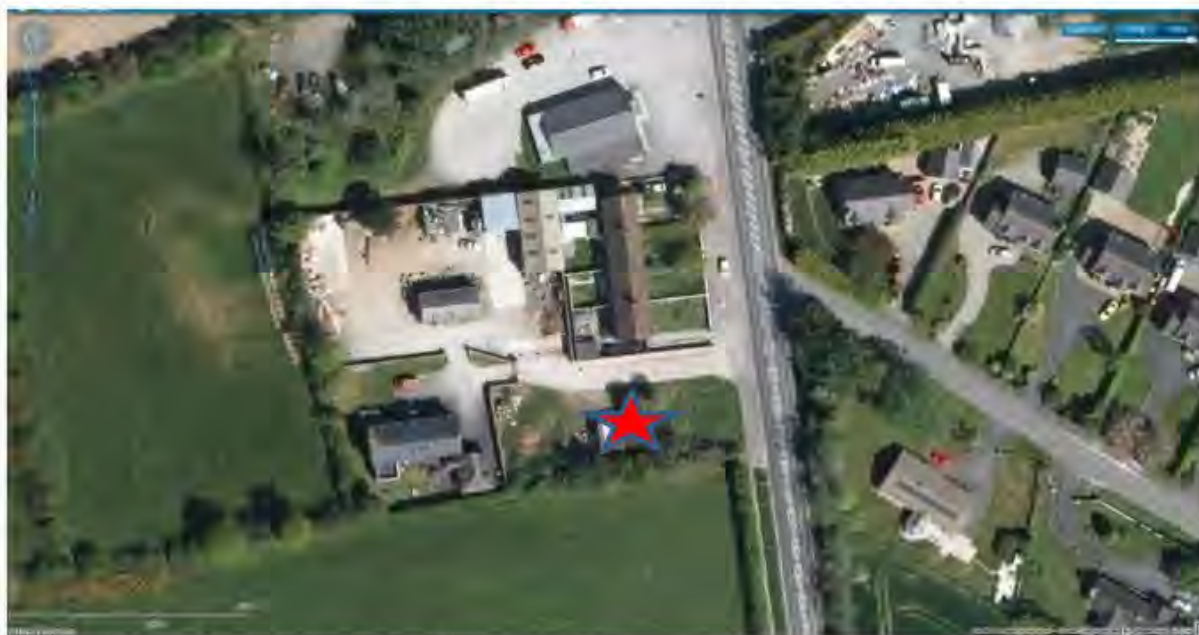
Application Reference: LA07/2017/0078/F

Date Received: 18.01.2017

Proposal: Erection of 3 light industrial units

Location: 20m East of 223a Newcastle Road Seaforde





Site has been cleared as off Nov 2017

RECONSIDERATION FOLLOWING DEFERRAL

Application was presented to the 19 July 2017 meeting of Newry Mourne and Down Planning Committee with a recommendation to refuse for reasons being contrary to Planning Policy Statement 4, lack of information (Bio Diversity checklist) and impact on neighbouring residential amenity by reason of noise.

Recommendation to Refuse was overturned by the Planning Committee

AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to issue an approval, in principle, in respect of Planning Application LA07/2017/0078/F, contrary to Officer recommendation, with Planning Officers being delegated authority to impose relevant conditions to ensure there shall be no adverse impact to residential properties.

Following deferral of the planning application on 19 July 2017 the Planning Office requested from the agent the submission of a Noise Impact Assessment (NIA) for EHO on the 26 July 2017.

A NIA was received by the Planning Office on the 30 August 2017. EHO were consulted on the 14 September 2017.

EHO responded on the 05 October 2017 requesting further information from the agent, this was requested by the Planning Office on the 5 October 2017.

Additional information was submitted by the agent on the 17 October 2017, EHO consulted on the 17 October 2017.

EHO responded on the 07 November 2017, stating that the proposed development has been approved by the Planning Committee and that conditions be attached to minimise the impact on amenity of nearby residential properties, namely

The hours of operation, to include any HGV activity, should be limited to Monday to Saturday: 09:00 to 17:00 with no operation on Sundays.

No external plant should be used or installed without prior agreement with the Planning Office.

The doors to the rear of the units, as shown on drawing date stamped 18 Jan 17 by Planning Office, must be kept closed when units are operational.

The units shall be constructed as specified on page 10 of the Noise Assessment, dated 21st August 2017.

Acoustic report submitted to the Planning Office on the 24 Jan 2018 by Irwin Carr on behalf of the objectors on the application.

EHO were consulted on the Acoustic report on the 25 Jan 2018. EHO responded on the 15 February 2018 stating the following

Comments

Environmental Health note that, following our last comments of 7th November 2018, this application is again under consideration.

Environmental Health had previously raised concerns regarding the conservativeness of the Noise Assessment produced by KRM, dated 21st August 2017, and requested that the report be revised. It is noted that a Noise Impact Assessment Review produced by Irwin Carr, dated 8 January 2018, has been submitted and this document has been reviewed by Environmental Health.

It is the opinion of Environmental Health that the Noise Assessment produced by KRM, dated 21st August 2017 has not accurately predicted the noise impact at nearby residential properties and no noise mitigation measures have been proposed for this site. It is likely that noise from the proposed development will have a significant adverse impact on the amenity of the nearby residential properties.

The EHO have indicated a significant adverse impact on neighbouring properties.

The application as previously presented to Planning Committee in July 2017 was considered contrary to PPS4 Planning and Economic Development. In particular policies PED 1 and PED 9 of PPS 4.

Policy PED 1 Economic Development in Settlements

In villages and smaller rural settlements the policy states

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

Policy PED 9 General Criteria for Economic Development, states

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

(a) it is compatible with surrounding land uses;

- (b) it does not harm the amenities of nearby residents;***
- (c) it does not adversely affect features of the natural or built heritage;***
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;***
- (e) it does not create a noise nuisance;***
- (f) it is capable of dealing satisfactorily with any emission or effluent;***
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;***
- (h) adequate access arrangements, parking and manoeuvring areas are provided;***
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;***
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;***
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;***
- (l) is designed to deter crime and promote personal safety; and***
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.***

Planning officials cannot comply with the directions of the Planning Committee of 19 July 2017. Given the proposals impact on neighbouring properties by reason of noise, Planning Officials must recommend that the Planning Committee reassess their opinion on this application and agree refusal of this application.

Refusal Reasons

- 1.** The proposal is contrary to the SPPS and Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with nearby residential properties.
- 2.** The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents by reason of noise nuisance.

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0078/F

Date Received: Jan 2017.

Proposal: Full permission is sought the erection of 3 light industrial units, on lands 20m east of 223a Newcastle Road, Seaforde.

Applicant: Mr D Mahon

Location:

The site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015. It is noted the site is on land regarded as white-land, and is outside the ATC of Seaforde, while it is also noted the Newcastle Road is a Protected Route (within the development limit). The site is located to the southern edge of this small settlement whereby the southern boundary of the site forms the boundary and edge of the development limit. The lands beyond to the south are rural in character, while the lands adjoining the remaining boundaries including to the far side of the Newcastle Road are largely residential in character with the exception of a commercial yard which is located to the rear of 1-4 Austin Terrace.

It is also noted there are scheduled monuments and listed buildings in the vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include a roughly square shaped plot of land off Newcastle Road, located between the ruins of a former structure to the east and the dwelling and curtilage of no.223a to the west, whereby the red line also extends down to adjoin the Newcastle Road. This site includes a small solid/permanent single storey structure at present, with concrete yard area, and overgrown area of hard-standing and mounding. It is not clear what this small structure is or was last used as.

The dwelling (side gable), driveway and boundary wall of No.4 Austin Terrace and also commercial yard form the northern boundary of the site. No.4 comprises a 2 storey end terrace dwelling whereby the boundary comprises a wall which is approx 1m high to the front of this dwelling which steps up and is approx 2m high to the rear. The dwelling and curtilage of no.223a adjoin the western boundary of the site, whereby this boundary includes a wall which is approx 2m high. This dwelling at

no.223a is also 2 storey high. The commercial yard, although closed during the date of the site visit in Feb 2017, advertises digger hire and refers to heavy plant.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in the vicinity of the site, the most relevant of which observed includes:

LA07/2017/0072- Lands 15m south of 4 Austin Terrace, Car wash, Full, Pending, Applicant: Mr D Mahon

R/2007/0376- Lands to the rear of 223 Newcastle Road, Housing development of nine townhouses and one detached dwelling, Full, Withdrawn, 2008, Applicant: Mr N Killen

Objections & Representations

7 representations in opposition to the proposal have been received to date (20-06-17) from the owner/occupiers of no.2, 3, and 4 Austin Terrace, 233a Newcastle Road (which is 223a as confirmed by the owner of this property) 219 Newcastle Road, 1a Kennel Road, and Seaforde and District Community Association (c/o 186 Newcastle Road), whereby the main issues/concerns raised include:

- the plans/information submitted are inaccurate,
- the lands is not vacant, as there is a house on the site,
- increased traffic volume from the proposal and impact it will have on area
- the entrance to the site is used as a bus stop,
- the site is close to the edge of Seaforde where there is a hidden dip where traffic will be travelling at speed in to this small settlement and passed the site entrance, site lines at the entrance are very poor,
- approving this development will deprive properties of a safe environment, and will have a negative impact on adjacent residents
- the site is accessed via a right of way and yard area,
- ownership challenges,
- there are bats in the vicinity of the site,
- existing sewers cannot cope with surface water and this proposal will make the situation worse,
- the industrial nature of the proposal is not in keeping with the character of this small settlement and is contrary to PPS4,
- there are no commercial properties that line the main road in Seaforde. Seaforde has retained its traditional character, and is not over-developed which is one of its best features. Seaforde has no industrial sites in evidence, and to change the use of this site from residential to industrial is not in keeping with the character of the village,
- there is no street lighting in this stretch of Seaforde, which causes hazards,
- the entrance to the site is close to the junction with Kennel Road, while there is also an agricultural gate entrance adjoining the site,
- the industrial use will cause noise, light and emissions pollution, vapour and water pollution, and fire hazard affecting residents and wildlife,
- there is a lack of information regarding hours of business in this residential area,

See file for full content of reps received as the above is only a summary of the main issues raised which are considered in the assessment below.

The above summary is only intended to grasp the main issues raised, and does not seek to provide an exhaustive list of each and every representation received, whereby similar issues have often been raised by more than 1 person.

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Newcastle Road, Austin Terrace and Kennel Road as part of this application in Jan 2017, while it was also advertised in the local press in Feb 2017. Following receipt of further information a further round of NN was undertaken in April 2017.

Consultations:

Having account the nature of this proposal, and constraints and zonings of the site and area, and representations received consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Historic Environment Division (HED) and Environmental Health as part of this application.

NI Water and HED offer no objections, while the remaining consultees have requested further information.

Further information was requested from the agent in May, whereby a detailed letter and Transport Assessment were then received in April. No other surveys/bio diversity checklist or information has been received to date (20-06-17). A Bio Diversity checklist is required to fully assess and consider any potential impacts arising from the proposal. As such it is considered insufficient information has been submitted to fully assess the proposal. It is noted concerns were expressed from interested parties regarding bio diversity related matters.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS11 and supplementary guidance

As outlined above the site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015, on land regarded as white-land,

Assessment

It is proposed to erect a row of 3 industrial units on this site, which will front towards the Newcastle Road, and will back towards No.223a. the existing building on site is to be demolished with parking to the front. (It is noted the site is not vacant as indicated on the P1 form).

Having account the nature of this proposal it is considered the provisions of the recently published SPPS, and also PPS3 and PPS4 apply.

The SPPS has retained policies PPS3 and PPS4, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS3 and PPS4.

As such it is considered PPS3 and PPS4 remain the applicable policy context to consider the proposed development under

These units will be sited close to the boundary with no.223a (approx 1m from the boundary), and will be set back approx 40m from the road.

This Newcastle Road is a busy road which carries a large volume of traffic each day. The development of Seaforde is identified as a small settlement in the Area Plan, whereby the frontage to Newcastle Road is considered to have largely retained its historical character comprising low density development, which is largely residential in character.

It is noted there is a hall within this small settlement, while there was also formerly a PSNI station in this settlement, although which has since been converted to residential use. The remainder of this development fronting Newcastle Road is largely residential in character, although it is also noted there is a yard area with digger hire available, although which is located beyond the rear of no.1-4 Austin Terrace, which is associated with no.223a.

Newcastle Road is the main road through the small settlement of Seaforde, whereby the development fronting this road including mature trees has largely been preserved and unaltered thereby retaining and protecting the distinctive character of this small settlement, which includes an ATC.

It is noted light industrial units fall with Use Class B2 of The Planning (Use Classes) Order (NI) 2015.

This development of 3 light industrial units will be sited to the south side of Austin Terrace and in front of the dwelling of no.223a Newcastle Road, and will be accessed via the existing concrete laneway serving no.223a and digger hire yard. The current application for the car wash is located between the site and the Newcastle Road.

These units will be located in 1 row, each measuring approx 11.5m by 6m, with office and WC. These units will be constructed in blockwork walls with green profiled sheeting and roller doors, and will include a mono pitch roof being 5m high to the front and 3.5m high to the rear.

With regards to PPS4 it is considered the applicable policy provisions include PED1 and PED9.

It is considered the introduction of such a use in this small settlement of Seaforde which has largely retained its historical character and frontage to Newcastle Road, is not compatible with the surrounding land uses, and is not appropriate to the character of this area.

In addition it is considered the use of this site for 3 industrial units in such close proximity to a number of residential properties will have an adverse impact on the amenity of these nearby residents from vehicles, persons and equipment on site.

Following initial consideration of the case a letter was issued to the agent in March advising that the principle of development is not acceptable and is likely to be

recommended for refusal. Reference was also made to the comments from the consultees and representations received.

In response to this a letter and Transport Assessment were submitted from the agent, whereby TNI are now content, however Environmental Health continue to object as the proposal may adversely impact on the amenity of nearby residential properties. (No other supporting information was supplied by the agent.

Environmental Health have also advised the applicant may wish to submit a Noise Impact Assessment to support their case, however as the principle of this use is not considered acceptable, it is considered there is no merit in requesting this additional information at some cost to the applicant).

It is noted the building of no.223 is partly located within the red line and is not shown on the proposed site plan, thus it is understood it is being removed to accommodate this development and can be conditioned as such.

It is also noted from the information submitted the water supply and foul sewage will be sourced from/disposed off to the mains, while surface water will be disposed off to storm drains.

As outlined above the site accesses on to the existing concrete laneway serving no.223a, and then accesses onto the Newcastle Road, which is a Protected Route Policy AMP3 of PPS3 makes provision for a development proposal involving direct access, or the intensification of the use of an existing access where access cannot reasonably be taken from any adjacent minor road.

It is noted there is no existing minor road to access from, whereby the development will access on to a laneway. As such it is considered the proposal does not offend PPS3.

While it is noted several concerns have been expressed regarding roads related matters, TNI have been consulted as part of this application, who provide professional advice and have offered no objections to this proposal.

The Planning Authority raised the ownership issue with the agent, who has advised there is an ongoing legal dispute regarding the precise dimensions of the applicants ownership and any ROW which exists, and this is currently with solicitors.

Current experience indicates there are no known sewerage capacity issues in this Seaforde area at present, whereby consultation has also been undertaken with NI Water.

However taking into account the above, the principle of development is not acceptable whereby the use is not considered compatible or appropriate to the character of the settlement of Seaforde. In addition it is considered the proposal will adversely impact on the amenity of nearby residents.

As such refusal is recommended.

Recommendation: Refusal

Reason:

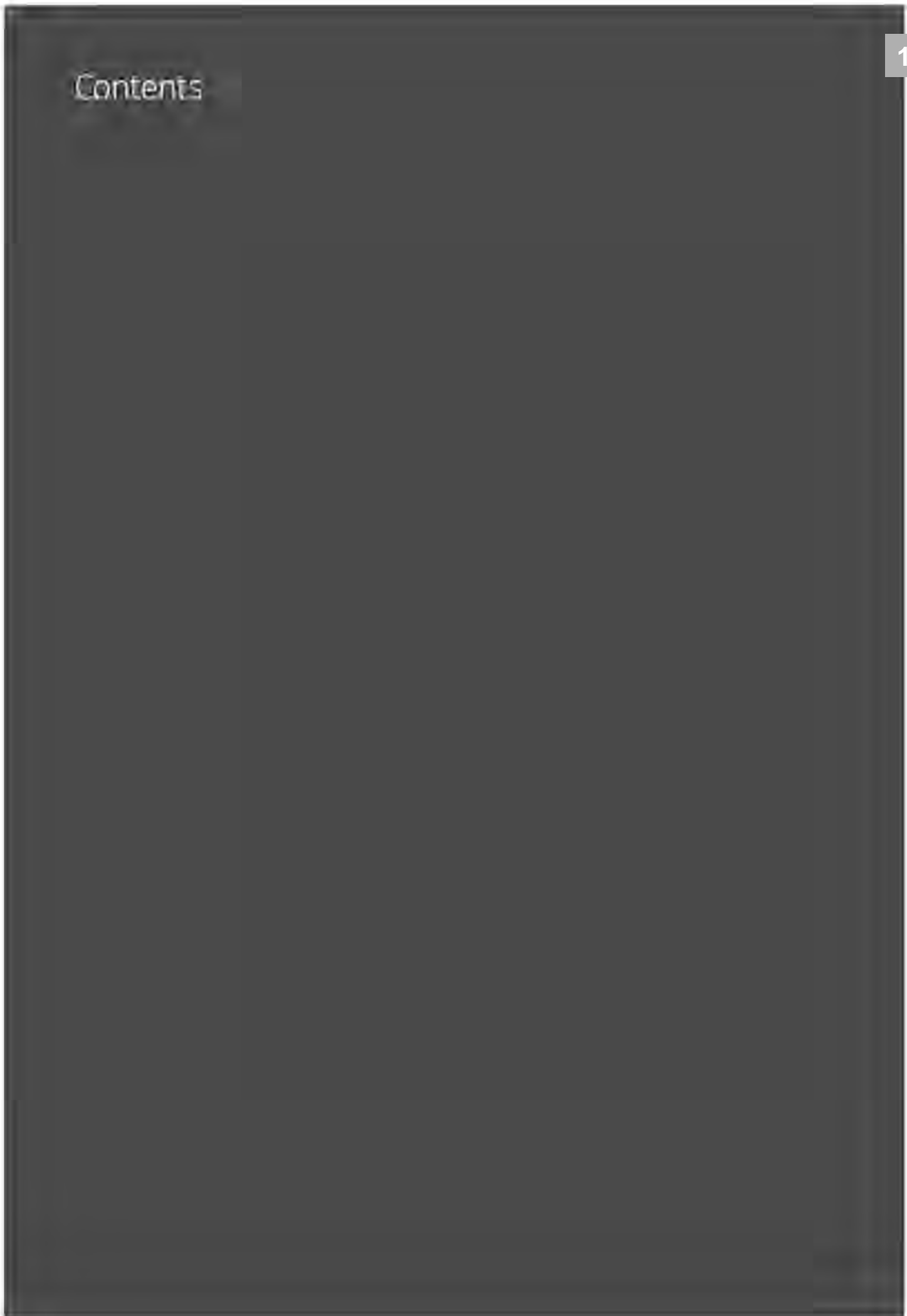
- The proposal is contrary to Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses.

- The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents, and will create noise nuisance.
- Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Bio Diversity checklist) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Representation submitted on Behalf of Paul and Clodagh Killen
Erection of 3 light industrial units immediately east of 223A Newcastle
(LA07/2017/0078/F)

Contents



1 Introduction

1.1.1 This information has been prepared for the planning committee meeting on Wednesday 10 April 2019. Below is a summary of the main objections to planning application (LA07/2017/0078/F).

1.2 Noise Impact

1.2.1 The applicant has engaged the services of Chris Todd of Irwin Carr acoustic consultants in order to carry out an independent review of KRM's noise assessment and also to carry out a further noise assessment¹. In their findings Irwin Carr have concluded that there are substantial differences between the KRM's report and his own which could result in a much greater impact on the residents of the surrounding neighbouring properties.

1.2.2 More specifically Tim Carr found a difference of +18.5 dB between his own assessment and KRM's report meaning that this would be an indication of significant adverse impact resulting from the industrial units and also a cumulative adverse impact from the car wash. Additionally, Irwin Carr have stated that there is uncertainty regarding the findings of the applicant's report with regard to method of assessment: "As demonstrated above, the uncertainty is so great that it has the possibility of changing the final impact rating from 'low impact' to 'significant adverse impact'."

1.3 Suitability of industrial use

1.3.1 PED1 states: "A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use."

1.3.2 The case officer in his report has stated that he feels that the proposed uses are incompatible with that of the surrounding residential use due. In relation to application for the car wash and the light industrial units, both of these uses in deed have an industrial appearance and therefore should be deemed unsuitable for this site. In my view, the proposed corrugated metal sheds are industrial in appearance and fall short of the standard of design expected upon either exiting or entering an area of townscape character. At no other point of visible roadside frontage in Seaforde are there Indian serial style buildings located.

1.3.3 No sufficient reason has been given for the departure from PED1.

¹ The highly detailed findings of Irwin Carr's analysis were submitted during the planning process.

Re LA07/2017/0078/F – Erection of 3 Light Industrial Units on Lands 20m East of 223A Newcastle Road, Seaforde for Mr Dan Mahon

This application was originally scheduled 19th July 2017 for refusal as contrary to Policies PED1 & PED9 and non supply of Biodiversity checklist. **Planning Committee determined the application should be approved** and delegated authority be passed to Planning Officers to attach the necessary conditions. (See letter 7th August 2018). When I requested an update 26th March 2019 the application was rescheduled as a refusal.

1. PLANNING FRAMEWORK

The Ards Down Area Plan 2015 zones this 0.1ha site as White Land within Seaforde's Development Limit. It is set back 28m from Newcastle Road and accessed via the applicant's 5m wide concrete lane. The site is vacant and bounded on the west by a concrete wall and on the south by a straggly hedge. (See Photos 1 & 2)



Photo 1



Photo 2

2. THE PROPOSAL

Three x 63m² Class B2 light industrial units, of which 6.7m² floorspace is occupied by an office and toilet. The Planning (Use Classes) Order defines B2 uses as *“any industrial processes which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”* Due to this definition Class B2 uses are normally acceptable in residential areas.

Mr Mahon intends to use the units as overnight parking for his mobile vans or lease them to a printer or picture framer. He would be happy to restrict the opening hours to 9am to 5pm Monday to Saturday with no opening on Sunday, no external plant used without prior agreement, and doors to be kept closed when units are operational.

3. ADJOINING DEVELOPMENT

3. 1 On 29th July 2017 Councillors accepted his proposal for a Car Wash sited between Newcastle Road and the Light Industrial Units. This has still to be issued.

3. 2 Directly opposite the proposal is a large builder's yard. Through the gate can be seen lorries, low loaders and 2 large corrugated sheds where the vehicles are maintained. These premises back directly onto the houses in Nos 1-4 Austin Terrace. (See Photos 3 & 4)



Photo 3 – View of Lorry and Sheds through gate



Photo 4 – Maintenance shed backing onto Austin Terrace

3. 3 60m to the north is the Young Farmers' Hall. This is used as a community hall as well as for Young Farmers meetings and dances. Activities include bowling, keep fit and dance classes, funeral catering and tractor runs in the yard once per year. (See Photo 5)



Photo 5 – Young Farmers' Hall and Car Park

3. 4 At the north end of the yard is a mobile shop with outside picnic tables. (See Photo 6)



Photo 6

3. 5 Council granted approval in December 2016 to County Down Stoves for a showroom, sales and stores for wood burning stoves. They also sell logs and run a chimney sweeping business. 40 foot long lorries make deliveries twice a week and customers also arrive to view stock in the showroom. There are advertising signs at the gates and north of the entrance. (See Photos 7 & 8)



Photo 7 – Signs at showroom gate



Photo 8 – Showroom sign

4. CONSULTATION REPLIES

- No objections were raised by Transport NI
- No objections were raised by Archaeology and Built Heritage
- No objections were raised by Drainage and Water

Environmental Health – Noise

A Noise Report was submitted 21st August 2017. A follow-up clarification requested by Environmental Health was submitted 17th October 2017. **This explained the noise levels figures used were appropriate for Class B2 Light Industrial, not the figures appropriate for Class B3, General Industrial advocated by the objector.** (Copy of Clarification letter of 17th October 2017 enclosed)

The Environmental Health comment of 7th November 2017 (Copy enclosed) notes this proposed development **has been approved**. They suggested the following conditions:-

- Opening hours 9am – 5pm Monday to Saturday
- No external plant to be used without prior agreement with Planning
- The unit doors to be kept closed during operation

Mr Mahon is happy to comply with the above. KRM Acoustics has provided a further clarification letter dated 1st April 2019. (Copy enclosed)

Natural Heritage

As the submitted photos show the site contains no buildings and only a straggly hedge along its southern boundary. Natural Heritage did not visit the site but commended him for the additional planting shown on the 18th January 2017 plans. In fact a Landscape Plan showing reinforcement planting was submitted 29th August 2017.

CONCLUSION

This application concerns 3 small light industrial units located on White Land inside the Development Limit. The surrounding land uses are a mix of general industrial, community, retail and residential. On 19th July 2017 Planning Committee determined the application should be approved. Following neighbour objection a Noise Report was submitted 21st August 2017 and a follow up justification of the figures used was submitted 17th October 2017. Environmental Health commented 7th November 2017 that the proposal was approved and provided appropriate conditions, all of which are acceptable to Mr Mahon. In Mr Mahon's view the proposal is not incompatible with the surrounding mixed uses (PED1) and would not harm the amenities of nearby residents due to noise nuisance. (PED9) He also completed a Bio Diversity Checklist 13th July 2017. Mr Mahon has been expecting his approval for 18 months and is surprised that the Council's planners have again scheduled the proposal for refusal.

Liam Hannaway
Chief Executive

Date: 07 August 2018
Our ref: LA07/2017/0078/F
LA07/2017/0072/F
Your Ref:



163
Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

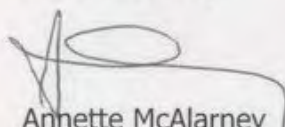
Ewart Davis
14 Killynure Avenue
Carryduff
Belfast
BT8 8ED

Dear Mr Davis

Re: Erection of 3 light industrial units and Car Wash 20m East of 223a Newcastle Road Seaforde

I refer to the above planning applications which were presented to the Planning Committee on the 19th July 2017. The Planning Committee determined that the application should be approved and delegated authority be passed to Planning officers to attach the necessary conditions. Both applications remain under consideration with senior officials.

Yours Sincerely


Annette McAlarney
Senior Planning Officer



Annette McAlarney
 Newry Mourne and Down District Council
 Downshire Civic Centre
 Downshire Estate
 Ardglass Road
 Downpatrick
 BT30 6GQ

12th October 2017

KRM ACOUSTICS
Noise, Vibration and Acoustics
 119A Bridge Street, Portadown, Co. Armagh
 Tel: 0798 44 2 88 17
 Tel: 028 38 337546
 Email: karl@krmacoustics.co.uk



PL REF: NOISE ASSESSMENT Erection of 3 light industrial units. 20m East of 223a Newcastle Road, Seaforde, BT30 8NP. PL Ref: LA07/2017/0078/F

Dear Annette,

With reference to application LA07/2017/0078/F it is hoped that the following information will help clarify any outstanding issues. These comments relate to the submitted noise report. (*'NOISE ASSESSMENT Erection of 3 light industrial units. 20m East of 223a Newcastle Road, Seaforde, BT30 8NP' and dated the 21st August 2017*).

a) The applicant is applying for full planning permission. The use class for the units is B2 'light industrial' and B4 'Storage'.

The figure of 70 dB L_{Aeq} is the sound level incident at the facade. Equating to 75 dB L_{Aeq} at the centre of the floor space. It is not envisioned that the hourly activity level would exceed 70 dB L_{Aeq} at the facade. The units are relatively small with a floor area of only ~64m² Incl the office and the WC. A 70 dB $L_{Aeq,1hr}$ level, incident at the internal facade is considered to be representative of the upper levels that will occur at the units.

An increase in the internal noise levels of +5 dB would increase the levels at the closest receptor R1 Austin Terrace to 42.9 dBA with the doors closed and 44.9 dB LA with the doors open, still below the modal background level of 46 dB L_{A90} . See the attached Table.

b) A tonal correction was added to the source level for the Lorry Unloading activity as detailed in Table 5 of the submitted report.

c) The rating level is the predicted level presented in Table 8 of the submitted report. The measured background level is the mode level which is determined to be 46 dB L_{A90} . The use of the mode background level is the most common accepted approach to determining the background level as detailed in section as it represents the 'typical' level in line with section 8.1 of BS4142(2014) and figure 4 of BS4142(2014). The most frequently occurring background level was 46 dB L_{A90} .

Sincerely,

Karl McElroy BSc M.I.O.A.
 KRM Acoustics

Appendix. 1.

The table below illustrates the change in predicted levels if +5 dB is added to the sound levels of the proposed units.

Source and Receptor	Predicted levels dBA		Predicted levels dBA with +5 dB Added to facade source levels.	
	Closed	Open	Closed	Open
R1. 4 Austin Terrace Facade	42.8	43.6	42.9	44.9
East	19.3	35.8	24.3	40.8
North	-0.3	-0.3	4.7	4.7
Roof	18	18	23	23
South	-1.7	-1.7	-1.2	-1.2
Vehicle 1	32.3	32.3	32.3	32.3
Vehicle 2	30.9	30.9	30.9	30.9
Vehicle 3	29.7	29.7	29.7	29.7
Vehicle 4	28.4	28.4	28.4	28.4
Vehicle 5	27.3	27.3	27.3	27.3
Vehicle 6	26.3	26.3	26.3	26.3
Vehicle 7	41.3	41.3	41.3	41.3
West	-10.6	-10.6	-5.6	-5.6
R1. 4 Austin Terrace Front Garden	39.4	40.1	39.5	41.3
East	15.2	31.7	20.2	36.7
North	-10.8	-10.8	-5.8	-5.8
Roof	13.7	13.7	18.7	18.7
South	-18.1	-18.1	-13.1	-13.1
Vehicle 1	28	28	28	28
Vehicle 2	27.4	27.4	27.4	27.4
Vehicle 3	26.8	26.8	26.8	26.8
Vehicle 4	26	26	26	26
Vehicle 5	25.3	25.3	25.3	25.3
Vehicle 6	24.7	24.7	24.7	24.7
Vehicle 7	37.8	37.8	37.8	37.8
West	-15.9	-15.9	-10.9	-10.9
R1. 4 Austin Terrace Yard	35.0	36.7	35.2	39.1
East	15.5	32	20.5	37
North	-4	-4	1	1
Roof	15.9	15.9	20.9	20.9
South	-19.8	-19.8	-14.8	-14.8
Vehicle 1	23.1	23.1	23.1	23.1
Vehicle 2	22	22	22	22
Vehicle 3	21.3	21.3	21.3	21.3
Vehicle 4	20.4	20.4	20.4	20.4
Vehicle 5	19.4	19.4	19.4	19.4
Vehicle 6	18.7	18.7	18.7	18.7
Vehicle 7	33.6	33.6	33.6	33.6
West	-13.1	-13.1	-8.1	-8.1
R2. 3 Austin Terrace Facade	37.2	38.5	40.6	41.2
East	16.3	32.8	37.9	38.9
North	-2.4	-2.4	2.6	2.6
Roof	16.4	16.4	21.4	21.4
South	-18.9	-18.9	-13.9	-13.9
Vehicle 1	23.9	23.9	23.9	23.9
Vehicle 2	23.7	23.7	23.7	23.7
Vehicle 3	24.5	24.5	24.5	24.5
Vehicle 4	24.9	24.9	24.9	24.9
Vehicle 5	24.5	24.5	24.5	24.5
Vehicle 6	23.9	23.9	23.9	23.9
Vehicle 7	35.5	35.5	35.5	35.5
West	-11.3	-11.3	-6.3	-6.3
R2. 3 Austin Terrace Yard	28.8	31.1	29.3	34.1
East	10.9	27.4	15.9	32.4
North	-7.2	-7.2	-2.2	-2.2
Roof	14.2	14.2	19.2	19.2
South	-22.4	-22.4	-17.4	-17.4
Vehicle 1	12.5	12.5	12.5	12.5
Vehicle 2	12.2	12.2	12.2	12.2
Vehicle 3	12	12	12	12
Vehicle 4	11.5	11.5	11.5	11.5
Vehicle 5	11	11	11	11
Vehicle 6	10.6	10.6	10.6	10.6
Vehicle 7	28	28	28	28
West	-14.5	-14.5	-9.5	-9.5
R3. 2 Austin Terrace Facade	34.8	36.1	35.0	38.2
East	13.9	30.4	18.9	35.4
North	-4.3	-4.3	0.7	0.7
Roof	14.8	14.8	19.8	19.8
South	-20.7	-20.7	-15.7	-15.7
Vehicle 1	22.4	22.4	22.4	22.4
Vehicle 2	21.8	21.8	21.8	21.8

Vehicle 3	21	21	21	21
Vehicle 4	19.2	19.2	19.2	19.2
Vehicle 5	19	19	19	19
Vehicle 6	19.1	19.1	19.1	19.1
Vehicle 7	33.6	33.6	33.6	33.6
West	-11.9	-11.9	-6.9	-6.9
R3. 2 Austin Terrace Yard	26.6	28.9	26.6	29.4
East	8.7	25.2	8.7	26.2
North	-9	-9	-9	-9
Roof	11.7	11.7	11.7	11.7
South	-24.1	-24.1	-24.1	-24.1
Vehicle 1	9.4	9.4	9.4	9.4
Vehicle 2	9.4	9.4	9.4	9.4
Vehicle 3	9.2	9.2	9.2	9.2
Vehicle 4	9	9	9	9
Vehicle 5	8.7	8.7	8.7	8.7
Vehicle 6	8.4	8.4	8.4	8.4
Vehicle 7	25.9	25.9	25.9	25.9
West	-14.7	-14.7	-9.7	-9.7
R4. 1 Austin Terrace Facade	32.6	33.9	41.5	43.2
East	11.8	28.3	40.9	42.7
North	-6.2	-6.2	8.7	26.2
Roof	13.3	13.3	-9	-9
South	-22.3	-22.3	11.7	11.7
Vehicle 1	20.1	20.1	20.1	20.1
Vehicle 2	19.7	19.7	19.7	19.7
Vehicle 3	19.1	19.1	19.1	19.1
Vehicle 4	18.4	18.4	18.4	18.4
Vehicle 5	16.5	16.5	16.5	16.5
Vehicle 6	16.1	16.1	16.1	16.1
Vehicle 7	31.3	31.3	31.3	31.3
West	-13	-13	-8	-8
R4. 1 Austin Terrace Yard	26.0	28.4	40.2	42.1
East	8.2	24.7	40.1	41.9
North	-12	-12	8.7	26.2
Roof	11.3	11.3	-9	-9
South	-23.8	-23.8	11.7	11.7
Vehicle 1	9.6	9.6	9.6	9.6
Vehicle 2	9.7	9.7	9.7	9.7
Vehicle 3	10	10	10	10
Vehicle 4	10	10	10	10
Vehicle 5	9.9	9.9	9.9	9.9
Vehicle 6	9.8	9.8	9.8	9.8
Vehicle 7	25.1	25.1	25.1	25.1
West	-17.9	-17.9	-12.9	-12.9
R5. 1a Kennel Road Facade	31.0	31.8	39.9	41.7
East	7.6	24.1	39.3	41.1
North	-22.9	-22.9	8.7	26.2
Roof	8.2	8.2	-9	-9
South	-12.1	-12.1	11.7	11.7
Vehicle 1	17.7	17.7	17.7	17.7
Vehicle 2	17.8	17.8	17.8	17.8
Vehicle 3	18	18	18	18
Vehicle 4	18.2	18.2	18.2	18.2
Vehicle 5	18.3	18.3	18.3	18.3
Vehicle 6	18.4	18.4	18.4	18.4
Vehicle 7	29.4	29.4	29.4	29.4
West	-19.9	-19.9	-14.9	-14.9
R5. 1a Kennel Road Garden	32.2	32.9	38.6	40.5
East	8.6	25.1	37.5	39.7
North	-19.7	-19.7	8.7	26.2
Roof	9	9	-9	-9
South	-15.8	-15.8	11.7	11.7
Vehicle 1	19.2	19.2	19.2	19.2
Vehicle 2	19.3	19.3	19.3	19.3
Vehicle 3	19.3	19.3	19.3	19.3
Vehicle 4	19.4	19.4	19.4	19.4
Vehicle 5	19.4	19.4	19.4	19.4
Vehicle 6	19.4	19.4	19.4	19.4
Vehicle 7	30.5	30.5	30.5	30.5
West	-19.6	-19.6	-14.6	-14.6
R6. 1 Kennel Road Facade	30.0	30.8	35.9	38.6
East	6.7	23.2	34.6	37.6
North	-20.5	-20.5	8.7	26.2
Roof	6.9	6.9	-9	-9
South	-23.9	-23.9	11.7	11.7
Vehicle 1	15.1	15.1	15.1	15.1
Vehicle 2	16	16	16	16
Vehicle 3	16.5	16.5	16.5	16.5
Vehicle 4	16.8	16.8	16.8	16.8

Vehicle 5	16.7	16.7	16.7	16.7
Vehicle 6	16.6	16.6	16.6	16.6
Vehicle 7	28.6	28.6	28.6	28.6
West	-21.7	-21.7	-16.7	-16.7
R6. 1 Kennel Road Garden	28.5	29.5	32.8	36.4
East	6.5	23	30.7	35.1
North	-18.8	-18.8	8.7	26.2
Roof	7.7	7.7	-9	-9
South	-23.7	-23.7	11.7	11.7
Vehicle 1	14.7	14.7	14.7	14.7
Vehicle 2	14.6	14.6	14.6	14.6
Vehicle 3	14.8	14.8	14.8	14.8
Vehicle 4	16.1	16.1	16.1	16.1
Vehicle 5	17.7	17.7	17.7	17.7
Vehicle 6	17.5	17.5	17.5	17.5
Vehicle 7	26.5	26.5	26.5	26.5
West	-20.9	-20.9	-15.9	-15.9
R7. 223a Newcastle Road Facade	24.3	25.5	26.7	33.2
East	2.9	19.4	24.8	31.8
North	-7.8	-7.8	8.7	26.2
Roof	21.8	21.8	-9	-9
South	-12.1	-12.1	11.7	11.7
Vehicle 1	4.3	4.3	4.3	4.3
Vehicle 2	4.1	4.1	4.1	4.1
Vehicle 3	4	4	4	4
Vehicle 4	3.9	3.9	3.9	3.9
Vehicle 5	3.9	3.9	3.9	3.9
Vehicle 6	3.8	3.8	3.8	3.8
Vehicle 7	19.4	19.4	19.4	19.4
West	11.7	11.7	16.7	16.7
R7. 223a Newcastle Road Garden	17.2	19.0	21.0	29.8
East	-2.1	14.4	18.1	26.8
North	-23	-23	8.7	26.2
Roof	10.8	10.8	-9	-9
South	-15.8	-15.8	11.7	11.7
Vehicle 1	-0.5	-0.5	-0.5	-0.5
Vehicle 2	-0.4	-0.4	-0.4	-0.4
Vehicle 3	-0.2	-0.2	-0.2	-0.2
Vehicle 4	0	0	0	0
Vehicle 5	0.4	0.4	0.4	0.4
Vehicle 6	1.1	1.1	1.1	1.1
Vehicle 7	15.2	15.2	15.2	15.2
West	-3	-3	2	2



Newry, Mourne and Down District Council Environmental Health

Environmental Health Ref: 1797/17c

Planning Application Ref: LA07/2017/0078

Date Received:

<p>1. <u>NOISE (includes vibration)</u> a) Potential to cause adverse impact. b) Proposal may be adversely affected.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>2. <u>AIR POLLUTION</u> a) Potential to cause adverse impact. (eg odour, dust) b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>3. <u>GENERAL AMENITY</u> a) Potential to cause adverse impact (vermin/litter) b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>4. <u>AMBIENT AIR QUALITY</u> a) Potential to cause adverse impact. b) Proposal may be adversely affected.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>5. <u>CONTAMINATED LAND</u> Potentially contaminated due to: a) a previous use of the site b) use, or a previous use, of adjacent land c) naturally occurring levels of contamination.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>6. <u>OTHER CONSIDERATIONS</u> a) Other Environmental Health considerations</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Accompanied by Environmental Statement (ES) Has ES Been considered.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Has 3rd party (eg objector/EHS) comment been received Has 3rd party (eg objector/EHS) comment been considered</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Should Other agencies be involved as additional consultees? (Please Specify) E.g. NIEA, Land Resources Unit, IPRI, HSENI, etc.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>



Environmental Health Recommendation

No Issues of Concern Arising	
Essential Information Not Provided	
Substantive Response Provided	✓
Considered – No Comment Necessary	
Superseded by Further Consultation	
Issues to be Addressed in Future ES	
Issues to be Addressed in Future Application	
Consulted on Error	

Comments

Environmental Health note that this proposed development has been approved. Upon reviewing the information submitted in support of the application we would suggest the following conditions be attached to minimise the impact on amenity of nearby residential properties:

The hours of operation, to include any HGV activity, should be limited to Monday to Saturday: 09:00 to 17:00 with no operation on Sundays.

No external plant should be used or installed without prior agreement with the Planning Office.

The doors to the rear of the units, as shown on drawing date stamped 18 Jan 17 by Planning Office, must be kept closed when units are operational.

The units shall be constructed as specified on page 10 of the Noise Assessment, dated 21st August 2017.

This response has been provided on behalf of Environmental Health, Newry, Mourne and Down District Council.

Date 7th November 2017

NOTE: Any consultation response provided by the Environmental Health Service is based on:

- information supplied by the applicant, and
- other information currently available.



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Noise, Vibration and Acoustics
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Annette McAlarney
 Newry Mourne and Down District Council
 Downshire Civic Centre
 Downshire Estate
 Ardglass Road
 Downpatrick
 BT30 6GQ

1st April 2019

PL REF: NOISE ASSESSMENT Erection of 3 light industrial units. 20m East of 223a Newcastle Road, Seaforde, BT30 8NP. PL Ref: LA07/2017/0078/F

Dear Annette,

With reference to application LA07/2017/0078/F it is hoped that the following information will help clarify any outstanding issues. These comments relate to the submitted noise report. (*'NOISE ASSESSMENT Erection of 3 light industrial units. 20m East of 223a Newcastle Road, Seaforde, BT30 8NP' and dated the 21st August 2017*). The report prepared by Chris Jordan (Irwin Carr Consulting) and dated the 8th of January 2018 is also noted.

Background Noise Levels,

The background noise level submitted as representative of the site in the assessment report (KRM) was a Modal Value of 46 dB L_{A90} , the ambient level was considered as a numerical average of 58.2 dB $L_{Aeq,1hr}$. The Irwin Carr report details noise monitoring completed between the 19th of December 2017 to the 3rd of January 2018. This was over the Christmas holiday period so the Christmas week between the 25th of December to the 1st of January was excluded. The daytime background noise level was determined to be 45 dB L_{A90} . It is not known if the Irwin Carr assessment also excluded the Saturday evening and Sunday (daytime) periods when the premises will be closed. The Irwin Carr modal background level only deviates from the KRM Acoustics considered background level by 1dB (decibel).

It is noted that no consideration of the context of the site and residual levels at the site was made in the Irwin Carr report. The residual levels were not presented. It is a requirement of BS4142:2014 that the context of the site and the residual levels should be considered. The residual levels at the site are known to be high and were measured by KRM Acoustics as between 53 and 61.3 dB L_{Aeq} . The site is beside the busy Newcastle A24 Road and is directly adjacent to a commercial yard.

Source Noise Levels,

The use class for the units is B2 'light industrial' and B4 'Storage'. According to the 'Planning (Use Classes) Order (Northern Ireland) 2004' the classification B2 is defined as 'Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. Class B4 is defined as 'Use for storage or as a distribution centre'. The applicant is not applying for Class B3 use, i.e. General Industrial.

The figure of 70 dB L_{Aeq} is the sound level incident at the facade. Equating to 75 dB L_{Aeq} at the centre of the floor space. It is not envisioned that the hourly activity level would exceed 70 dB L_{Aeq} at the facade. There are no private external yard areas that would facilitate the use of the premises as a large engineering works. The units are relatively small with a floor area of only ~64m² incl the office and the WC. A 70 dB $L_{Aeq,1hr}$ level, incident at the internal facade is considered to be representative of the upper levels that will occur at the units.

A submission was made on the 10th October 2017 considering a higher source noise level of 75 dBA. An increase in the internal noise levels of +5 dB would increase the levels at the closest receptor R1 Austin Terrace to 42.9 dBA with the doors closed and 44.9 dB LA with the doors open, still below the (Irwin Carr) modal background level of 45 dB L_{A90} .

It is submitted in the Irwin Carr Report that a 15dB correction figure has been applied to an open roller shutter door. This is incorrect the correction figure is -6 dB as detailed in the sixth row of Table 6 is '6dB'. The composite sound reduction value of the whole of the front facade was considered as 9.61 dB in the noise model.

A tonal correction was added to the source level for the Lorry activity as detailed in **Table 5** of the submitted report. This is considered to be representative as it is defined as 'Clearly Perceptible' in section 9.2 of BS4142:2014.

The noise model was re-calculated using an internal level of 80 dBA a single vehicle source level of 70.7 dBA SWL and a lorry level of 78.2 dBA. The predicted levels are presented in **Table 1** below. A small exceedance is noted at R1, 4 Austin Terrace. It is however not +5dB over the Modal background level (45+5 = 51) and as such does not indicate an adverse impact. The exceedance only occurs when the doors are open and a lorry is being loaded. In any case this is the level predicted 4m high incident at the rear facade. The internal level is predicted to be 33dBA. The predicted levels indicate no exceedance over the prevalent modal background levels under all of the other scenarios and when the doors are closed. The predicted rating levels are well below the existing residual levels which will mask the predicted levels to a large extent.

The BS8233:2014 guideline level for resting of 35 dBA is note predicted to be exceeded, in any of the receptors.

Receptor	Predicted level Externally DAYTIME (Through Partially Opened Window) dB L_{Aeq} FACADE		Predicted level Internally DAYTIME (Through Partially Opened Window) dB L_{Aeq} FACADE		Predicted level in Amenity Space DAYTIME dB L_{Aeq}		Measured background Noise Levels DAY dB L_{Aeq}
	OPEN	CLOSED	OPEN	CLOSED	OPEN	CLOSED	
Doors							
R1. 4 Austin Terrace	48	44.1	33	29.1	43	36.2	KRM MODE: 46 dB L_{A90} Irwin Carr MODE: 45 dB L_{A90}
R2. 3 Austin Terrace	44.2	38.7	29.2	23.7	37.9	29.1	
R3. 2 Austin Terrace	41.6	35.8	26.6	20.8	35.7	26.9	
R4. 1 Austin Terrace	39.5	33.7	24.5	18.7	35.2	26.6	
R5. 1a Kennel Road	35.2	31.1	20.2	16.1	34.8	30.3	
R6. 1 Kennel Road	36.3	32.5	21.3	17.5	37.4	33.7	
R7. 223a Newcastle Road	31.1	26.3	16.1	11.3	25.3	18	

Table 1. Predicted noise levels at the receptors, and limits (All values are referenced to the 1hr daytime period).

Sincerely,

Karl McElroy BSc M.I.O.A.
KRM Acoustics

Environmental Health submission in relation to LA07/2017/0078 (3 light industrial units 20m east of 223a Newcastle Road, Seaforde)

Summary of Environmental Health Comments to Planning Office:

07/02/17 – Environmental Health requested a full operational plan for the proposed units. It was requested that the operational plan include proposed operating hours, details of all plant to be utilised on site (fixed and mobile), a drawing showing all openings in the proposed buildings (doors, windows, vents etc) and details of any acoustic measures to be incorporated on site.

In addition, Environmental Health stated that the applicant may be required to submit a noise impact assessment due to the proximity of the development to residential properties.

22/05/17 – Environmental Health were consulted on 28/04/17 and advised that further information had been received. This was in the form of information from Ewart Davis, Town Planner (date stamped 27th April 2017).

Environmental Health raised an objection since the units will be accessed via roller shutter doors. These roller shutter doors are likely to be open during operating times and noise from activities inside the units may adversely impact on the amenity of nearby residential properties.

Environmental Health advised that the applicant may wish to submit a noise impact assessment to predict the impact and if necessary offer noise mitigation measures to protect amenity.

05/10/17 – Environmental Health consulted on 14/09/17 due to additional information being received. This was in the form of a Noise Assessment from KRM Acoustics (date stamped 30th August 2017).

Environmental Health raised several concerns regarding the noise assessment. Namely, the façade level used within the consultant's noise model, the lack of character correction to the likely noise sources and the clarity of the impact of the predicted noise levels.

07/11/17 – Environmental Health were consulted on 17/10/17 due to additional information being received. This was in the form of a letter from KRM Acoustics (date stamped 17th October 2017).

At this stage in the consultation process, Environmental Health was informed that this application had been approved, several conditions were therefore suggested which may assist in reducing the impact of the noise on the nearby residential properties. These conditions included restriction of operating hours (Monday – Saturday 09:00 to 17:00),

prohibiting of any external plant, doors to the rear of the building being kept shut and construction of units in line with that proposed in noise assessment.

Environmental Health had been unaware that the approval in principle had occurred earlier in 2017.

15/02/18 – Environmental Health were consulted on 25/01/18 due to additional information being received. This was in the form of a Noise Impact Assessment from Irwin Carr Consulting (date stamped 24th January 2018). This assessment was concerned with the current proposal and a proposal for a car wash on adjacent land. This assessment raised several issues with the accuracy of the assessment carried out by KRM Acoustics. In addition to this the assessment carried out by Irwin Carr indicated that noise from the proposed industrial units would have a significant adverse impact on amenity at 4 Austin Terrace.

Environmental Health stated that they were aware that the proposal was again under consideration and had concerns regarding the accuracy of the Noise Assessment carried out by KRM Acoustics and that no noise mitigation measures have been proposed. Environmental Health stated that it is likely that noise from the proposed development will have an adverse impact on the amenity of nearby residential properties.

Environmental Health's current position.

Both consultants' reports have areas that Environmental Health would query.

However, Environmental Health based on current information supplied would consider the proposed development likely to result in an adverse impact of the amenity of nearby residential properties.

James Campbell

Head of Environmental Health-Residential

Health and Wellbeing Department

Newry Mourne and Down District Council.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0582/F

Date Received: 11/04/2018

Proposal: Proposed change of use of existing vernacular barn to a dwelling house with extension

Location: 30m S of No 32 Oldtown Lane, Annalong

Site Characteristics & Area Characteristics:

The application site is located to the north of Oldtown Lane and contains an existing stone outbuilding on the western corner of the site adjoining the road. The remaining roadside boundary consists of an agricultural gate and a dry stone wall which extends along the eastern site boundary. The building on site is adjoined to the west by an existing agricultural gate leading to an adjoining field. The remainder of the sites boundaries are undefined and form part of a larger agricultural field. The site slopes from the north west corner towards the south east.

The application site is located within an Area of Outstanding Natural Beauty and Site of Local Nature Conservation Importance (NC 03/155 Mullartown Moraine).



Building to be converted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge/ Newry and Mourne 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

Site History:

P/2003/2411/O- Site for dwelling and garage opposite No. 32 Oldtown Lane. This application was refused for two reasons:

1. *The proposal is contrary to Policies SP6 and DES4 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of build up.*
2. *The proposal is contrary to Policies SP6, HOU8 and DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape by reason of its undue prominence.*

Consultations:

NI Water- Generic response provided

Transport NI- No objection to this proposal.

Objections & Representations

Twenty three neighbours were notified of the application and the application was advertised in a local paper with a statutory expiry date of 16/05/2018. No objections or representations have been received.

Consideration and Assessment:**Strategic Planning Policy Statement (SPPS)**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

Paragraph 6.73 relates to the conversion and re-use of existing buildings for residential use and states *"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. Provision should also be made for the conversion of a locally important building to*

provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy".

This application seeks to change the use of an existing building with an extension added. The supporting statement provided accompanying this application contends that Paragraph 6.73 of the SPPS clearly states that all former school houses, churches and older traditional barns and out buildings are included within the term '*locally important*' and if it was not the intention of policymakers to include all former school houses, churches and older traditional barns and outbuildings then the word '*some*' would have been inserted into the policy.

It is further stated that "The building proposed to be converted to a single dwelling is certainly a locally important traditional outbuilding, possessing architectural merit. The farm building which is the subject of this application is an 'older traditional barn', with charming, historical qualities, being constructed using traditional techniques, with traditional, locally sourced stone. Additionally, please note that this traditional outbuilding is quite an age, it has and continues to fall into a state of disrepair, while the approval of this application would lead to its automatic retention and upkeep, thereby further meeting the requirements and purpose of Paragraph 6.73 of the SPPS".

The Agent for the application was contacted on 25th May 2018 and advised that the supporting statement has been noted and that the Council do not consider the existing building to be locally important or of architectural merit as required by policy. It was also advised that there are concerns with the design of the proposal in terms of materials and massing and how these would integrate with the site and surrounding landscape.

The Agent maintained that the SPPS defines what a locally important building is and that it includes '*older traditional barns and outbuildings*' contesting the interpretation of the policy and requested the Council to provide appeal decisions.

Appeal Reference 2017/A0076 states at Paragraph 6- "*The SPPS does not define the term "locally important" but lists examples such as former school houses, churches and older traditional barns and outbuildings". It further states at Paragraph 9 that "the policy does not state that all older traditional barns or outbuildings are necessarily locally important". Further at paragraph 9 in relation to the appeal building it is noted that "notwithstanding its age and stone construction it displays no noteworthy architectural features or merit."*

Appeal Reference 2016/A0143 further supports this stating at Paragraph's 9 and 10 that "*The Strategic Planning Policy Statement for Northern Ireland (SPPS), published in September 2015, states at Paragraph 6.69 that the re-use of previously used buildings must be promoted. However, as is clear from what follows, that does not mean all such buildings should be converted to dwellings. Whereas PPS 21 refers to converting a "suitable building", Paragraph 6.73 of the SPPS substitutes the phrase "locally important building (such as former school houses, churches and older traditional barns and outbuildings)". Paragraph 1.12 of the SPPS*

requires any conflict between the SPPS and PPS 21 to be resolved in favour of the former. The SPPS does not define "locally important" but the examples given in brackets are suggestive of buildings that generally have some local architectural merit or historic interest."

A letter from Kingdom of Mourne Military History Society was received on 23rd July 2018 outlining that the building in question was a central facility during the construction of the maintain railway that ran from Annalong to Silent Valley during the construction of the Silent Valley dam, was a centralised flax wretting and processing area during the height of the ulster linen industry and was associated with events of significant historical interest in the Mourne area. Amended plans were also received.

Correspondence was sent on 3rd August 2018 to request further evidence in addition to the letter from the Kingdom of Mourne Military History Society and it was asked to reduce the width of the proposed lobby. To date, no additional information or amended plans have been received.

Given the information provided and notwithstanding its age and stone construction the building to be converted displays no noteworthy architectural features or merit. The proposal is considered to be contrary to Paragraph 6.73 of the SPPS. Appeal Decision 2017/A0076 supports the assessment that the age and stone construction of a building does not automatically qualify it as a building of local importance even if evidence of historical use is provided. Whilst the proposal does not comply with the SPPS it must also be assessed under the policies of PPS21.

Planning Policy Statement 21

Policy CTY4

Assessing the proposal under CTY4 of PPS21 planning permission can only be granted for sympathetic conversion and adaption of a building where this will secure its upkeep and retention. Proposals will be required to be of a high design quality and meet all of the following criteria:

- a) The building is of permanent construction
- b) The reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality
- c) Any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building
- d) The reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings
- e) The nature and scale of any proposed non-residential use is appropriate to a countryside location
- f) All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality
- g) Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

The subject building is of permanent construction. The application proposes to add a single storey extension to the southern elevation consisting of a glass lobby on the front elevation and with a grey timber to the rear elevation. A single storey rendered extension with a glassed corner element is also proposed. The proposal will maintain the form of the building however the proposed extension extends 7.5m from the existing building and the glazed and flat roofed element is not considered to be sympathetic to the scale, massing and finishes of the existing building. If this application was to be approved, it would be recommended that a condition relating to restricted permitted development right was imposed to ensure the proposal could not be further extended. It is not considered that the proposal would impact the amenities of nearby residents. Transport NI have no objections to the proposal and all necessary services are available or can be provided without significant adverse impacts on the environment or locality.

The proposal is considered to be contrary to criterion b and c of Policy CTY4.

Policy CTY13

Policy CTY 13 states that planning permission will only be granted for a building in the countryside where it can be visually integrated into the landscape and is of an appropriate design. The application site lacks an eastern and southern site boundary and there are concerns the proposal would appear as a prominent feature in the landscape given the levels of the land, particularly views from Oldtown Road. The site plans provided do not show any existing or proposed levels, amended plans should be requested if this application were to be approved. The site lacks long established natural boundaries to provide a suitable degree of enclosure and would rely on new landscaping for integration. As previously stated, the glazed elements and design of the extension is considered to be appropriate for the area. The proposal is considered to be contrary to criterion a, b, c and e of Policy CTY14.

Policy CTY14

Policy CTY 14 relates to rural character. As previously stated it is considered that the proposal will appear as unduly prominent in the landscape. The proposal is considered to be contrary to criteria a of Policy CTY14.

Planning Policy Statement 2- Natural Heritage

Policy NH4

Policy NH4 relates to Sites of Nature Conservation Importance- Local and states that planning permission will only be granted if the proposal is not likely to have a significant adverse impact on a local nature reserve or a wildlife refuge. Appendix 1D of the Plan's Countryside Assessment states that the SLNCI is designated for its geological features as a glacial landform. The erection of a house on the site is unlikely to have a significant effect on the underlying geology so no further consultation with regard to the SLNCI is required

Policy NH6

Policy NH6 relates to areas of Outstanding Natural Beauty and states that planning permission will only be granted where it is of an appropriate design, size and scale for the locality. The proposed size, scale and design of the extension is not appropriate for the area and is contrary to Policy NH6.

Amenity

The application site adjacent to an existing two storey dwelling with a separation distance of c14.5m between the buildings. It is considered given the siting of the buildings the proposal should not give rise to overlooking or any loss of amenity for neighbouring residents.

Recommendation: Refusal**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building to be converted is not a locally important building
 - the proposed extension would not enhance the form, character, design and setting of the existing building and would have an adverse effect on the character or appearance of the locality
 - the new extension is not sympathetic to the scale, massing, architectural style and finishes of the existing building
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposal will be a prominent feature in the landscape
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape
 - the proposal relies primarily on the use of new landscaping for integration
 - the design of the proposed building is inappropriate for the site and its locality 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 proposal would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

- 5. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty.

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:

Your Ref: LA07/2018/0582/F

Our Ref: 17/94

Newry, Mourne and Down District Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL



30th March 2019

Dear Sir/Madam,

Further to the above-referenced application and the Local Planning Authority's (LPA's) recommendation of refusal on five grounds, I am writing on behalf of the agent and in full support of Mr. Cumming's and Ms. Rogers' proposal and rebutting each of the LPA's reasons for refusal.

With regards to the first recommended reason for refusal, please note that if the second recommended reason for refusal can be overcome then the first recommended reason for refusal will also consequently be overcome; therefore, I will now deal with the second recommended reason for refusal:

The Case Officer, in their report of the subject planning application, has referenced two appeal cases, one of which was dismissed in February 2017 and the other was dismissed in February 2018, which they believe supports their recommendation to refuse the subject planning application. In this regard, please note that in July 2018, five months *after* the most recent of the two appeal decisions referred to, planning permission was granted by the Newry, Mourne and Down LPA for the conversion of a traditional outbuilding, positioned immediately adjacent to Ballyveaghbeg Road, Ballymartin, to a dwelling with an associated subordinate extension (ref: LA07/2018/0202/F). There is no difference whatsoever between the aforementioned approval and the subject proposal in terms of the age, condition and nature of the respective outbuildings, which are both older traditional outbuildings, and which both propose extensions possessing a subordinate form and scale to the existing older traditional outbuilding. With regards to the above-mentioned approval, please note that the respective outbuilding is located immediately adjacent to a stretch of public road while the current proposal is located along a private lane and is, in no way whatsoever, as readily visible as the outbuilding relating to said approval.

Furthermore, please note that a supporting letter was submitted by the Kingdom of Mourne Military History Society for both the current application and the aforementioned approval, and that in the case of the above-referenced planning approval, said supporting letter was deemed sufficient to grant planning approval—I quote from the Case Officer's report of planning approval LA07/2018/0202/F:

"It is considered with the additional information [i.e. the supporting letter from the Kingdom of Mourne Military History Society] and amendments that the proposal is in compliance with Paragraph 6.73 of the SPPS".

Given the above-mentioned facts, the subject older traditional outbuilding successfully meets the requirements of Paragraph 6.73 of the SPPS and, in turn, Policy CTY 4 of PPS 21, and therefore the second recommended reason for refusal, and consequently the first recommended reason for refusal have been overcome.

The remaining recommended reasons for refusal, including the second and third bullet points contained within the second recommended reason for refusal, relate to the appearance of the proposed extension, which the LPA deem to be of an excessive scale and generally unsympathetic to the immediately adjacent outbuilding and the wider surrounding area, and would be a "prominent feature in the landscape".

In this regard, please note that the existing older traditional outbuilding possesses a form, scale and massing significantly greater than the proposed extension, which possesses a wholly sympathetic and modest design, size, scale and siting for this locality, entirely subordinate to the existing outbuilding. The form and orientation of the conscientiously designed extension takes its cue from the older traditional outbuilding proposed to be necessarily extended in order to provide the floorspace required for basic, modern residential needs. In addition, please note that the form and scale of the proposed extension is extremely similar to the form and scale of the extension deemed policy-compliant and subsequently granted planning permission under the above-quoted planning approval (ref: LA07/2018/0202/F).

In terms of the LPA's deemed concern regarding the lack of long-established boundaries, please note that the boundary definition of fields and the curtilage of dwellings located within both the immediate and the wider area surrounding the application site consists of indigenous dry stone walling—it would only take approximately one working day in order to provide the application site with a rear and side boundary definition, which would entirely respect the character of the surrounding area, while the existing laneway and side boundaries can be retained.

It must be emphasised that rather than appearing unsympathetic and prominent in this landscape, the proposed extension is situated entirely behind the much larger older traditional outbuilding, possesses an extremely minimal form and scale and will therefore be concealed to the extremely low number of passers-by along Oldtown Lane and successfully integrate into its landscape.

In conclusion, for the reasons stated above, Mr. Cumming's and Ms. Rogers' application successfully meets the criteria of all relevant planning policies, and we therefore kindly request that the LPA and the Planning Committee of Newry, Mourne and Down District Council look favourably upon this policy-compliant proposal and issue a decision notice of approval.

Yours faithfully,

John Law BSc (Hons.) Dip. TP



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0339/O

Date Received: 16/02/2018

Proposal: Site for replacement dwelling and detached garage with minor access alteration

Location: 160 m South West of No. 128 Head Road, Kilkeel

Site Characteristics & Area Characteristics:

The application site is located off Head Road situated, c. 70m to the east of the junction with Brackenagh West Road. The building to be replaced sits at a slightly lower level than the public road and sits within a larger agricultural field. The agricultural field can be accessed via agricultural gates located to the western and eastern corners of the field.

The building proposed to be replaced is a single storey building constructed of stone with a corrugated metal roof. Along the front elevation there are two window openings, one of which has been filled with stone, and a doorway. There are no other openings along the external elevations. To the south eastern side of the building there are the remnants of a wall and a pile of stone to towards the front elevation.

To the west of the site the boundary consists of a stone wall with the Crosswater Stream running to the west of the boundary wall. The southern site boundary also consists of a stone wall with an entrance gate into an adjoining field located at the south western corner of the site. The remainder of the site has no defined boundaries.

The application site is located outside any defined settlement limits and within an Area of Outstanding Natural Beauty. Areas of the site lie within the Strategic 1 in 100 year fluvial flood plain of the Crosswater Stream and within a predicted flooded area.



Building to be replaced

Planning Policies & Material Considerations:

This application will be assessed under the following planning policies:

- Strategic Planning Policy Statement for Northern Ireland
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 15- Planning and Flood Risk
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

There is no planning history on the subject site.

Consultations:

NI Water- Generic response provided

DFI Roads- Reason for refusal provided

DFI Rivers- Dfi Rivers comments in relation to drainage and flood risk are as follows:-

FLD1 - Development in Fluvial Flood Plains- the Flood Map (NI) indicates that the site lies within the Strategic 1 in 100 year fluvial flood plain of the undesignated Crosswater Stream. The site is also located within a predicted flooded area as indicated on the Surface Water Flood Map.

The applicant has 2 options according to Planning Policy Statement 15 in consultation with your colleagues in the Planning Authority on similar cases.

1. Provide a better definition of the floodplain under D4 of the policy. If the site within the red boundary lines is affected by floodplain then the applicant should provide the Planning Authority with reasons why it meets one of the exceptions listed in FLD 1 of the policy or

2. Move the site boundary outside any floodplain and resubmit the application taking into account the precautionary approach of PPS 15 which recommends that any new development be allowed an additional freeboard of 600mm.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – In accordance with Revised PPS 15, FLD 2 (point 6.32), it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities.

FLD3 - Development and Surface Water – Not applicable.

FLD4 - Artificial Modification of watercourses – Not applicable.

FLD5 - Development in Proximity to Reservoirs –Not applicable.

Objections & Representations

One neighbour was notified of this application on 12/03/18 and the application was advertised on 21/03/2018. No objections or representations have been received.

Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 21- Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Policy CTY 3

In order to comply with Policy CTY3, applications must meet the following criteria:

- Dwelling to be replaced must exhibit the essential characteristics of a dwelling (as a minimum all external structural walls substantially intact)
- Proposed dwelling must be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonable accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The overall size of the new dwelling must integrate into the surrounding landscape and have no greater visual impact than the existing building.
- The design of the replacement dwelling should be of a high quality appropriate to its rural setting
- All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality
- Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.

It further states that this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling.

Applying these criteria to this planning application:

- The Agent for this planning application has outlined within the Design and Access Statement key features which it is contested prove this building was previously used as a dwelling. It is stated that the dwelling has a thatched roof which fell into disrepair over 30 years ago and that in order to allow the new corrugated metal cladding roof to be easily water roofed, the chimney was removed from the gable on the internal party wall. The Agent contends that the granite stones which formed the fireplace are still in position.

From the site visit conducted it appears that the area above the 'fire place' appears to previously been a window which has been filled in with stone. Whilst the external walls are substantially intact I would conclude that there are no

obvious features which would indicate that this building was previously used as a dwelling and as such does not meet the fundamental requirement of the policy for replacement.



Area above 'fireplace'

- The subject building is located within a large agricultural field and has no defined curtilage. The area of the site outlined in red extends to 0.2644ha. The concept sketch provided proposes to site the dwelling some 10m south from the existing dwelling. If Planning Committee were minded to grant this application, it should be conditioned for any dwelling to be sited closer to the building to be replaced.
- This is an outline application detailed plans and elevations are not available at this stage. Given the height of the existing building and the open nature of the site, a new dwelling should not exceed 5.5m ridge height to ensure there is no significantly greater visual impact.

- DFI Roads have been consulted on this planning application and given that the Planning Department do not consider the proposal to qualify as a replacement dwelling they have provided a reason for refusal.

The Agent has provided additional information 'Griffith's Valuation' website to include a historical map with the subject building located within tile 13B and a table entitled 'Valuation of Tenements'. The accompanying table does not include correspond with the map provided and there are no details of 13A and 13B. It is noted other tiles with an A or B label are separately detailed within the table.

The building to be replaced is not considered have previously been used as a dwelling and the proposal therefore is contrary to Policy CTY3.

Policy CTY4

Policy CTY4 relates to the conversion and reuse of existing buildings. The SPPS provides policy clarification at Paragraph 6.73 stating in relation to the conversion and re-use of existing buildings for residential use *"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. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy"*.

This application seeks a replacement dwelling and as previously stated the subject building is not considered to be a dwelling. No information has been provided to justify why the subject building is locally important and it is not proposed to retain and upkeep the existing building. The proposal fails to comply with Paragraph 6.73 of the SPPS and Policy CTY4.

Policy CTY13

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. It is not acceptable where:

- It is a prominent feature in the landscape
- The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure
- It relies primarily on new landscaping for integration
- Ancillary works do not integrate with their surroundings
- The design of the building is inappropriate for the site and its locality
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The application site only has existing boundaries along the western and southern boundaries consisting of low level stone walls, the remainder of the site has no long established natural boundaries to provide a suitable degree of enclosure and the proposal would rely primarily on new landscaping for integration. In addition, the concept sketch proposes to remove existing trees to the south of the site in order to facilitate the off-site replacement. The proposal is considered to be contrary to Policy CTY13.

Policy CTY 14

Policy CTY14 states that a new building will be unacceptable where:

- It is unduly prominent in the landscape
- Its results in a suburban style build-up of development when viewed with existing and approved buildings
- It does not respect the traditional pattern of settlement exhibited in that area
- It creates or adds to a ribbon of development
- The impact of ancillary works (with the exception of necessary visibility spays) would damage the rural character.

If this application was granted and conditioned to restrict the height of the new dwelling to 5.5m it is considered the proposal would not appear as unduly prominent in the landscape. The proposal would not result in a suburban style build-up of development nor create or add to a ribbon of development.

Planning Policy Statement 15- Planning and Flood Risk

Parts of the application site are located within the Strategic 1 in 100 year fluvial flood plan of the undesignated Crosswater stream. The site is also located within a predicted flooded area as indicated on the Surface Water Flood Map.

Policy FLD1 relates to development in fluvial and coastal flood plains. It states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The application site is located within an undefended area. Given that the proposal does not qualify as a replacement dwelling and would involve significant intensification of use, it is not considered to constitute an exception to the policy and therefore is contrary to Policy FLD1.

DFI Rivers have stated that it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities in order to comply with Policy FLD2. If this application were to be granted this could be an informative to the decision.

Planning Policy Statement 3- Access, Movement and Parking

DFI Roads have assessed the proposal and would recommend the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width and visibility) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Planning Policy Statement 2- Natural Heritage

Policy NH 6 states planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where additional criteria are met. This cannot be thoroughly assessed at Outline application stage.

Recommendation:

Refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and the access to the public road will prejudice road safety.

3. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the subject building is not locally important.
4. 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);
 - the proposed building would rely primarily on the use of new landscaping for integrationand therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 'Planning and Flood Risk' as the site lies within a Strategic 1 in 100 year fluvial flood plain and the proposal is not considered to constitute an exception to the policy.
6. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width and visibility) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Application Reference: LA07/2018/0339/O, Site for replacement dwelling at Head Road

This application has been recommended for refusal primarily on the basis that the Council contends that building to be replaced is not an old dwelling. If the Committee accepts that the old building is indeed a dwelling, the refusal reasons relating to Policies CTY 3, 4, 13 & 14 can be instantly overcome.

Is the old building a dwelling?? The original dwelling had a thatched roof which rotted and fell into the house over 30 years ago. The applicant's father removed the chimney from the internal wall to allow him to fit a new corrugated metal roof supported on timber purlins which in turn allowed the dwelling to be used to shelter sheep. The dwelling has a tapered channel above the fireplace which channelled smoke up to the chimney. A granite lintel was placed across the channel just below ridge level to allow stonework to be built up to support a new timber purlin. The channel in the internal stone wall is clearly visible as are the original cut granite stones which formed the fireplace, (Photos 2 & 3 in Appendix A) The case officer has relied heavily on her theory that the tapered channel in the wall was a window which has been "built up". The case officer never mentioned her concerns re the channel to me in conversation nor in correspondence. The officer's report has not elaborated on how such a feature could have been a window especially since **1.** A person of normal height could not have looked through it and **2.** Why would someone have a high level window connecting 2 rooms in a building built pre 1850's?? This contention by the case officer has been made without foundation. It demonstrates a complete refusal to accept that the old building is a dwelling. It also demonstrates a lack of knowledge of building techniques/methods used in old buildings in the Mourne Area and beyond.

The stones in the channel are built/jointed into the stones which form the thick wall either side of the channel. A quick inspection of the stonework on both sides of the wall confirms this to be the case. This being so, the channel was as one would expect, built at the same time as the section of stone wall either side. If this were a *window opening* which was simply built up, there would be 2 straight vertical joints on the opposite side of the wall where the new and old stonework meet. No straight joint exists to support the case officer's contention. See photo no 4 in Appendix A. The channel is an original feature which was used to move smoke from the turf fire up to the chimney.

Under the relevant FOI legislation I asked the case officer by email on 18th December past if she went into the building when she inspected the site. The email was copied to the Council's Information Officer. I have yet to receive a response and I'm suspicious from the photos on file that the officer did not go into the dark inner room to inspect the wall to the rear of the channel. Had she done so, she would quickly have noticed that the wall has no vertical joints to indicate that the channel was a former window opening.

The Griffith's Valuation was the first full-scale valuation in Ireland and was published between 1847 & 1864. It is available on line. The dwelling to be replaced appears on the maps published with the Griffith's Valuation. Furthermore the dwelling is in the same location and the same shape as it currently appears on the modern OS map. (See page 3 of Appendix A) The Griffith's records show that John Mc Loughlin rented the house and just over 16 acres in Brackenagh West Townland from Messrs Moore and Floyd. The associated documents and map confirms Mr Mc Loughlin's land was described as a "*house and land*" identified with reference no 13 in the Townland of Brackenagh West. The associated map of the Townland refers to 13A and 13B. I submitted a map of Brackenagh West Townland from the Griffith's valuation to the case officer to demonstrate that no other land in the Townland had reference 13. Despite this, the Case Officer simply latched onto the fact that the valuation refers to land at no 13 and not 13 A & B in an attempt to discredit the information in the Griffith's Valuation. I would contend that the discrepancy between the written documents and the map could be a simple clerical error or perhaps as Mr Mc Loughlin rented the land at 13 A & B, the valuer used map ref 13 to cover both portions of land.

The Griffiths map numbers the separate portions of land in Brackenagh West Townland from no 1 to 44. No other land in the townland has map ref 13. The land at 13 A & B has to be the land referred to in the valuation. The land at map ref 13 was described as a house and land. The valuation and associated maps shows that there WAS ONLY 1 BUILDING on the land at ref 13 including 13 A & B. If there was only 1 building on the land at map ref 13, it had to be Mr Mc Loughlin's house which is the dwelling we are seeking to replace.

The planning dept has totally ignored and or refused to accept the compelling information already submitted which proves that the building on the application site is a dwelling which was occupied in the mid 1800's by Mr John Mc Loughlin.

The fireplace stones are connected into the existing stone wall and there is absolutely nothing to demonstrate that the fireplace in the photos in appendix A is not an original feature. If there was, the officer would certainly have highlighted this in her report. The officer's report refers to the fireplace in inverted commas on a few occasions which shows that the planning dept does not accept that the fireplace is indeed a fireplace. Unhelpfully, the planning department hasn't offered any reasons as to why they have taken this view.

I would contend that before a dept takes such a strong & us-supported stance, the officer within the dept should be prepared to explain the stance. Unhelpfully, the Council's planning dept clearly doesn't agree.

Policy CTY 3 requires that the dwelling to be replaced must exhibit the essential characteristics of a dwelling. This dwelling is clearly referred to in the Griffith's Valuation. It has an original granite fireplace and a channel in the wall above. The front elevation has a door and 2 windows openings. The door is to one side of the dwelling as was the norm in the Mourne area when the house was built. The dwelling complies with CTY3.

Flooding. The floodplain drawing of the area attempts to convince the public that the old dwelling with a floor level of 166.5m might flood once in 100 years as a result of the Crosswater stream breaching its banks. The floodplain drawing also shows that an adjacent area of the site almost 1m below the old house and closer to the Crosswater stream won't flood. The flood map is clearly not accurate in this area and should be viewed as such.

Policy FLD1 in PPS15 permits development inside a floodplain provided the application complies with 1 of 6 exceptions. One such exception refers to the replacement of a building in the countryside where this will not materially increase flood risk. The officer's report confirms that the refusal reason relating to Policy FLD1 has been included as the old building is not considered to be a dwelling. If the committee agree that the old building is indeed a dwelling the refusal reason relating to flooding can be set aside. Furthermore, the current drawing shows that the proposed dwelling and the access lane will be sited outside the floodplain.

Access. Photo no 5 in Appendix A clearly shows that the old dwelling is served by a short access lane which runs from the old dwelling to Head Road. Paragraph 5.19 in PPS3 advises *"In relation to development proposals for a replacement dwelling in the countryside, where an existing access is available but this does not meet the current standards, the Department would encourage applicants to consider the potential for incorporating improvements to the access in the interests of road safety"* The advice "encourages" applicants to improve access. It does not **require** the improvement of an access to a rural replacement dwelling.

The applicant is proposing to use an existing access. From the outset he has proposed to improve visibility to the east of the existing access to provide a 2 x 45m sight splay to the near side of Head Road. This could easily be increased to 2.4 x 70m in both directions by increasing the area inside the application site. The applicant has waited over a year for a decision and is keen to obtain permission. He has instructed me to revise the application to achieve 2.4 x 70m visibility splays in both directions if the Committee accept that the old dwelling is indeed an old dwelling which can be replaced. This decision has been taken on a without prejudice basis.

I will use some maps/photos during my presentation to the committee which will allow me to elaborate on and better explain the points raised above. I would like to thank the Council in advance for the opportunity to speak in support of the application.

Brendan Quinn



Photo No 1. Front elevation showing 2 windows and a door opening to the right side.



Photo No 2. Internal photo showing the original fireplace with the connecting door between 2 internal rooms.



Photo No 3. Internal photo taken 17/12/2018 showing the original fireplace and the channel which brought the smoke up to the chimney. The granite lintel referred to by the officer is visible as is the stonework above which was built 30 years ago to carry the new roof.



Photo No 4. Internal photo taken 17/12/2018 showing the wall behind the channel. The wall has no sign of vertical joints which would be visible if a window opening was built up as the officer suggests.



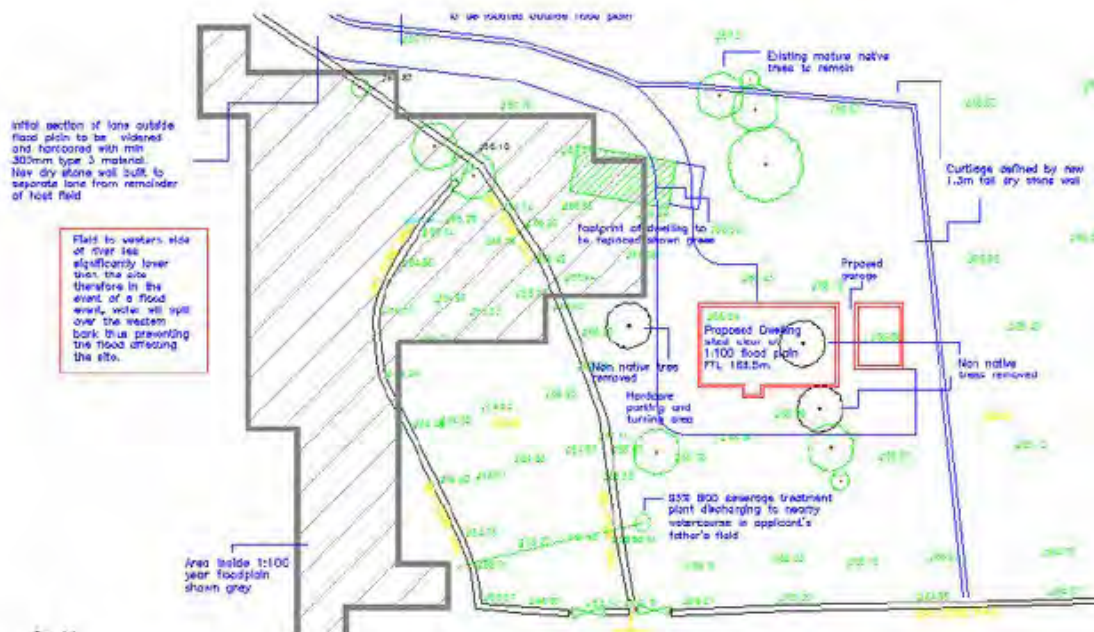
Extract from a map included in the Griffith's Valuation. The dwelling to be replaced is inside the blue circle in the land held under portion 13B with the land at 13A to the east.

Griffith's Valuation Record Information	
Tenant	
Family Name 1	MCCLOUGHLIN
Forename 1	JOHN
Landlord	
Family Name 2	MESSRS. MOORE & FLOYD
Forename 2	
Location	
County	DOWN
Barony	MOURNE
Union	KILKEEL
Parish	KILKEEL
Townland	BRACKENAGH, WEST
Place Name	BRACKENAGH, WEST
Place Type	TOWNLAND
Publication Details	
Position on Page	43
Printing Date	1863
Act	15&16
Sheet Number	53,56
Map Reference	13

Griffith's Valuation records showing that John Mc Loughlin rented the land at map ref 13 in Brackenagh West Townland.

3	John Cunningham,	Same,	House and land,
4	Michael Harrison,	Same,	House and land,
5	Michael Haughy,	Same,	House, office, and land
6	Patrick Varnon,	Same,	House and land,
7	John M'Veigh,	Same,	House and land,
8	Samuel M'Cullagh,	Same,	House and land,
9	James M'Knight,	Same,	House and land,
10	James Bell,	Same,	House and land,
11	Joseph Harris,	Same,	House and land,
12	Samuel Whytoman,	John Moore & James Thompson,	Land,
13	<u>John M'Loughlin,</u>	<u>Messrs. Moore & Floyd,</u>	<u>House and land,</u>
14	William Higgins,	Eliza Moore,	House and land,
15		Rep. Nicholas Moore,	Cottier's ho., and land
16		John S. Moore and Trustees of the Kilmorey Estate,	Land,
17 A	John Annette, sen.,	Trustees of the Kilmorey Estate,	House, offices, and land
- B		Same,	Land,
18		James Cleland,	Land,
19		Trustees of the Kilmorey Estate,	House, office, & land,
20 A	Alexander Annette,	Alexander Annette,	House,
- B	a) Michael Murphy,	Same,	House,
-	A a) John Irwin,		
-	- b)		

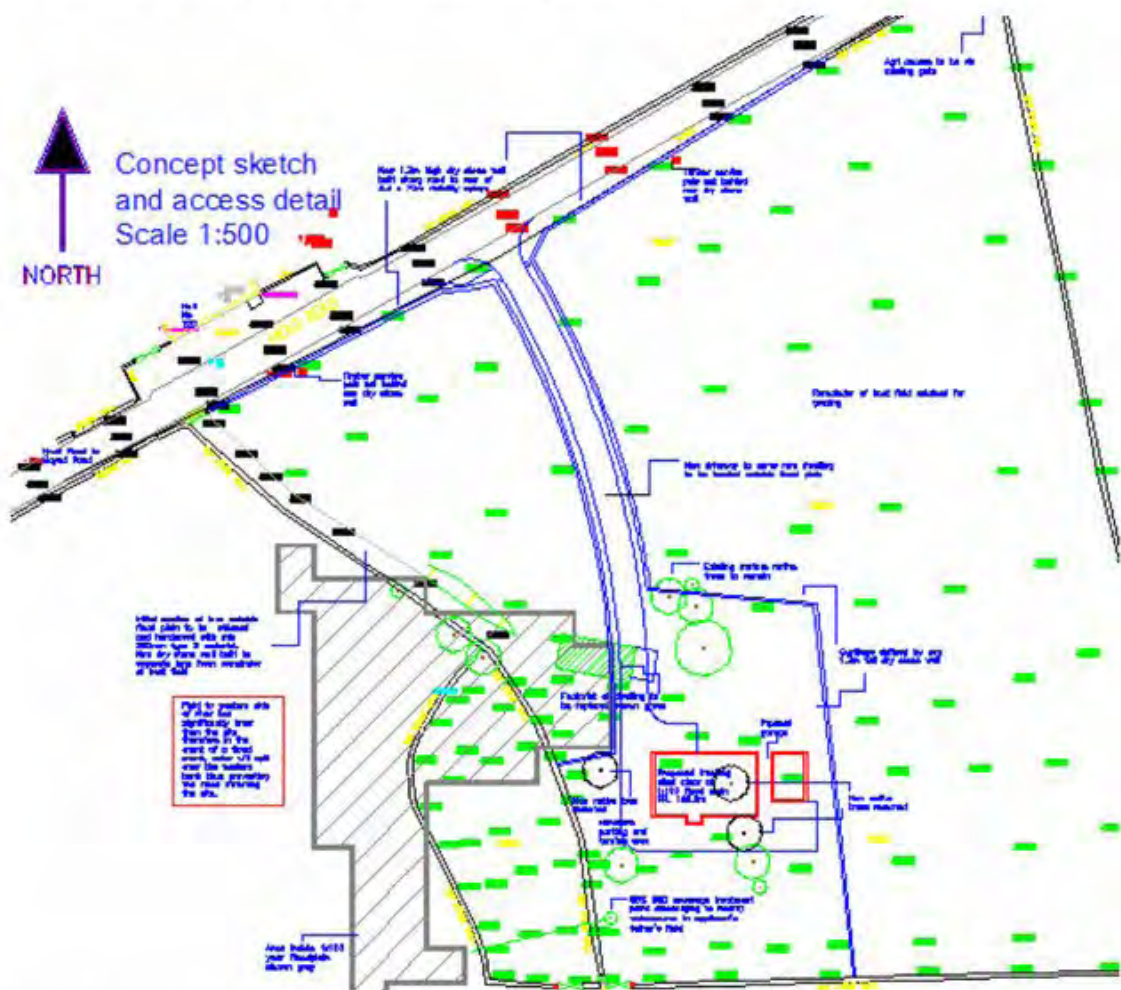
Extract from Page 34 of the Valuation Of Tenements in the Parish Of Killeel. As you will see John Mc Loughlin is listed as the occupier of the land at map ref 13. Messrs Moore and Floyd are listed as the owners. The holding is described as a "House and land"



Extract from current siteplan sketch. The floodplain is defined by a thick grey line and has been hatched with grey diagonal lines. The old dwelling sits partially inside the flood plain. The new dwelling and access lane are not inside the floodplain. The flood map predicts that the old house will flood and that the area immediately SW of the new house will not despite this area being approx 1m below the old house and closer to the Crosswater Stream.



Photo no 5. This photo shows the existing gate and lane which leads to the old dwelling.



Revised siteplan showing 2.4 x 70m visibility splays with the new dwelling, its curtilage and the access lane located outside the floorplain.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0936/F

Date Received: 15/06/2017

Proposal: Proposed flat roof, side extension to ground floor restaurant with terrace above

Location: 39 Church Street, Rostrevor, BT34 3DY

Site Characteristics & Area Characteristics:

The site is located within Rostrevor, in an area which is protected under Rostrevor Conservation Area, Mourne Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP) designations. The immediate area comprises a mix of small scale community, residential and commercial uses. The site area includes a former school house building which is currently hosts an established restaurant and two residential apartments to the side / rear. An adjacent access laneway adjoins the site's souther boundary, leading to a hall building located rear of the Old School House and an enclosed yard to the rear of the subject building. Parking at the site is limited, with no off-street provision at present. The rear boundary of the site adjoins the curtilage of a listed building (Fairy Hill / 45 Church Street) and there are a number of additional listed buidings in the vicinity, including St Mary's Church (73m NE) and St Bronach's Church (77.5m SW.)



Site history:

- **P/2012/0747/LBC** - Retention of existing dormer windows in first floor of apartment and extension to cafe on ground floor, permission granted 16/05/2013;
- **P/2012/0791/F** - Retention of existing dormer windows of First Floor Apartments and extension to Cafe on ground floor, permission granted 10/05/2013;
- **P/2010/0922/F** - Proposed change of use from existing dwelling and commercial premises to new cafe and 2 apartments, permission granted 30/03/2011;
- **P/2010/1059/DCA** - Proposed change of use from existing dwelling and commercial premises to cafe (serving hot food) and 2 apartments, application withdrawn;
- **P/2008/1238/F** - Erection of 2 no, two storey dwellings, application withdrawn;
- **P/2008/1272/CA** - Demolition of vacant school and stone wall at front, application withdrawn;
- **P/2006/1326/F** - Erection of housing development comprising 3 no. dwellings, application withdrawn;
- **P/2006/1495/CA** - Demolition of existing building and removal of debris to Licensed Landfill Centre, application withdrawn

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural NI (PSRNI) 1993
- PPS2 'Natural Heritage'
- PPS3 'Access, Movement and Parking'
- PPS6 'Planning, Archaeology and the Built Environment'
- DOE Planning Service, 'Parking Standards' 2005
- DCAN4 – 'Restaurants, Cafes and Fast Food Outlets'

Consultations:

- **DfI Roads (15/08/2018)** – Has considered the car parking survey provided and under DOE Parking Standards in which 12 no. off-street car parking spaces are required, then DfI Roads would request the applicant to submit an amended 1:500 scale plan clearly showing these requirements.
- **NI Water (10/09/2017)** – Standard informatives attached
- **NMDDC Environmental Health (EH) Department (09/10/2017)** – EH Department has concerns regarding residential amenity due to noise from the use of the proposed terrace. However subject to the attached conditions being met (i.e. conditioning the operational hours of the terrace and prevention of music or entertainment on the terrace,) would not object to the proposal.
- **DfC Historic Environment Division (22/08/2017)** – Historic Buildings (HB) considers the proposal satisfactory to Policy BH11 of PPS6 requirements, together with Paragraph 6.12 of the SPPS as it poses no greater demonstrable harm on the Listed Buildings and their setting.

Objections & Representations

- 8 Neighbouring properties were notified with statutory neighbour consultation expiry 06/02/2019;
- This Application has been advertised in 3 local papers, with the statutory publication period expiry 13/07/2017;
- 0 objections or representations have been submitted in respect of this proposal at the time of writing this report.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Under the current plan, the BNMAP 2015, the site is located within the settlement limits of Rostrevor (RR01,) is designated under Rostrevor Conservation Area (RRCA01,) an Area of Archaeological Potential (RRAAP01) and is located within the area of concern of a designated Archaeological Site and Monument (DOW054:010.) The rear site boundary also adjoins the curtilage of a Listed Building (HB16/06/005 Fairy Hill Church Street) in addition to being located within the vicinity of a number of additional listed buildings, including St Mary's Church (73m NE) and St Bronach's Church (77.5m SW.)

Principle of Development

The SPPS supersedes PPS5 in respect of retail development. Paragraph 6.278 of the SPPS requires proposals for retail in villages to be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs) and be of a scale, nature and design appropriate to the character of the settlement. The principle of this development is acceptable to the SPPS, however in line with Paragraph 6.292, all retail proposals will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

Design

The proposal includes an extension along the south-eastern elevation to adjoin the existing boundary wall, providing for additional restaurant seating at ground floor level and a storage area to the rear, with a terrace seating area at upper level, accessed via external steps from the front of the building. In terms of dimensions, the extension measures 4.8m to its widest point, 12.7m in length, with the ridge level of the storage area 2.8m from finished floor level and the terrace 4.15m above ground level, with guarding 5.25m above ground level. The upper level terrace incorporates a flat roof and is bound by frameless glass guarding; with the steps finished in smooth render, whilst the storage area comprises a pitched roof section to the rear of natural slate finish and walls finished in smooth render. The upper level plans also include a full length dormer window between the restaurant and terrace area. External finishes along the side elevation and restaurant area include vertical cedar cladding panels, with proposed planting for screening along the upper terrace level.

The subject building as referenced, is located within Rostrevor Conservation Area. As per Paragraph 6.18 of the SPPS, the guiding principle in dealing with development within a Conservation Area is to afford special regard to the desirability of enhancing the Conservation Area's character or appearance where an opportunity exists, or to preserve its character or an appearance where an opportunity to enhance does not arise.

Policy BH12 sets out 7 criteria (a to g) against which to assess such proposals. To be acceptable, all 7 criteria must be met. The subject building is of significant value to the Conservation Area and it is included within DOENI's Conservation Area Guide. The proposal in design terms presents concerns in terms of its impact upon the character of the existing building and Conservation Area. Specifically, the proposed external steps to the front and upper level terrace element are considered to significantly detract from the building's original character and form. The terraced element introduces ornate features which are not considered to respect the traditional building detailing. Rostrevor Conservation Area booklet specifically states that flat roofs are inappropriate and unnecessary ornamentation, should be avoided in such areas. In existing buildings, the emphasis should be placed on retention of the traditional detailing. In this respect the proposed cedar cladding and flat roof elements are considered unacceptable in this site specific context. The proposal is considered to detract from the character of the existing building and surrounding area. The proposal is therefore considered to be contrary to criteria a) b) or c) of Policy BH12 and the SPPS in that the opportunity exists to enhance the character of the Conservation Area which is not forthcoming through this proposal. The proposal is also considered to be contrary to Policy DES2 Townscape of PSRNI as it does not respect the scale, form, detailing and materials of the original building.

As referenced, the subject building is located within the vicinity of a number of Listed Buildings; including Fairy Hill (45, 47 Church Street,) St Mary's Church (73m NE) and St Bronach's Church (77.5m SW.) PPS6 Policy BH11 deals with development affecting the setting of a Listed Building. HED:HB who are the competent authority in this regard, advise that the proposal complies with Policy BH11 and Paragraph 6.12 of the SPPS in that it poses no greater demonstrable harm on the existing Listed Buildings and their setting.

The site is also designated under Mourne AONB. PPS2 Policy NH6 sets out the requirements to be met for all new development in these areas. For reasons considered above, the proposal is not considered to respect or conserve the features of importance to the character and appearance of the landscape (in this case, the Old School House building itself as an important built feature to this locality) nor does it respect the traditional detailing of the building. The design is considered inappropriate for this locality and contrary to criteria b) and c) of Policy NH6.

Transportation and Access arrangements

Under PPS3 Policy AMP7, all development proposals are required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking is determined according to the specific characteristics of the development and its location, having regard to the Department's published standards (DOE Parking Standards.) Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads do not object in principle to the proposal on the basis that no off-street parking is required. DOE parking Standards requires 1 non-operational space per 5m² Net Floor Area is to be provided for a restaurant within a settlement limit (i.e. the area for the sale and display of goods, check-out counters, packing zones, circulation space from check-outs to exit lobby, fitting rooms and information areas – calculated via internal measurements to the inner face of the wall.) The parking calculation relates only to the proposed development / extended elements and not to the existing building. On this basis, 12 off street parking spaces are required (on a calculation of 60.6m² NFA.)

The proposal does not including any off-street parking provision within the site boundary. Under Policy AMP7, a reduced level of car parking may be acceptable where the proposed development is close to existing public car parking and it is demonstrated that there is spare capacity available. A request for a parking survey was made given the proposal is reliant on parking elsewhere. An initial parking report and transport assessment form completed by the acting agent has been provided outlining the following information:

- Rostrevor is highly accessible via public transport (bus timetable provided;)
- A statement confirming that there are 15 Taxi companies in operation serving the Rostrevor area;
- The majority of customers come from Rostrevor and are within 10 minutes walking distance
- There is on street parking availability at Cherry Hill – three visits made to this area at 11am, 3pm, 8pm confirmed there were no cars parked on this street;
- It is not envisaged there will be any considerable increase in vehicles to the site, with the business plan intending to provide additional space of existing customer base;
- A customer survey was recorded which shows that the majority of visitors to the restaurant late evening either walks, got lifts or taxis. Customers who were visiting the area had booked into local B&B accommodation within walking distance of the site;
- The businesses in Rostrevor generate a lot of car parking during the day and in late evening / night time these businesses will be closed, freeing up spaces;
- There is an existing car park opposite the restaurant with approximately 60 spaces, available 24 hours a day.

- On street parking should be sufficient to support this development, which is an extension to an established use;
- The survey map provided shows there is capacity surrounding for 25 cars to park along Cherry Hill, with additional availability in the area as noted;

In considering this information, the following comments are noted:

- The Planning Department has not been provided with a copy of the customer survey carried out to verify the said movement patterns to the site;
- Cherry Hill can provide for 6 car parking spaces in the lay-by close to the Church Street intersection, the additional areas as shown on the map provided would appear to obstruct flow of traffic along this road;
- The Planning Department has carried out numerous visits to the site and surrounding area and the level of actual parking provision does not appear to be accurately reported in the parking report provided;
- The operational hours of the restaurant are: Monday to Thursday 9:00am – 5:00pm, Friday and Saturday 9:00am – 9:00pm and Sunday 9:00am to 7:00pm. This raises significant concerns regarding parking during the day when surrounding parking is at full capacity;
- The existing car park referred to in the parking report is privately owned – in the absence of a written agreement between the land owner and the applicant regarding its use for parking, the Planning Department cannot accept this as a viable solution for parking associated with the proposed development.

Further to DfI Roads' final consultation response on 15/08/2018, there have been no further amendments provided for consideration. The site includes a yard area to the rear which has not been brought forward as a potential off-street parking solution. In addition, the Planning Department suggested the removal of the terrace element to reduce the parking requirements and thus accept the surrounding parking capacity, however these amendments have not been implemented.

The Planning Department do not consider that the information provided meets the requirements of PPS3 Policy AMP7 in that the proposal solely relies on on-street parking availability in an area which is already under significant pressure, and it would further exacerbate the problem, prejudicing road safety and traffic flow. The proposal does not provide any attempt to provide off-street parking, despite the potential use of the area to the rear of the building. This does not merit a reduced level of parking provision therefore, given none at all is proposed.

Environmental Impacts

HED:HM advise that the proposal meets PPS6 and SPPS archaeological policy requirements. The applicable requirements of Policy PPS2 'Natural Heritage' have been considered above. The proposal does not present any concerns in terms of environmental impact.

Residential Amenity

The proposed terrace is intended to be used as an overspill area during summer months and busy periods. The original proposal saw the terrace area covering the entire length of the extended area. This raised early concerns in terms of residential amenity, by way of overlooking / privacy concerning the rear of properties along Water Street. Following an office meeting to discuss these matters, the amended scheme now sees the length of the upper terraced reduced, with proposed boundary planting to aid screening. These amendments have addressed earlier concerns of overlooking / privacy to neighbouring properties. In the event of an approval, the implementation and future maintenance of landscaping measures would be required to be negatively conditioned in the interest of residential amenity.

In terms of potential noise disturbance arising from the use of the terrace, in the event of an approval, the operational restrictions as suggested by EH Department would be required to be negatively conditioned to ensure the use of the terrace is managed appropriately in the interest of surrounding residential amenity.

Recommendation: Refusal

Summary recommendation

Proposal acceptable in principle to policy requirements however fails to satisfy design and parking requirements and would have a detrimental impact upon the character of the Conservation Area.

Reasons for refusal:

1. The proposal is contrary to Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH12 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that the site is located within Rostrevor Conservation Area and the development would, if permitted, detract from its character as:
 - it would not preserve or enhance the character and appearance of the area;
 - it is not sympathetic with the characteristic built form of the area, including the subject building and adjoining buildings;
 - its form, materials and detailing do not respect the characteristics of adjoining buildings;
 - and it does not conform to the guidance set out in the Rostrevor Conservation Area document.
2. The proposal is contrary to Paragraphs 6.18 and 6.278 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that:
 - the development would, if permitted, be detrimental to the character of the surrounding area by reason of its design and materials which are out of character of the area and its relationship to adjoining buildings;

- the design is inappropriate to the character of the settlement
3. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Statement for Northern Ireland (SPPS) and Policy NH6 of the Department's Planning Policy Statement 2 Natural Heritage, in that the site is located within a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the character and appearance of this designated area as:
- It would not respect or conserve the built features of importance to the character and appearance of this area;
 - It would not respect local materials and design
4. The proposal is contrary to Policy AMP7 of the Department's Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, prejudice road safety and significantly inconvenience the flow of traffic due to the lack of off-street parking available to accompany this development.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Re: Planning Reference: LA07 / 2017 / 0936 / F - Proposed Flat Roof, Side Extension To Ground Floor Restaurant At 39 Church Street, Rostrevor, County Down For Mr. P. Quinn

REASONS FOR REFUSAL 1: Para. 6.18 of SPPS & Policy BH12 of PPS.6

1.1 – “would not preserve OR enhance the character & appearance of the area”

We have retained the existing subject building and therefore have preserved the character and appearance of the area. We believe the proposal also enhances the character and appearance of the area

1.2 – “is not sympathetic with characteristic built form of the area, inc. the subject building & adjoining buildings”

The extension is subordinate to the subject building, its simple form, materials and detailing are informed by:

The existing subject building itself: smooth render, glass

Adjoining Buildings: external steps, smooth render, glass, cedar cladding

The Characteristic built form of the area: External steps, smooth render, glazing, variation in roof types and roof lines

1.3 – “does not conform to the guidance set out in the Rostrevor Conservation Area Document”

The planner has not referred correctly to the guidance set out in the Rostrevor Conservation area document in her planning report. She has married together quotes from differing paragraphs in the Rostrevor Conservation Area Document, and had altered the grammar to try and justify her point, which results in a marred interpretation of the Guidance if one was to rely solely on her flawed communication of this guidance.

Whilst there is guidance that flat roofs are inappropriate, the policy does not ‘specifically state(s) that flat roofs are inappropriate and unnecessary ornamentation, should be avoided in such areas’.

“Unnecessary ornamentation should be avoided” appears in a separate guideline under the heading “Painting” and is totally unrelated to flat roofs. The planner is claiming to be specific however the cross breeding of quotes is anything but specific, in fact it is misleading.

Furthermore, recently approved planning applications in the immediate vicinity of the proposed site have all been considered under Rostrevor Conservation Area Document and have been approved with flat roofs, cedar cladding, external steps to the front.

We have had correspondence from the planning department that they would approve the design if we removed the terrace element (and only have it as a flat roof) and the external steps. This lets us know that they have no issue passing a flat roof extension on this building in principle. Therefore it is misleading to now quote non conformity of guidance from Rostrevor Conservation Area Document relating to the flat roof proposal.

We believe the application of SPPS Policy BH12 as reasons for refusal of our proposal have been applied subjectively to this application, as other applications in the immediate context of this application have not been affected by this policy



REASONS FOR REFURAL 2: Para. 6.18 & 6.278 of SPPS

2.1 be detrimental to the character of the surrounding area – design & materials out of character of the area & its relationship to adjoining buildings

2.2.the design is inappropriate to the character if the settlement

&

REASONS FOR REFURAL 3: Para. 6.187 of SPPS & Policy NH6 of P.P.S.2 in that the site is located within an AONB & the development would be detrimental to the character and appearance of the area as:

It would not respect or conserve the built features of importance to the character and appearance of this area

It would not respect local materials and design

The fact that there are precedent flat roof, cedar clad buildings within this Conservation area, and the fact that there are external steps featured throughout the conservation area, arguably a crucial built design feature which is integral to Rostrevor's built character leave both us as agents and our client bewildered at the opinion of the planning department.

Our client is very confused as to why he cannot enhance his building and ensure its sustainability as a viable and important contributing business in the Rostrevor Village in the manor as set out in the plans, when adjoining buildings, both new and established, display all the materials, characteristics, scale and form that he is being told he cannot use.

Please refer to all the precedents in the presentation.

It is important to note that HED: Historic Buildings had no issue with the design affecting the setting of the listed buildings and their settings, see below:

"Historic Environment Division: Historic Buildings (HED:HB) has assessed and considered the proposal under Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage as well as 6.12 of Strategic Planning Policy Statement for Northern Ireland. HED considers that the proposal complies with the above referenced policies as it poses no greater demonstrable harm on the Listed Buildings and their setting.

Historic Environment Division: Historic Monuments has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements."

REASONS FOR REFURAL 4: Policy AMP7 of PPS 3, lack of off-street parking available to accompany the development

We produced a survey that showed car parking was available for the full quota of parking. The Planning Department said they done their own survey and stated that the parking wasn't available. They refused to give us their findings. Furthermore, it appears that TransportNI have not made a final decision on this and requested more information from the Planners, however the planners felt that it was not necessary to request this from us. Therefore the Planners have made a decision and have not fully consulted with all the relevant Consultants.

Yours Faithfully,

John Feehan, design3 contact 078 458 11586

SITE

**OTHER APPLICATIONS RECENTLY APPROVED WHICH COMPLIED WITH
THE GUIDANCE SET OUT IN ROSTREVOR CONSERVATION AREA DOCUMENT
SEE IMAGES PROVIDED**



Directly opposite our site with all the features we have incorporated into our design. Cladding, stairs railings (even though these are metal) Flat roof.

For siting see attached location plan.



Further along the road from our site with all the features we have incorporated into our design. Cladding, railings (even though these are metal) Flat roof.

For siting see attached location plan.



Further along the road from our site with all the features we have incorporated into our design. Cladding, railings (even though these are metal) Flat roof. Adjacent to a listed building. Historic Buildings had no issues.

For siting see attached location plan.



Across road from our site.



Steps at building in village



Steps and railings at building on entrance to village from Warrenpoint side



Steps to building immediately behind our site. this view can be seen from the front road. We have copied this style for our proposal



Steps to building immediately behind our site. This view can be seen from the front road. We have copied this style for our proposal



Steps to Church with associated railings.



More steps and railings opposite our site



Steps directly opposite our site.



Flat Roof. This pub has been included in the Rostrevor Conservation area booklet as a notable building that has attention to detail



Another picture taken on 3rd April 2019 .
Planning department state room for only 6. There are 3 cars
parked there presently with one car being mine and room for a
minimum of another 6, total minimum 9. Ample parking
opposite

**EXISTING BUILDING RETAINED
RETENTION OF TRADITIONAL DETAILING**

PROPOSED EXTENSION

SIMPLE FORM, DETAILING & MATERIALS

TAKEN FROM THE SUBJECT BUILDING
ADJOINING BUILDINGS & CHARACTERISTIC
ARCHITECTURAL FEATURES IN THE AREA



PROPOSED FRONT ELEVATION

John Feehan

From: orla.otoole@nmandd.org
Sent: 20 November 2017 14:57
To: Margaret Smith; John Feehan
Cc: orla.otoole@nmandd.org; planning@nmandd.org
Subject: LA07/2017/0936/F - 39 Church Street Rostrevor
Attachments: 20170921_142920.jpg; 20170921_142621.jpg

Good afternoon Margaret.

Thank you for your email and respective attachments in respect of the above planning application. In response to this and following discussion with the Principal and Senior Planners on Friday, the following response comments are noted:

1. Residential Amenity

I presume your reference to 3 Water Street is referring to the building at No.6 Water Street, as highlighted below? From site inspection, there are concerns of overlooking to both No's 6 and 8 Water Street, both of which have extensions to the rear. I attach a couple of photos from my site inspection to demonstrate our concerns - the first is taken from the existing raised area looking towards No.6 and the second is taken from the ground level of the access drive looking towards No.8. To help us assess whether the proposed fixed vegetation would mitigate concerns in respect of residential amenity, the Planning Department would request 4 no. hard copies of a section drawing (to scale) which demonstrates the proposed development in respect of this line of dwellings along Water Street.

1.



2. Design

The comments made in respect of design were following internal discussions with the Senior and Principal Planner for this area. As this building is within the Conservation Area, Policy BH12 of PPS6 applies (New Development in a Conservation Area.) This policy requires development to be sympathetic to the built form, scale, and detailing of existing buildings. The proposed amendments sent by email are considered to be more sympathetic to the existing building and surrounding area in this regard. Please submit 4 no. hard copies of these amended drawings to us for consideration.

3. Car Parking

Planning Policy Statement 3 Policy AMP7 (Car Parking and Servicing Arrangements) requires development proposals to provide adequate provision for car parking and appropriate servicing arrangements. DOE Parking Standards dictates that 18 car parking spaces are required to service the floor space proposed by this extension only. On occasion, reduced parking provision may be appropriate where new development is proposed close to existing public car parking and it is demonstrated there is available spare capacity. If you

John Feehan

From: orla.otoole@nmandd.org
Sent: 28 March 2018 10:53
To: john.feehan@design3.info
Subject: Planning Application reference LA07/2017/0936/F - 39 Church Street Rostrevor

Good morning John,

Further to my email below, this application was brought before the Principal and Senior Planners for further discussion following receipt of the requested information and amended drawings. This proposal is assessed against the merits of Policies PPS3, PPS4 and PPS6.

As outlined previously, the Planning Department raised concerns about residential amenity, design and car parking against the relevant policy requirements. The Planning Department appreciate the attempts that have been made to overcome these issues however are not satisfied that the proposed landscape features overcome the concerns in relation to residential amenity created by the proposed terrace (overlooking and privacy of the dwellings along Water Street.) In order to accept the contents of the parking survey provided and a reduced parking capacity, the Planning Department gratefully request the removal of the terrace element and external steps from your proposal to address concerns in relation to amenity and design.

Please submit the respective amended drawings to the Planning Department for forward consideration **on or before 21 days from the date of this email i.e. on or before Wednesday 11th April 2018.** Please note failure to submit the requested information within this time frame will result in the application being determined on the basis of the information currently held on file, as per the Council's current Scheme of Delegation.

Your cooperation in the processing of this application to date is most appreciated.

Best regards,

Orla.

Orla O'TooleBSc (Hons) MSc
Planning Assistant
Newry, Mourne and Down District Council

Oifig an Iúir
Newry Office
O'Hagan House,
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Planning: 0300 200 7830

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Save paper - think before you print!

John Feehan

From: orla.otoole@nmandd.org
Sent: 10 May 2018 16:41
To: John Feehan
Subject: RE: Planning Application reference LA07/2017/0936/F - 39 Church Street Rostrevor
John,

Thank you for your email regarding to the above application. Further to our meeting, as agreed, members of the team have been out to inspect the car parking availability in Rostrevor on three separate occasions to date, in order to verify the parking report that has been submitted. Please be advised that from the inspections to date, the Planning Department are unsatisfied that the contents of the parking report reflect the actual parking availability. Given the fundamental concerns the Planning Department has with the terrace element of this proposal, we will not be requesting further parking surveys, which would incur further expense for your client.

Given this position, you are referred back to my email correspondence dated 28th March which requests specific amendments to overcome concerns in terms of residential amenity, design and parking . The Planning Department wish to offer one final opportunity to address these matters and would request that any amendments (4 no. hard copies) should be submitted to the Planning Department for forward consideration **within 21 days from the date of this email i.e. on or before Thursday 31st May 2018.**

Please note that the application will be assessed on the basis of the information before the Planning Department thereafter, in line with the current Scheme of Delegation. In the event of recommended refusal, this would appear before the Planning Committee for final determination.

Trusting this helps to clarify the position of the application, however please do not hesitate to get in touch should you have any further queries.

Your cooperation in dealing with this application is most appreciated.
Best regards,

Orla,

Orla O'TooleBSc (Hons) MSc
Planning Assistant
Newry, Mourne and Down District Council

Oifig an lúir
Newry Office
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Save paper - think before you print!

John Feehan

From: jacqui.mcparland@nmandd.org
Sent: 08 August 2018 16:01
To: orla.otoole@nmandd.org; john.feehan@design3.info
Cc: theoldschoolhousebistro@gmail.com
Subject: Re: Fw: LA07/2017/0936/F - 39 Church Street Rostrevor

John,

I refer to your email below.

Following correspondence from your offices in relation to the car parking requirement and in relation to the reduction of floor space with the terrace being reduced a further calculation of floor space was calculated. This was done by two different officers, one of which was me. I have no problem forwarding you my calculations, but basically it was measurements taken internally, wall to wall of the extension space downstairs with the storage area removed together with the existing outshot from the also removed. The entire floor area for the terrace is also included (as reduced). The measurement Orla has used 66m is what the planning department have measured and it might be beneficial to all that if you dispute it then you can give us a drawing clearly showing what you deem to be the appropriate floor space so we can advise of where the difference is.

Going forward we will clarify with DFI roads that 12 spaces are required (unless you demonstrate otherwise) and we will provide DFI with your block plan and parking survey of where you think those spaces are for comment.

In relation to the design of the proposal the Planning Department were quite clear at the meeting attended by myself, Pat Rooney and Orla that the proposed design is unacceptable in the conservation area. We advised that the detailing and clutter in particular around the steps and terraced area are unacceptable. We also advised that the materials of the extension should be in keeping with the requirements of the Conservation area booklet and that the cladding in particular is not acceptable.

HED have provided comment to the Planning Department in relation to monuments. They specifically refer to archaeology policies as you have quoted below. They have not referred to policy BH 12 which details new development (including extensions or alternations) in conservation areas and your onus on their consultation response is misplaced. Furthermore it is not within the remit of HED to comment on Conservation Areas. This is solely the remit of the Planning Department.

The Planning Department have reconsidered this proposal now on 3 different occasions and given a substantial amount of time and consideration to this case. The concerns were clearly outlined at the meeting by Pat and Myself and while the amendments submitted addressed the over looking issue they did not address the design. We will await DFI comments in relation to the parking requirements, but once this consultation is answered we will be making a final decision on this application.

I hope this answers your queries.

Regards

Jacqueline McParland MRTPI
Senior Planning Officer
Newry and Mourne Development Management Team
Newry, Mourne and Down District Council

Comhairle Ceantair an luir, Mhurn agus Duin
Newry, Mourne & Down District Council
Newry Office O'Hagan House
Monaghan Row
Newry
BT35 8DJ

John Feehan

From: orla.otoole@nmandd.org
Sent: 22 June 2018 16:59
To: John Feehan
Subject: RE: FW: P Quinn LA07/2017/0936/F - 39 Church Street Rostrevor

Good afternoon John,

Thank you for your email in respect of the above application. Thank you for submitting the requested information in relation to car parking availability in addition to the amended drawings following our earlier office meeting.

Please be advised that the Planning Department have re-grouped discussions on this application this afternoon and having initially reviewed the amended scheme, still have concerns regarding the design of the proposal in addition to car parking requirements versus availability. The Planning Department will be re-consulting with DfI Roads in respect of the on street parking requirement and completing a full assessment of the amended scheme however before making any recommendation. On this basis, the application may appear before Planning Committee for final determination, however I would be happy to provide you with a more informed update once a full assessment has been completed.

Thank you for your cooperation in dealing with this application to date.

Best regards,

Orla.

Orla O'Toole BSc (Hons) MSc
Planning Assistant
Newry, Mourne and Down District Council

Oifig an Iúir
Newry Office
O'Hagan House,
Monaghan Row,
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BT35 8DJ

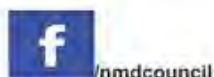
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**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2018/0785/O
Date Received:	15/05/2018
Proposal:	Proposed dwelling and detached garage (infill site)
Location:	Approximately 50 meters North West of 78 Upper Dromore Road, Warrenpoint

Site Characteristics & Area Characteristics:

The site is located approximately 0.8 miles north-west of Warrenpoint Town Centre in an area which is classified as rural adjacent to the settlement development limit boundary of Warrenpoint / Burren. This area is also designated under Mourne Area of Outstanding Natural Beauty (AONB.) The site comprises a roadside portion of a larger field, fronting onto Upper Dromore Road which increases in level to the south-west. There is a dwelling under construction immediately adjacent and south-east of the site, followed by 78 Upper Dromore Road, a roadside bungalow, with Carlingford Lodge Care Home further south-east. To the north-west of the site, there is an existing yard and farm style building group. The lands directly opposite the site, falls within the settlement development limits of Warrenpoint / Burren and is zoned for economic development.

Site history / relevant surrounding history:

The historical records on this site go back to **P/2013/0537/O** by virtue of which outline permission was granted for a dwelling on a farm on 26/09/2013. The site location map associated with this approval encompassed both the site and adjacent field to the north-west. The corresponding reserved matters application **P/2014/0040/RM** for the erection of said dwelling and detached garage was subsequently approved on 14/02/2014.

Further to this, through application **P/2014/0699/O**, permission was sought for two infill dwellings – this site location map associated included the current site and adjacent field to the south-east, excluding the approved site area of P/2013/0537/O and P/2014/0040/RM. Approval was granted for one infill dwelling only on 17/07/2015. The corresponding reserved matters application **LA07/2016/0442/RM** was subsequently approved on 07/09/2016 and this dwelling at the time of writing (December 2018) remains under construction.

The current application seeks approval for an infill dwelling and detached garage on land which formed part of the garden area as approved by between the approved P/2014/0669/O and LA07/2016/0442/RM. The supporting statement submitted with this application advises that the site associated with this former farm dwelling approval has since been sold, together with the group of farm buildings further north-west.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS3 'Access, Movement & Parking'
- DCAN15 'Vehicular Access Standards'
- PPS6 'Planning, Archaeology and the Built Environment'
- PPS21 'Sustainable Development in the Countryside'
- 'Building on Tradition' Sustainable (BOT) and 'Dwellings in Mourne' Design Guide
- Relevant site and surrounding planning history

Consultations:

- NI Water (04/06/2018) Standard response, informatives attached
- DfI Roads (14/06/2018) No objections in principle, subject to attached conditions
- DfC Historic Environment Division: Historic Monuments (06/06/2018)
Content that this proposal meets SPPS and PPS6 archaeological requirements.

Objections & Representations:

- 0 neighbouring properties to be notified – the dwelling adjacent and south-east of the site remains under construction at the time of writing (December 2018 ;)
- Application advertised in 3 local papers (statutory expiry 28/06/2018)
- 0 objections or representations have been received

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 settlement limits and is designated as Mourne AONB, as identified by the BNMAP 2015. In addition, there is one archaeological monument (designation DOW051:046 enclosure) located approximately 115m north-west from the site. As there are no specific policies within BNMAP relevant to this determination, and as there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS, the retained policy of PPS21 will be given substantial weight in determining this proposal together with the material considerations listed above, in accordance with paragraph 1.12 of the SPPS,

Policy CTY1 of PPS21 outlines six possibilities where a new dwelling in the countryside may be acceptable. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. Policy CTY8 directs that planning permission will be refused for a building which creates or adds to a ribbon of development. However ***“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”.

In assessing such proposals, the Planning Appeals Commission (PAC) sets out four steps to be undertaken: (e.g. in appeal decision 2016/A0040):

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

This approach is followed below:

1. Identify whether there is a substantial and continuously built up frontage.

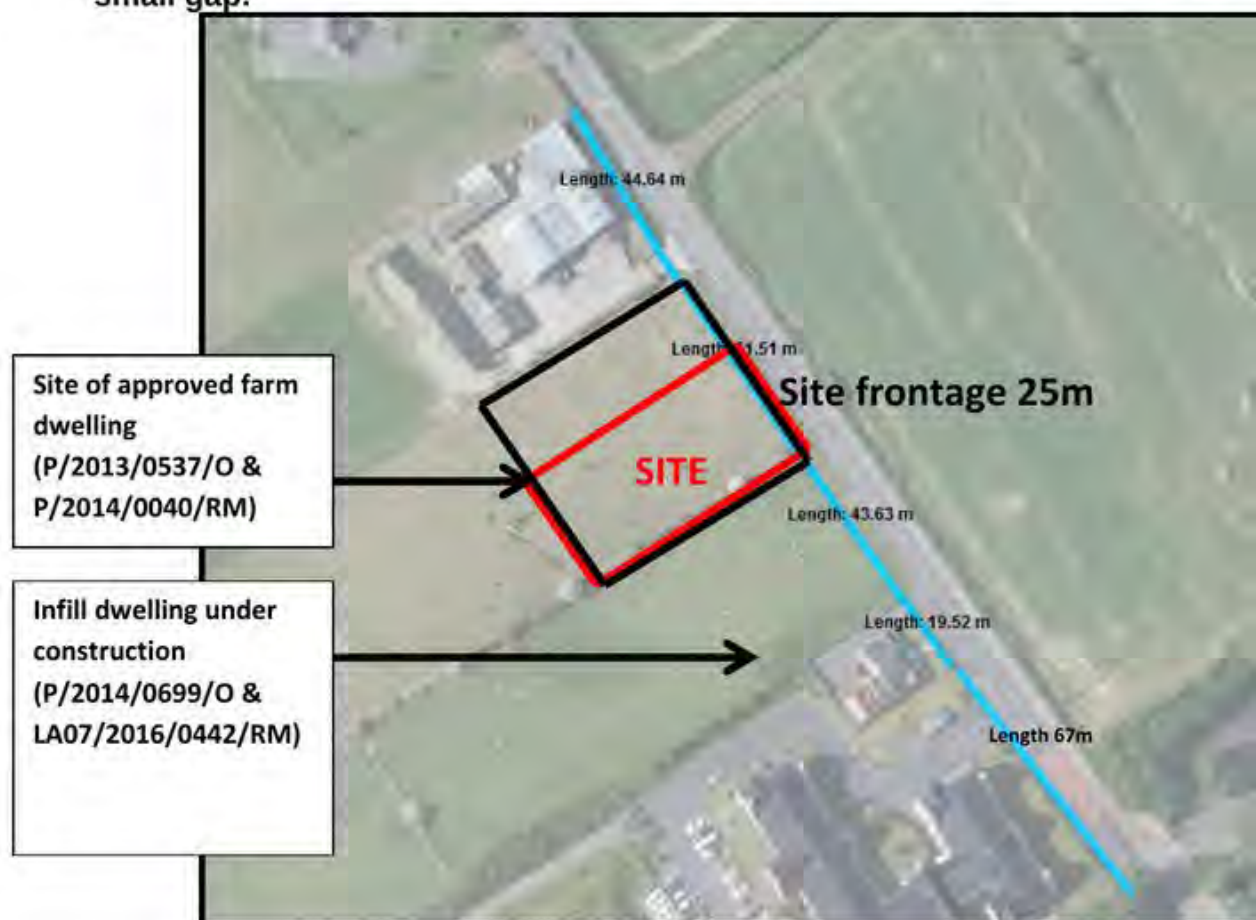
This area of road frontage runs north-west to south-east. The subject site has a road frontage of 25m. The approved frontage of P/2014/0040/RM adjoins the site's north-western boundary. Further north-west, this is then adjoined by a group of agricultural style buildings, with two of these buildings fronting onto Upper Dromore Road. Directly south-east of the site, there is a dwelling under construction, which at the time of writing (December 2018) has been constructed to roof level and for the purposes of this test, qualifies as a building. Further south-east of this is No.78 Upper Dromore Road, which qualifies as another building with road frontage. Further south-east again is No.76 Upper Dromore Road (Carlingford Lodge Care home,) which qualifies as another building along this road frontage without accompanying development to the rear.

In respect of the adjacent and north-west farm dwelling approval (P/2014/0040/RM,) to meet the time limit conditions attached to this decision, development must have been lawfully commenced by 25th September 2018. At the time of site inspection, there was no obvious evidence of any works carried out on this site. The agent's supporting statement submitted notably refers to this adjacent approval: *“the permission expires in September 2018.... There is no physical evidence on the land to indicate that development has been commenced.”* The Council's Building Control records show that an inspection of foundations was carried out by on 13th September 2018, with the excavation of foundations satisfactory at this time. In the absence of a Certificate of Lawfulness for an Existing Use or Development (CLUED) application however, it is not possible to establish whether the adjacent farm dwelling approval has lawfully commenced in terms of developing the currently undeveloped road frontage adjoining the site. **Given this position, it is accepted that the site sits within a substantially built up frontage, although the matter of it being 'continuously built up' remains undetermined.**

2. Establish whether there is a small gap site.

The second test of whether there is a 'small gap' is related to the issue of plot size under the third test. **The subject gap** (taken from building to building in line with the Planning Appeals Commission's interpretation in appeal 2016/A0066) is read from the closest road frontage building north-west of the site and the dwelling under construction to the south-east, **measuring 82.5m**. The average plot frontage width is 45m, as shown below. **In this scenario, the 'gap' is sufficient to accommodate a**

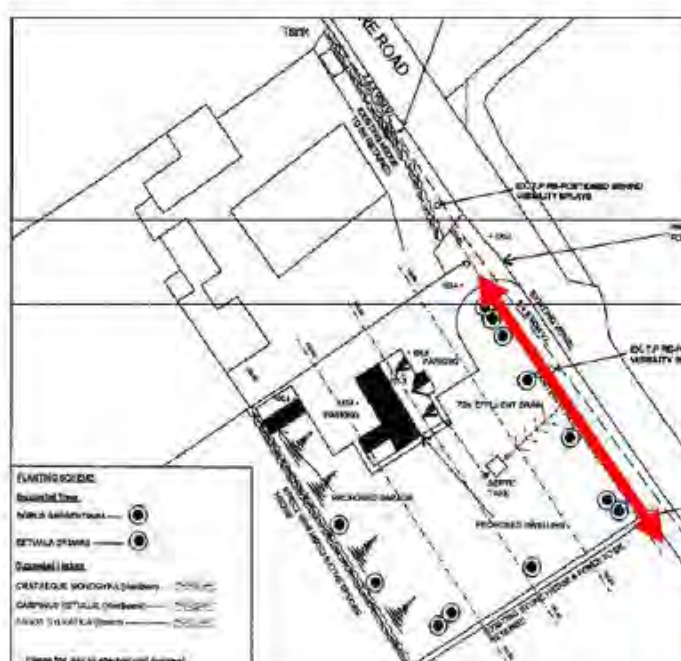
maximum 2 dwellings within the existing settlement pattern, qualifying as a 'small gap.'



3. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.

- SIZE & SCALE** – The site inclines in level to the south-west, away from the road. The adjacent dwelling under construction has been approved with a ridge level of 7m (and FFL of 37.50) leaving the ridge line of the dwelling sitting at 44.5m. The ridge level of the closest farm building is 45.98. The levels of the site as provided on Drawing 02REV1 of LA07/2016/0442/RM show the site to sit 0.5m higher than the adjacent site to the south-east. Whilst the site is not considered to meet the exceptions test of CTY8, **in the event of an approval, a dwelling on this site should be conditioned with a maximum 6m ridge height to integrate with the adjacent dwelling under construction and farm buildings to the north-west and to prevent further prominence;**
- SITING** – Although siting is a matter left reserved, Drawing 02 shows an indicative Site Layout for the proposed dwelling. Whilst the site is not considered to meet the exceptions / principle test of CTY8, a dwelling positioned in line with Drawing 02 would be in keeping with the surrounding siting pattern in terms of the established building line. **In the event of a forthcoming approval, a siting condition would be required to ensure this is met;**

- PLOT SIZE** – The depth of plot proposed (44m) is comparable to adjacent plots however the plot frontage width of 25 metres is significantly smaller than those established in the surrounding area (45m average plot frontage width.) Regardless of the lawfulness of the adjacent farm dwelling approval, the approved drawings of P/2013/0537/O and P/2014/0040/RM are a material consideration in this assessment. The current application seeks to subdivide the garden area approved under P/2013/0537/O / P/2014/0040/RM (as shown on approved drawing 03 date stamp received 23 December 2013.) According to this approved drawing, the adjacent dwelling north-west of the subject site should have a plot frontage width of 44.5m; however the current proposal shows this to be significantly reduced to 25m. **The proposed plot size which seeks to subdivide the existing / approved adjacent dwelling curtilage is not considered to be in keeping with the established plot sizes in the area, which is contrary to Policy CTY8.**



Approved plot frontage width of **44.5m** (Drawing 03 of P/2014/0040/RM– adjacent farm dwelling approval)

The appointed agent has submitted additional information in response to concerns raised by the Planning Department against the merits of CTY8, with the following points raised for consideration:

- Development of adjacent farm dwelling has commenced – the built frontage is approximately 30m;
- The gap size is the critical factor in weighing the exceptions test;
- The 'substantial and built-up' frontage has been defined through previous approvals along this frontage;
- The submitted concept drawing demonstrates that two dwellings can be accommodated within the gap with the undeveloped remainder suitable of being developed for a single dwelling;

In response, the following comments are presented:

- The submitted concept drawing 02 shows a frontage 25m in respect of the approved farm dwelling site. This is not in accordance with the approved 44.5m frontage width (Drawing 03 under P/2014/0040/RM;)
- The exceptions test to CTY8 goes beyond the size of the gap: *"an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage 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 Planning Department accept there is a small gap within a substantially built up frontage, however do not consider that the proposed frontage is in keeping with established plot widths in the area, for reasons outlined above.
- Given the site is considered to fail the principle exceptions test under CTY8, and there has been no case presented for a dwelling under alternative CTY1 provisions, on the basis of the information provided, there do not appear to be any overriding reasons as to why the proposed development is essential and could not be located within a settlement. The proposal consequently fails to meet CTY1 requirements.

4. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements, with Policies CTY13, CTY14 applicable. Paragraph 6.70 of the SPPS also confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."*

CTY13 – Integration and Design of Buildings in the Countryside

As this is an outline application, detailed design and siting details are not available. The site is bound to the roadside by post and wire fencing with existing hedgerow along the south-eastern boundary. The site increases in level to the south-west and is exposed to public view when travelling along Upper Dromore Road, in both directions. The site lacks long established natural boundaries and a dwelling would appear prominent and solely rely on new landscaping for integration. The proposal is considered to fail on criteria a,) b,) and c) of Policy CTY13 in this regard.

CTY14 – Rural Character

A dwelling on this site would result in a suburban style build-up of development when viewed with No.78 Upper Dromore Road and the dwelling currently under construction to the south-east. As tested against Policy CTY8, the proposed dwelling does not respect the established and traditional settlement pattern in terms of plot widths. As it fails the exceptions test of CTY8, the proposed development is considered to add to the existing ribbon of development along this road frontage and is considered contrary to criteria a), b), c) and d) of CTY14.

CTY16 - Development relying on non-mains sewerage

This development proposes the use of mains sewage connection; therefore Policy CTY16 does not apply. The proposed mains water supply and mains sewage connection are subject to obtaining the necessary consent from NI Water. NI Water has no objections to these proposals, attaching informatives for the applicant's awareness.

PPS2 – Natural Heritage

Policy NH6 of PPS2 applies to development with AONB's. Although details of the proposed dwelling are limited at outline stage, the principle is considered detrimental to the character of Mourne AONB and as assessed under Policies CTY8, CTY13 and CTY14, the siting of the proposal would be unsympathetic to the special character of the AONB in general and of the particular locality, offending criterion a) of Policy NH6.

PPS6 – Planning, Archaeology and the Built Heritage

DfC HED:HM is content that the proposal would not offend SPPS and PPS6 archaeological requirements.

Residential Amenity

The proposed dwelling is not considered to adversely affect the amenity of any nearby dwellings. No third party objections or representations have been received.

PPS3 – Access, Movement and Parking and DCAN15 – Vehicular Access Standards

The proposal involves the construction of a new access onto Upper Dromore Road. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DfI Roads has no objections to the proposal subject to the attached conditions, including visibility splays of 2.4 x 90m, which whilst not within the red line boundary would appear to be achievable from the existing road verge. In the event of an approval, this matter should be negatively conditioned to ensure the road safety requirements of PPS3 and DCAN15 are met.

Recommendation: Refusal

Summary recommendation:

- **Principle of development does not meet exceptions test of PPS21 Policy CTY8** in that the site is not located within a continuously built up frontage; the development would not respect the existing development pattern along the frontage in terms of plot size and does not meet other planning and environmental requirements;
- On basis of information before the Planning Department, the **proposal does not merit an approval under any alternative policy as outlined by PPS21 Policy CTY1;**
- **Proposal is considered to be contrary to policies CTY13 and CTY14 of PPS21 (ribbon development, integration, prominence, traditional settlement pattern, rural character) ;**
- **Proposal is considered to be contrary to Policy NH6 of PPS2** in terms of its detrimental impact upon the character of Mourne AONB.

Reasons for Refusal:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that the proposal would, if permitted, result in the addition of ribbon development along Upper Dromore Road.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that:
 - the proposed dwelling would be a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed dwelling relies primarily on the use of new landscaping for integration;

and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted, be unduly prominent in the landscape;
 - the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the dwelling would not, if permitted respect the traditional pattern of settlement exhibited in that area;
 - the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

5. The proposal is contrary to Paragraph 6.186 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 'Natural Heritage' Policy NH6 in that a) the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:

O'HARE

ASSOCIATES

Proposed dwelling & detached garage on lands approximately 50m North West of 78 Upper Dromore Road Warrenpoint - Planning Ref: LA07/2018/0785/O (infill site)

The above planning application has been recommended for refusal. Supporting statements to date demonstrate it adheres with the requirements of PPS21 CTY 8 (infill sites). I would like it to be called into the briefing panel for further assessment for the following reasons:

- The officer assesses the gap to be approximately 80 metres from building to building and agrees that this is a small gap in a substantially built up frontage. They do qualify what they mean by the substantial frontage in terms of the three buildings which define the gap.
- The officer does not however assess what the extent of the continuously built up is and comments specifically at page 3 of their report that 'although the matter of it being 'continuously built up' remains undetermined'.
- This is important in that the officer suggests the plot size is not typical of the pattern of development in the area. The agent dealt with this point and it is not reflected in the officer's assessment.
- There is a continuously built up frontage extending from 64 to 88 Upper Dromore Road (a distance of approximately 575 metres). There are at least eight dwellings with frontages smaller than, equal to or slightly larger than the plot width proposed for this site.
- These are listed as No.66 Upper Dromore Road (13.4 metres), No.68 Upper Dromore Road (23.0 metres), No.68a Upper Dromore Road (10.8 metres), No.70 Upper Dromore Road (23.4 metres), No.72 Upper Dromore Road (28.5 metres), No.74 Upper Dromore Road (8.7 metres) No.78 Upper Dromore Road (20.1 metres) and No.86 Upper Dromore Road (18.5 metres).
- On this point alone there is sufficient justification to have this application considered by the planning committee.
- That said great emphasis is placed in the report to how the Planning Appeals Commission assess applications for infill development. Newry, Mourne and Down District Council is the planning authority and should not be bound by how an appellant body weigh and assess planning policy in other cases.
- The members of the committee should be given an opportunity to weigh the facts of the case. The appeal referred to is more than two years old and the physical characteristics of the site and built context are completely different.
- The planning officer does not explain how the two cases are comparable. What is clear from reading the report is that all the policy criteria are met with the exception of one part of one criteria in so far as it relates to an interpretation of plot width along the site frontage.
- This site is large enough to accommodate a single dwelling that is comparable with the built form found along the Upper Dromore Road. Not all of the information is in front of the members as indicated above to allow this decision to be delegated to the officers.

I would respectfully request in accordance with the protocol that this panel agree that there is sufficient merit in allowing this application to be considered by the planning committee.



O'HARE ASSOCIATES ARCHITECTURAL CONSULTANTS LTD.

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Yours Faithfully

A handwritten signature in black ink, appearing to read 'A O'Hare'.

Anthony O'Hare



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THE MASTER'S HOUSE ABBEY YARD NEWRY COUNTY DOWN NORTHERN IRELAND BT34 2EG T/F: 028 3025 1919

















Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2018/0825/F
Date Received:	31/05/2018
Proposal:	Replacement Dwelling and Detached Garage
Location:	Approximately 70m directly South of 36 Finnard Road, Rathfriland, BT34 5BL

Site Characteristics & Area Characteristics:

The site is located approximately 6 miles north-east of Newry and 5 miles south-west of Rathfriland in a rural area with no additional land zonings. The site is set back some 300m off Finnard Road and consists of a portion of a larger agricultural field, accessed via an existing laneway leading off Finnard Road. There is an existing building located on the site, close to the northern boundary, in addition to an existing mature tree close to the southern gable of this building. The site is bound along two of its edges; to the north / north-east by hedgerow and to the south-east by post and wire fencing and mature trees. In terms of the surrounding area, there is one existing dwelling located 70metres north from the site, in addition to an active timber manufacturing business approximately 60m north-east of the site. The site increases in levels towards the north-east / south-east, sitting some 30m higher than the level of Finnard Road.

Site history / relevant surrounding history:

There do not appear to be any previous planning records for either this site or the building to be replaced.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 3 'Access, Movement & Parking' and DCAN15 'Vehicular Access Standards'
- PPS 6 'Planning, Archaeology and the Built Environment'
- PPS 21 'Sustainable Development in the Countryside'
- 'Building on Tradition' (BOT) Design Guide

Consultations:

- DfC Historic Environment Division HED: Historic Monuments (11/06/2018)

Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

- NMDDC Environmental Health Department (15/06/2018)
No objections, informatives attached regarding surrounding business
- NI Water (response dated 11/06/2018):
No objections, standard response with informatives
- NIEA (02/07/2018)
Water Management Unit – standing advice and informatives
- Industrial Pollution and Radiochemical Inspectorate – No objections (the impacts are not considered to be significant at the site of the proposed development)
- DfI Roads (10/08/2018)
No objections subject to attached conditions

Objections & Representation

- 2 neighbouring properties was notified on 06/06/2018 (statutory expiry date 20/06/2018) – returned letter from No. 36 (subject building)
- Application was advertised in 3 local papers 11/06/2018, 13/06/2018 and 14/06/2018, statutory expiry 28/06/2018
- 0 objections or representations have been received

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. In addition, Para 3.8 of the SPPS requires that proposed development which accords with the Plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. The site is located outside settlement limits as identified by the BNMAP. In addition, there is one designated archaeological monument (RathDOW047:010) located approximately 200m south-east of the site, which HED has commented on. As there are no specific policies in BNMAP relevant to the determination of the application, the operational policies of the SPPS and the retained PPS21, in addition to PPS3 / DCAN15 and current design guidance will be given determining weight in this assessment.

Principle of Development

Policy CTY1 of PPS21 sets out six circumstances where a new dwelling in the countryside may be acceptable. This includes a replacement dwelling which is in accordance with Policy CTY3. Under Policy CTY3, planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The subject building has three walls substantially intact, with the fourth wall absent. There appear to have been modification works carried out to the building; Externally, the roof is substantially covered with what appear to be in relatively good condition slate tiles, with corrugated sheeting added in parts. Modifications are also visible by the block work along the front and rear elevations

and open ended side elevation, in addition to brick work along the front elevation. From internal inspection, the building is currently used to house a tractor / storage purposes and the timber roofing trusses appear relatively recent. On the basis of this inspection and current condition of the building, I am not persuaded that the subject building was previously used as a dwelling and fundamentally, due to modification works, it does not meet the minimum requirements of CTY3 in that all external walls are not substantially intact.



South-western elevation



North-eastern and north-western (front) elevations



North-eastern elevation



South-eastern (rear) elevation



Internal views

In relaying these concerns to the appointed agent, the Planning Department have been subsequently provided with the following information for consideration:

- **Land and Property Services Certificate dated 20th July 2018 – showing the subject building described as 'H' (HOUSE) from 1923 to 30th March 1936. We do not have confirmation as to when this description was removed from the valuation list due to the fact that the valuation list covering the years 1st April 1936 to 1957.**

In considering this evidence, in the absence of the corresponding map No.34 to go with the valuation records, the records are incomplete and on the basis of the information before me, I am unable to corroborate that the subject building was registered as a dwelling. In addition, in the absence of the fourth wall (likely as a result of modification works,) the building's current condition is not considered to meet the minimum requirements of CTY3 in that not all of the building's external walls are structurally intact.

Additional CTY3 requirements

In the interest of completion, the proposal is assessed against the remaining policy requirements of CTY3 and PPS21. Where proposals meet the initial test of CTY3, there are 5 additional requirements to be met:

- The existing dwelling curtilage is somewhat undefined though would appear to be bound to the north-west by the existing block wall. The proposed site layout as shown on Drawing 02 Revision 1 date stamp received 24 July 2018 shows the proposed dwelling sited 7.5m from the existing building, with the detached garage sited 13.5 m further south of the building. In the event of an approval, it is accepted that the existing dwelling curtilage is too restrictive to accommodate a contemporary dwelling (exception a) however the proposed curtilage is excessive and should be curtailed to protect the rural character;
- Originally, the scheme included a two storey hipped roof dwelling with a two storey front projection and two storey garage with upper level dormer window. The Planning Department raised concerns in terms of integration, visual impact and rural character. In response, an amended scheme has been submitted comprising a pitched roof design (8m ridge height from finished floor level (FFL) and the garage has been reduced to single storey (double.) Whilst the site is significantly removed from Finnard Road, the proposed FFL of the dwelling is 80m. In this context, the ridge line of the dwelling would sit some 28m above the level of Finnard Road and given views of the existing building are limited, the new dwelling (even in its amended form) would be considered to result in a visual impact significantly greater than the existing building, contrary to CTY3 requirements;
- The amended design comprises a two storey pitched roof design with the primary dwelling block measuring 8.2m x 13.2m and an adjoining rear (single storey) sunroom element measuring 4.3m x 4.7m resulting in 236.69m² floorspace. The design incorporates some elements of traditional rural form (pitched roof, simple storm porch to the front, chimneys positioned on the ridge line; however there are also suburban style features remaining, including the external full length chimney off the gable and openings particularly to the front with a horizontal emphasis.

The detached garage is now 4.55m height to the ridge, with double roller doors and is more appropriate design for a domestic garage building. Dwelling and garage finishes include; natural / fibre cement roof slates, aluminium rainwater goods, rendered block work walls with natural stone cladding where shown, u.P.V.C window frames, hardwood painted external doors, smooth render (painted) walls, natural stone where shown. Whilst the amended dwelling design addresses some concerns in terms of form (with the hipped roof element and front return) and finishes are considered appropriate to the rural setting and in line with BOT guidance, the overall scale and massing of the dwelling are still not considered appropriate to this specific rural setting and given the level and visibility of the site, would result in a significantly greater visual impact than the existing building;

- In terms of services, the dwelling seeks to connect to mains water supply. NI Water has no objections, with standard informatives attached. In terms of foul sewage disposal, a septic tank is proposed, which is shown to be located 16m from the dwelling, in the front garden. This is in line with the advisory 15m separation distance outlined in CTY16. In addition, a soak away is proposed to deal with surface water, located on land within the applicant's ownership. These matters are subject to obtaining the necessary consents from NI Water and NIEA Water Management Unit and will be attached to this decision as conditions / informatives to ensure the requirements of CTY3 and CTY16 are met;
- Question 12 of the P1 application form indicates that the proposed dwelling seeks to alter the existing access to the public road, with 2.4m x 90m visibility splays proposed, including the erection of a timber ranch fence rear these splays. DfI Roads has no objections to the proposed splays. In the event of an approval, negative conditions would be required in relation to access to ensure the access alterations meet PPS3 Policy AMP2 and CTY3 requirements.

Policy CTY13 – Integration and Design of Buildings in the Countryside

Under Policy CTY13, there are 7 criteria (a to g) to meet; In assessment of CTY3 bullet two, concerns have been highlighted in terms of the overall scale and massing of the proposed dwelling and how it would sit on this site, resulting in a prominent feature in the landscape. There are some mature trees located further north-west of the site which are not shown on Drawing 02REV1 and which are outside the boundary of the site, but would appear to be located on lands within the ownership of the applicant. In terms of new landscaping, timber ranch fencing is proposed along the newly formed SW and NW boundaries, together with native species hedgerow. In addition, timber ranch fencing is proposed along the length of the laneway and rear of visibility splays. The area to the front of the dwelling appears to be lawn, whilst the area to the rear is hard surface (not defined.) Paragraphs 5.71 and 5.72 of CTY13 justification and amplification seek to void ornate and suburban access and finishes such as timber ranch fencing. Post and wire fencing in lieu of this would be more appropriate to the rural character of the area. Critical views of the site are taken from both Finnard and Shinn School Road (long distance.) In order for the proposed dwelling to integrate on this site, it would rely primarily on the use of new landscaping for integration given its visibility and position above road level. On the basis of the current drawings, the proposal is considered to offend criteria a), b), c) d) e) and f) of CTY13.

Policy CTY14 – Rural Character

Policy CTY14 sets out five criteria (a to e) to be met to protect the rural character of an area from inappropriate development. As assessed under Policies CTY3 and CTY14, it is considered that the proposed dwelling would sit prominent in the landscape and the impact of ancillary works would damage rural character. Arguably, the dwelling would also add to the existing ribbon of development of No.36 Finnard Road and adjacent timber manufacturing building, which are visually linked and share a common frontage to Finnard Road. There is an extant approval for the replacement of No.36 (application reference LA07/2016/0538/F) which comprises a detached garage which would further add to a build-up of development, which at the time of site inspection had not been implemented. It is considered that the proposed buildings, when read together, would result in a suburban style of development when viewed with the existing and approved buildings, which is contrary to criteria b). In this context, the proposed development is considered contrary to CTY14 criteria a) b) d) and e) and would lead to further erosion of the rural character of this area.

Residential Amenity

As outlined, there is one dwelling located 70m north of this site (No.36 Finnard Road.) Given the separation distance, the proposed dwelling is not considered to result in any detriment to the either dwelling occupants.

In respect of the existing timber manufacturing business 60m from the site, Environmental Health advise that this may give rise to noise and that the applicant should be made aware that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts from this established business may be considered in the determination of nuisance. In the event of an approval, this matter would be highlighted through attached informatives.

No neighbouring objections or representations have been received.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact;
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness;
2. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the design of the proposed building is inappropriate for the site and its locality;
3. The proposal is contrary to Paragraph the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the dwelling would, if permitted, be unduly prominent in the landscape;
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the dwelling would, if permitted, add to a ribbon of development;
 - the impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Planning Department
Newry Mourne Down District Council
Council Offices
Monaghan Row
Newry

01st April 2019

WRITTEN SUBMISSION FOR PLANNING COMMITTEE MEETING ON WEDNESDAY 10TH APRIL 2019

Re: LA07/2018/0825/F - new replacement dwelling approx. 70m directly south of 36 Finnard Rd Rathfriland BT34 5BL

1. In our view the subject building was used as a dwelling as it clearly and still has existing features such as window openings, timber window frames, white-washed walls and slate roofs. These would not be characteristics of an agricultural building or outhouse.



Existing building with domestic features and finishes

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- Land and Property Services issued a Certificate (dated 20th July 2018) showing the subject building described as 'H' (HOUSE) from 1923 to 30th March 1936. They issued to this office a subsequent map (see map below). This unfortunately did not include the house in question it referred to (as the map ended short of this position), but a historical OSNI map (Map 2) below indicate this building on a 1905 – 1957 map (indeed historical map records show a building in this location from 1846).



Map Ref No. 34 from Land & Property Services



Map 2 – OSNI Historical map from 1905 - 1957

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3. Note that the current proposed design, in its current form, was amended at the request of the planning service following e-mail correspondence from the Planning Department to this office on the 6th July 2018 as follows;

Policy CTY3 requires that the new dwelling does not result in a significantly greater visual impact than the original dwelling replaced, with design and integration further tested against policies CTY13 and CTY14. The overall scale, massing and form of the proposed dwelling are not considered to represent traditional rural form - hipped roofs are not prevalent in this area and a pitched roof would be more appropriate, with chimneys aligned along the ridge and not appearing prominent. The front elevation should be simplified with a simple storm porch in lieu of the two storey front projection which appear suburban. The domestic garage should be subordinate in scale and appropriate in design / form, appearing as such. The proposed garage would appear to include an upper level with dormer window.

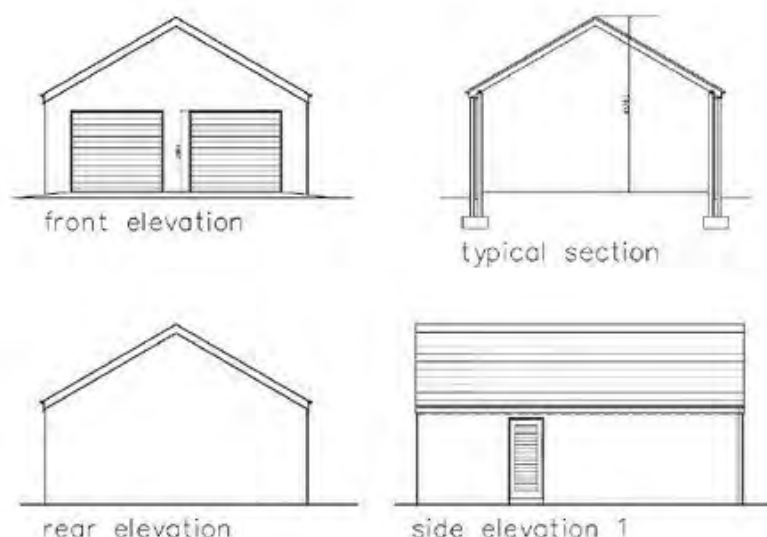
The design was amended accordingly and all issues addressed and as follows;

- Hipped roofs were removed in favour of pitched roofs and gable ends with chimneys aligned on the ridge and not prominent
- The two storey storm porch was simplified to a single storey porch
- The garage was simplified and made more subordinate to the main house with the upper floor and windows removed and the scale greatly reduced

These designs were issued to the Planning Department and validated on the 24th July 2018. The proposals are completely typical of dwellings approved by the Planning Department in the rural countryside throughout the locality and Northern Ireland in general. The traditional design of the proposed building is appropriate for the site and its locality.



Amended house designs



Amended garage designs

- There are existing mature trees to the east of the site that will provide screening for the development and provide natural enclosure. The site itself is located almost 350m from the road and the ground behind the site rises up and provides a backdrop so as any proposed building would not be prominent at all. A prominent hill / raised ground just in front of the site will also shield views to the proposed development from the main road.



Hill / raised ground in front of site and natural screening to east

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Site set back from road and not visually aligned with adjacent buildings

5. The Planning Department have raised concerns that the proposed dwelling would add to the existing ribbon of development of No 36 Finnard Rd and the adjacent timber manufacturing building which are visually linked and share a common frontage. It must be noted that the proposed building would be set back approximately 75m from the common frontages of No 36 Finnard Rd and the adjacent manufacturing building. Therefore there would be no common frontage of any kind and the buildings would never be read as a cluster or group. Indeed the natural screenings of the adjacent site and the raised hill to the front, would also add a further degree of enclosure that would screen the site.

Regards

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0825/F

Date Received: 24.08.15

Proposal: Erection of Housing development (2 detached and 10 semi-detached)

Location: Lands between 79 and 81 Drumalane Road Newry

Site and Area Characteristics:

Site comprises of existing agricultural land that fronts onto Drumalane Road.

Existing development adjacent and N comprises of 3 storey terraced housing within an Area of Townscape Character whilst directly opposite is two storey terrace housing, surrounding land to N and S is vacant and undeveloped.

The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area plan 2015 and zoned for housing under NY36 with buildings immediately adjacent located within an Area of Townscape Character.

PLANNING POLICIES & MATERIAL CONSIDERATIONS:

Regional Development Strategy (RDS)

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI)

Planning Policy Statements

PPS 3- Access, Movement and Parking

PPS6 - Planning, Archaeology and the Built Heritage

PPS6 (Addendum) Areas of Townscape Character

PPS 7 and its Addendum- Quality Residential Environments

PPS8 - Open Space, Sport and Outdoor Recreation

PPS12 - Housing in Settlements

PPS15 – Planning and Flooding Risk

Further Guidance

DCAN 8 - Housing in Existing Urban Areas

DCAN15 – Vehicular Access Standards

Parking Standards

Creating Places and Design Guide.

SITE HISTORY:

LA07/2015/0761/F - Extension and alteration to existing terraced dwelling with improvements to access. Refused (adjacent and N) (Size of extension and impact to ATC)

P/2009/1161/F - Erection of 4 semi-detached, 3 storey, townhouses with garages to ground floor and associated site works. 83 Drumalane Road, Newry. Granted (Adj and S)

P/2007/1644/F Erection of residential development comprising 6 No. townhouses, 12 No. apartments and 16 No. duplex apartments (34 No. residential units in total), associated parking provision and ancillary works (with demolition of existing No. 81 Drumalane Road and reduction to the curtilage of No. 79 Drumalane Road (existing No. 79 Drumalane Road otherwise to remain)). Granted (Application site)

P/2006/1328/F - Demolition of No 81 Drumalane Road and erection of housing development of 5 No dwellings. Granted (Application site)

P/2005/1461/F - Alterations to internal site layout and house types as previously approved under Planning Reference P/1992/0631/F. Granted. (Application site)

P/1980/1029 - Site for Housing Development (Including the application site and land to w)

CONSULTATIONS:

Transport NI () - No objection

NIW (05.10.19) - Public, foul and surface water sewer within 20m

Loughs Agency (08.10.15) - Subject to condition

EH (12.10.15) - No objection

Rivers Agency (12.06.17): FLD1 - No reason to object from drainage/ flooding perspective, FLD2, 4 and 5 are not applicable and FLD 3 lacks letter from NIW to accept surface water discharge.

NIEA (12.09.17 and 08.06.17) - Content development unlikely to significantly impact badgers, no information provided regarding bats if planners are content that the site does not contain features suitable to support roosting bats then no further information required.

OBJECTIONS & REPRESENTATIONS:

16 neighbours notified and the application was advertised September 2015 and July 2018 (clarification of proposal)

16 Objections received on file:

- 6 Hill Head Rd (2 letters)
- 15 Ballintemple Rd (8 letters – some are duplicated)
- 75 Drumalane Road (2 letters)
- 127 Drumalane Rd (2 letters)
- 132 Drumalane Rd
- 80/81 Drumalane Road

The objectors raised a number of concerns which are summarised as follows:

- Objector from 6 Hill Road and 15 Ballintemple Rd – note changes to planning application but problems originally created still remain and further exacerbate the situation (this relates to footpath provision and congested road)
- Drastic effect on creation of additional traffic
- Impact to view
- Intensification/ increase of traffic
- Create nuisance, noise, dust, dirt and vibration
- Concerns regarding access arrangements and failure to provide pedestrian access and disability access
- Impact to parking
- Houses on higher levels than road will impact on privacy through overlooking
- Current site attracts antisocial behaviour and dumping
- Owner not in control of land that front 79

Consideration of objections:

- Transport NI have no objections and have raised no concerns with regard to traffic, access etc

- Impact to view is not a planning consideration
- Nuisance, dirt etc. is likely to be short lived during construction works and unlikely to have long term implications.
- A footway has been shown along the road frontage which will link in with the proposed housing development
- The proposed layout incorporates adequate in-curtilage parking that will avoid parking on the roadside
- Proposed dwellings are set approximately 1.52m - 3.92m above and fronting onto Drumalane Road with a separation distance of between 18m - 20.5m which fall short of recommended guidance particularly where there is a change in levels. Proposals will overlook dwellings below resulting in loss of privacy this will be further considered below.

PLANNING ASSESSMENT & CONSIDERATION:

The Planning Authority previously wrote to the agent in September 2018 (following up again on correspondence sent October 2017) expressing concerns with the overall scheme in terms of its impact upon the Area of Townscape Character, design and layout, visual appearance, use of retaining structures and impact to amenity etc.

Opportunity was given to address these concerns with amended plans received 24th October 2018. The proposed layout and accompanying plans remain relatively unchanged from the original submission in 2015 despite on-going efforts by the Planning Authority to seek changes and bring the application to a conclusion with an acceptable scheme in line with policy requirements. It should also be noted that there are also inaccuracies in plans submitted in terms of private amenity space provision, levels and access arrangements relating to site 6.

Overall amendments in the overall layout and design of the proposal is relatively unchanged to overcome previous concerns failing to adhere to planning policy, this will be further considered in detail below.

Local Development Plan:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The land use for residential purpose does not conflict with the land zonings of the area plan.

SPPS, PPS12 (PCP1, PCP2 and PCP3), PPS6, PPS6 (Addendum) Areas of Townscape Character, PPS7 (QD1), PPS7 (Addendum) Safeguarding Established Residential Areas, PSRNI (DES 2), Creating Places, DCAN 8 and DCAN 11, PPS3, Parking Standards and DCAN15:

The SPPS sets out core planning principles and the need to achieve sustainable

development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment.

It is considered that the proposal is contrary to the principles set out in the SPPS and for the reasons set out below.

PPS 12: Housing in Settlements

Planning Control Principle 1 - Increased Housing Density without Town Cramming

Proposals comprise of a standalone housing application situated in the NE portion of a much larger land zoning for committed housing (NY37). Proposals represent a piecemeal development with no regard to the development of remaining land and has not been designed to form an integral part of future development at this location.

The number of units proposed at the site is not comparable to the built form and layout displayed immediately adjacent and opposite the site. In order to facilitate development extensive engineering solutions will have to be employed which will include retaining structures along the frontage and to the rear of the site including substantial levels of cut and fill across the entire site.

The houses types, engineering solutions, layout and open space do not respect existing built development nor takes account of its location immediately adjacent to the designated ATC. The overall development will have adverse visual impact upon the character, environmental quality and will have detrimental consequences upon the amenity of existing and proposed residents.

Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

Planning Control Principle 3- Sustainable forms of development.

While the site is within the settlement area, development would nevertheless harm the character of the immediate residential area. Therefore it is not considered to be a sustainable form of development. There is further consideration of these issues below.

SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1

Policy QD 1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept.

Whilst a contextual plan was submitted on the 24.10.18 this gives no regard to the

future development of this site as an integral part of the wider land zoning (committed housing NY37). Overall proposals represent a piecemeal development with no regard to the development of remaining land and has not been designed to form an integral part of future development at this location drawing upon the positive aspects of the character and appearance of the surrounding area.

It is considered that the proposal fails to comply with the SPPS, Policy QD1 of PPS 7 and Policy DES2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character environmental quality of the established residential area and have adverse impact upon the ATC. In particular the proposal is contrary to criteria A, B, C, G, H and I of Policy QD1 in that:

QDI, A – Nature and Context of the Proposed Development.

Development opposite as well as immediately adjacent and north of the site is characterised by terraced two/ three storey housing with small formalised front gardens and elongated gardens, private open space to rear (garden depths ranging between 14-35m). There are several detached houses to the north of the site although in contrast development is contained within large formalised plots.

Proposals replicate the two storey form that is found at this location. However the overall design and layout of the development does not respect the surrounding context.

The frontage of the site will be dominated by a retaining wall running along the length of the frontage ranging between 1-2.5m in height along its length. Infilling will take place along the frontage to raise ground levels with proposed dwellings along the road set approximately 1.52m -3.92m above the existing road level which will appear dominant in the wider street scape. Although the developer has proposed planting along the frontage it will nevertheless present an unattractive vista along this road and introduce engineering solutions which are evident and visually intrusive. Overall the scheme lacks planting to help soften the overall appearance of the development.

The position of private open space immediately beside the roadway is alien to the context of this area as private open space is set to the rear of existing properties and out of view from the public road. Furthermore dwellings to the rear of the site have limited garden depth (8m) which is not reflective of development within the area, does not allow for future plot development but also the use of a retaining structure along the length of the rear gardens will also give rise to amenity issues.

The overall development does not respect the surrounding context of the area which will attract substantial ground works and excavation to lower and raise ground levels to accommodate development requiring several retaining wall structures within the layout which is deemed unacceptable. The need to use structural retaining walls in order to accommodate development is generally an indicator of overdevelopment of a site (See para 4.13 of PPS7) and is contrary to policy. The proposal, if approved, would have a detrimental impact upon the character and amenity of surrounding development.

The overall development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of scale, mass, layout, design, pattern and form. The proposal, if approved would be dominant, overbearing and out of keeping when considered in the context of existing and long established residential dwellings found within the area and will give rise to amenity issues. Proposals fail to meet the requirements of the SPPS and PPS7, QD1 (a) and PPS 12.

QD1, B - Archaeological and built heritage

The site is located immediately south of an existing terrace which has been designated as an Area of Townscape Character (NY113). A contextual plan submitted in October 2018 shows the relationship of these buildings in line with proposals which is clearly out of keeping, is forward of the building line and is completely out of context with the arrangement of buildings within the ATC.

Proposals have not taken into account the sensitivity of the site in such close proximity to the designated area. Development proposals are in clear conflict with the designation and do not adequately integrate with the ATC without causing adverse impact.

Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. Development proposals as submitted have taken no account of the ATC. Proposals will detract from the appearance and fail to maintain the character if the distinctive townscape displayed within the ATC. Proposals fail against criteria B of QD1.

QDI, C – Provision of Open Space.

The development has allocated private open space to each of the properties. However the positioning of private open space within the development along with separation distances between properties, limited plot depths (less than 10m) and positioning of and height of retaining walls particularly to the rear of 3 -19 will give rise to amenity issues, lack of privacy, overlooking, overshadowing, loss of daylight, unusable areas of open space and do not allow opportunity for future expansion within the plot. Proposals do not meet criteria C of QD1 and the SPPS.

QDI, D - Provision for local neighbourhood facilities

No provision has been made. Notwithstanding this the site is well placed and within walking distance of all necessary facilities.

QDI, E – Movement Pattern

The layout incorporates linkage to the existing footpath to encourage sustainable patterns of movement. No conflict with the requirements of the SPPS and PPS7, QD1 E

QD1, F – Parking

Adequate curtilage parking has been assigned to each of the properties. Fulfils the provision of QD1, F of QD1 and SPPS.

QD1, G – Proposed Design compared to local Form, Materials and detailing.

Whilst it is acknowledged that the two storey form and use of external materials are reflective of that of the wider area. Irrespective of this, the design, detailing and layout of proposed properties fail to consider its relationship with existing built form within the ATC. Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. Proposals as presented will employ significant earthworks and retaining structures to accommodate development with a hardened visual aspect which will be visually disruptive upon the ATC and wider streetscape to its detriment.

The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (g)

QD1, H - Conflict with adjacent Land uses.

A separation distance of 20m or greater between dwellings is recommended to minimise overlooking but guidance recommends that an enhanced separation distance is applied where there are changes in ground levels or sloping sites. The separation distances proposed throughout the site are on sloping ground, fall short of recommended guidance and will cause overlooking and impact to privacy.

The use of retaining walls particularly along the rear of the site along with restricted garden depths as well as their height will result in overshadowing and loss of light to future occupiers of this property.

The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (h)

QD1, I - Crime and Personal Safety

All areas of public access and private open space appear to be adequately supervised. However due to lack of enclosure within the layout private open space is susceptible to exposure and access by third parties including that of No. 79 Drumalane Road.

Proposals do not fully meet the requirements of QD1, I and the SPPS.

PPS7 (Addendum) LC1/ LC3

The application does not fully meet the requirements of Policy QD1 of PPS 7 and furthermore does not adhere to all criteria set out under Policy LC1 of the Addendum to PPS 7.

The development is out of keeping with the overall character and environmental quality of the established residential area of Drumalane Road and the ATC which comprises of terrace housing of single family occupation with small formalised garden to front and large rear garden with substantial plot depths (garden depths ranging between 14m and 35m). The proposed development, in contrast,

incorporates large areas of hard standing, retaining structures, is set forward of the established building line (69 -79 Drumalane Rd), takes no account of the setting of the ATC and is out of keeping with the overall character and environment quality of the established residential area at Drumalane Rd. The overall development will be dominant and overbearing in the street scheme with development out of context with its surroundings.

Furthermore proposals do not incorporate permeable paving in compliance with Policy LC3 of the Addendum to PPS 7.

Overall the proposal does not meet criteria of LC1 and LC3 of PPS7 (Addendum)

Policy DES 2 of PSRNI

Whilst there is no objection in principle to a residential land use, it is the totality of the scheme in terms of design, layout, scale, form, adverse impact on residential amenity as well as impact on the local character, the setting of the ATC and visual aspect that proposals are deemed unacceptable and will have adverse impact to the area. The proposal fails to comply with DES 2 of PSRNI.

PPS 3: Access, Movement and Parking

Transport NI in comments dated [redacted] advise that they have no objection, adequate incurtilage parking has provided on site.

Recommendation:

Refusal due to issues raised above and for the reasons stated above.

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, C, G, H and I) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principles 1, 2 and 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of design and layout its appearance of buildings, landscaped and hard surfaced areas;
 - The development lies adjacent to an Area of Townscape Character and the development would detract from the character, appearance and setting as it is not in sympathy with the characteristic built form, its design and layout does not respect the characteristics of adjoining buildings and would interrupt views of the ATC.
 - Inadequate provision has been made for private open space and landscape areas as an integral part of the development;

- The design of the development does not draw upon the best local traditions of form, materials and detailing;
 - The design and layout will create adverse effect upon existing and proposed properties in terms of overlooking, loss of light, loss of privacy and overshadowing.
 - The development has not been adequately designed to deter crime and promote personal safety.
2. The proposal is contrary to Policy LC1 and LC3 of PPS7 (Addendum) Safeguarding the Character of Established Residential Areas in that the applicant has failed to demonstrate that all of the criteria set out in Policy QD1 of PPS7: Quality Residential Environments has been met and fails to meet all additional criteria (B) of Policy LC1, with the development also failing to incorporate permeable paving within the proposed development.
 3. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring developments, scale, layout, design and materials which are out of character of the area as well as its relationship to adjoining buildings and views.

Case Officer

Authorised Officer

Photographs



Directly opposite application site



Within the application site



Drumalane Rd directly opposite site (No. 79 to right)



Lands adjacent and S of site



SE looking NW Drumalane Rd



Application site



Opposite application site



Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Michael Graham and I am a Chartered Town Planner and Director of **WYG Planning**. I represent **both the applicant, McKinley Contracts Ltd** and **owner of the site, Drumalane Developments**. We were **only retained recently, i.e. 26th March 2019**, by **both**, as planning consultants.

Whilst, in our opinion, the submitted scheme is acceptable and should be granted, to which I will return, **we nevertheless seek its deferral to allow for a meeting with Council's Planning Department**.

This is because on **14th April 2017**, there was a meeting between the applicant, project architect and their then planning consultant, and Mr Pat Rooney and Mr Andrew Davidson of Council's Planning Department, at which we understand changes to the scheme were agreed [*namely, in the form of: minor amendments to house types; square bay to Drumalane Road; additional window in rear elevation; removal of outset dining area, provision of porch and removal timber sheeting and extension of stonework on house types 4 & 6; and movement of both to boundary of site*]. Private Street Determination ('PSD') drawings were then requested by DfI Roads on the **26th March 2018**. These were provided on the **10th May 2018**, forwarded by the case officer, Ms. Patricia Manley, to DfI Roads on **23rd May 2018**, and approved and returned on **7th June 2018**. It is common practice that PSD drawings are only requested if the scheme's layout is deemed acceptable by Council's Planning Department.

Then, in a letter dated **28th September 2018**, Council requested redesign and that a new scheme layout be submitted.

Regarding the planning history of the site, there are several aspects that reaffirm the appropriateness of this scheme. We briefly summarise:

1. **P/1992/0631/F** – 10No. dwellings – *road layout similar* - granted on 10th February 1993;
2. **P/2005/1461/F** – 12No. dwellings - alterations to internal site layout/house types under P/1992/0631/F – *same access point and road layout as submitted scheme and break of building line* - granted on 16th January 2006; (refer to **Slide 1**).
3. **P/2006/1328/F** – part of the site - involved demolition of No.81 and erection of 4No. dwellings - *same access point and road layout as submitted scheme and break of building line* – granted on 9th December 2008 (refer to **Slide 2**);
4. **P/2007/1644/F** – Erection of residential development comprising 6No. townhouses, 12No. apartments, 16No. duplex apartments (34No. units in total) – *same access point and road layout as submitted scheme* - granted on 4th November 2009 (refer to **Slide 3**).
5. **LA07/2015/0825/F** – Erection of housing development (2No. detached and 10No. semi-detached) – this is the scheme before Planning Committee (refer to **Slide 4**).

Given the history of this planning application and the planning history pertaining to this site itself, we respectfully request Members defer this application to allow for a meeting with Council's Planning Department, in order to resolve, hopefully agree a mutually acceptable scheme, and progress it forward in a positive and timely manner to a successful conclusion.

Turning back to the cited refusal reasons, **refusal reason No. 1** relates to criteria (a), (b), (c), (g), (h) and (i) of Policy QD1 of PPS 7. Its reference to Planning Control Principles 1, 2 and 3 of PPS12 is misplaced. These are not planning policies and are already covered by Policy QD1 of PPS7.

Criterion (a): *"The development does not respect the surrounding context and is not appropriate to the character of the site in terms of design and layout its appearance of buildings, landscaped and hard surfaced areas"*. The layout proposed is similar to those previously granted on this site. It allows for sewer wayleaves that run through this site, which dictated the road layout in this scheme and that in the previously granted schemes. The surrounding built context along Drumalane Road is somewhat mixed, with terraced housing and detached dwellings. This scheme provides detached dwellings along the Drumalane Road frontage. Given the cited refusal reason fails to mention the proposed scheme's 'scale', 'proportions', 'massing' and 'structures', must mean that Council's Planning Department is content with these aspects. We also note that in terms of appropriateness of the proposed development, 'topography' is also not cited. It must therefore be considered to respond appropriately to this sloping site. The appearance of the dwellings was agreed at the meeting on the 14th April 2017. Notwithstanding, their appearance will enhance the streetscape. The ratio of hard to soft landscaping is reflective of the *guidance* in Creating Places and residential developments across the country (refer to **Slide 5**).



Criterion (b) *“The development lies adjacent to an Area of Townscape Character and the development would detract from the character, appearance and setting as it is not in sympathy with the characteristic built form, its design and layout does not respect the characteristics of adjoining buildings and would interrupt views of the ATC”.* There is no policy requirement within PPS6 that proposed development adjacent to Areas of Townscape Character (‘ATCs’) must duplicate the architectural style and features of that ATC. The proposed development respects and does not adversely affect the character of the ATC itself. Moreover, it is important that there are clear architectural differences between the two, so that distinction between that within and that outwith is evident.

Criterion (c) *“Inadequate provision has been made for private open space and landscape areas as an integral part of the development”.* The amount of private open space meets the *guidance* at paragraph 5.19 of Creating Places (70sqm average and minimum of 40sqm in any dwelling). It has an average of 72sqm, and the minimum is 43sqm.

Criterion (g) *“The design of the development does not draw upon the best local traditions of form, materials and detailing”.* As per paragraph 4.21 of PPS7, in a spatial form context: *“The overall design concept for a new residential environment should seek to provide contrast and interest...”*. This proposed development does exactly that. Its materials and detailing are also reflective of those found in the surrounding area.

Criterion (h) *“The design and layout will create adverse effect upon existing and proposed properties in terms of overlooking, loss of light, loss of privacy and overshadowing”.* Overlooking, loss of light, loss of privacy and overshadowing do not occur, especially as the layout is reflective of those previously granted.

Criterion (i) *“The development has not been adequately designed to deter crime and promote personal safety”.* The dwellings all front public areas. Hence, there is adequate passive surveillance to deter crime and promote personal safety.

Given that PPS7 was applicable at the time of granting permissions on this site in 2005-06-07, it is difficult to understand how such matters are now considered unacceptable. This is more concerning given the apparent agreement back in April 2017 between the applicant, project architect and their then planning consultant and Council’s Planning Department, only for matters to somewhat change in September 2018. As such, given this position, I again respectfully request that Members agree it would benefit from deferral for a meeting.

Refusal Reason No.2 relates solely to criterion (b) of Policy LC1 (pattern of development) and Policy LC3 (permeable paving) of PPS7’s second Addendum. The established pattern of development along Drumalane Road is somewhat mixed, with terraced housing and detached dwellings along its frontage. This scheme provides detached along its frontage. The pattern of development proposed is also in line with those previously granted on this site. Criterion (b) is met. Policy LC3 is also met, as it is not a requirement, rather a choice, of whether to provide permeable paving. In any case, there is no site soakage, given the site’s rock base.

Refusal Reason No.3 relates to Policy DES2 of the Planning Strategy for Northern Ireland. Given it contains similar tests to Policy QD1 of PPS7, it is also met. **However, again, we would welcome deferral to explore this matter further with Council’s Planning Department.**

Conclusion

Whilst I have made the case for the submitted scheme here today, given the planning history, previous meetings and agreement with Council’s Planning Department (April 2017) and the subsequent differing correspondence (September 2018), I would welcome a deferral so that all these issues can be discussed, amendments to the scheme can hopefully be agreed, that in turn, will allow this application to be presented back to this Committee with a recommendation for approval.

I would like to thank the Planning Committee for the opportunity to speak today and I trust that Members agree that this application should be deferred.

I would be happy to take any questions.

Michael Graham MRTPI
Director
WYG Planning.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1825/F

Date Received: 24.11.2017

Proposal: Proposed erection of replacement dwelling & detached dwelling, new landscaping and associated site works (existing dwelling to be retained as a domestic store)

Location: No.25 Ballyvally Road, Ballyvally, Mayobridge, this address is unverified. The application site is positioned outside the development limits of Mayobridge and is included in an archaeological site and monument zoning as defined by the Banbridge / Newry and Mourne Area Plan 2015. The site sits approx. 7.7 kilometres east of Newry City.

Site Characteristics & Area Characteristics:

The application site comprises of an agricultural field and part of the residential curtilage of No. 18 Ballyvally Road. The application site is accessed via an existing laneway from Ballyvally Road which provides access to the dwelling at No. 18. Within the application site are two small buildings. Immediately adjacent to the application site is a detached, story and half dwelling (No. 18). A rath is positioned adjacent to the north east of the application site. An undesignated water course runs along the north eastern boundary of the application site. To the north and south are agricultural fields.

The surrounding area is rural in character with surrounding development comprising of single dwelling and associated outbuildings. The village of Mayobridge is positioned approx. 0.9 kilometres north west of the application site.

Site History:

P/2006/2184/F	18 Ballyvally Road, Mayobridge.	Erection of Replacement Dwelling and detached domestic Garage.	PERMISSION GRANTED
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Planning Policies & Material Considerations:

Strategic Planning Policy Statement for Northern Ireland (SPPS).

Banbridge / Newry and Mourne Area Plan 2015.

Planning Policy Statement 21 – Sustainable Development in the Countryside.

Planning Policy Statement 3 – Access, Movement and Parking and Development

Control Advice Note 15 (DCAN 15).

Planning Policy Statement 6 – Planning, Archaeology and the Built Environment.

Planning Policy Statement 15 – Planning and Flood Risk.

Consultations:

There were four consultations issued for this proposal See details below,

- Department for Infrastructure Roads (DFI Roads) – No objection should the dwelling to be replaced be reasonably occupied at present or following minor modifications. (15/0/2017). If the building could not reasonably be occupied at present or following minor modification DFI Roads would be of the opinion the proposal is contrary to Planning Policy Statement 3, Access Movement and Parking, Policy AMP2. (11/12/2018).
- Historic Environment Division (HED) – confirmed HED:HM are content in principle with the proposal. Concerned with ground works proposed around building to be replaced, content that proposal satisfied PPS6 and SPPS policy requirements should works not be required in this area. (19/12/2017)
- Northern Ireland Water – Generic response. (18/12/2017)
- Northern Ireland Environment Agency (NIEA) - .Water Management Unit has no specific comment on the development (01/02/2018)
- Rivers Agency –Taking the precautionary approach embodied within PPS 15, DFI Rivers recommends that the applicant's agent establishes a Q100 level of the undesignated watercourses along the west site boundary of the site and sets the floor design levels a min 600mm above this established level. Development will only be suitable to that part of the site which is found outside the determined floodplain. An undesignated watercourse flows along the eastern boundary of the site. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times. (18/01/2018)

Objections & Representations

There were two neighbour notifications issued for this proposal. The application was advertised in the local press on 14th December 2017 .There were no representations received.

Consideration and Assessment:

Planning Policy Statement 21

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. Further, buildings designed and used for agricultural purposes such as sheds or stores and

buildings of temporary construction will not however be eligible for replacement under this policy.

Having inspected the site, the building to be replaced is single storey, of a stone construction with a corrugated iron pitched roof. There is evidence of a chimney breast within the building on the eastern gable wall, with a fire place opening and flue but which does not extend through the roof. There are two window openings along the front (southern) elevation with timber frames and glass still intact and a small front porch with timber door. Within the dwelling is a subdividing wall, it is not the full width of the building and so only partially divides the building into two rooms. There is no internal ceiling present and chicken wire and new timber beams are evident below the corrugated iron roof covering. A lean to structure has been constructed to the rear of the building that accommodates dog kennels; this appears to be a newer addition to the original building given the construction material is block. This building is included within the residential curtilage of No. 18 and is positioned to the rear (north) of this dwelling. No. 18 is a storey and half dwelling, constructed within the last ten years as a replacement to a single storey bungalow and was approved under planning application P/2006/2184/F. Having reviewed this approval, the building subject of this current application was identified as an outbuilding, not a dwelling on the approved plans and was to be demolished as part of the 2006 approval to allow for the construction of a new garage to serve No. 18 on its footprint. On assessment of the layout approved under the 2006 planning application and following a site inspection it is evident that the replacement dwelling (No. 18) has not been constructed as approved, the dwelling has been shifted south of its approved position, it has been re-orientated, the approved curtilage has been extended to the south east and the building to be demolished remains in place with no garage constructed. Having checked on Google Earth, this dwelling however has been built since 2010.

While the building subject of this planning application has all four walls substantially intact with characteristics of a dwelling which may have been more recent additions to the building to appear like a dwelling, the Planning Department has to be satisfied that the building was previously used as a dwelling. The agent has indicated the building subject of this planning application is No. 25 Ballyvally Road; however this postal number cannot be verified. The building is currently used for domestic storage purposes. It has no defined curtilage and remains in the curtilage of the dwelling at No. 18.

The agent was requested to demonstrate the building subject of this planning application had previously been in residential use. On assessment of the agent's submission, received on the 14th May 2018, the Planning Department consider that the level of information does not successfully demonstrate that the building was previously a dwelling. On assessment of historical mapping, while it is evident there were a number of buildings within and immediately adjacent to the application site, only one of these was considered to be a dwelling and this was subject of planning application P/2006/2184/F for replacement dwelling. The Planning Department are content that the building subject of this planning application has been in existence since 1937 however the level of information provided does not prove that the building was used as a dwelling and therefore does not satisfy CTY3.

Policy states that the retention and sympathetic refurbishment with adaption if necessary of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement however if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. On assessment of the building subject of this planning application, while there may be some vernacular qualities it has an ordinary appearance, is considered of limited architectural merit, does not make an important contribution to the heritage, appearance or character of the locality and following an assessment above, it is not considered to be a dwelling. Should it be accepted as a dwelling then Policy CTY3 states that in such cases, the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme of this proposal. While this proposal seeks to retain the building to be used as a domestic store it does not attempt to sympathetically incorporate it into the layout of the overall development. The new replacement dwelling and garage will be positioned in an adjacent field approx. 19 metres east of the existing building with no incorporation of it. The Planning Department consider an amended proposal that incorporates the existing building into the overall development scheme and positioning of the new dwelling closer to retained building with the garage either removed or reduced in size given storage would be provided in the retained building would be required. This was not addressed with the agent however given the principle of a replacement had not been successfully demonstrated.

In all replacement cases, Policy CTY3 outlines an addition five criteria to be adhered to which include:

- *the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
- *the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;*
- *the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;*
- *all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and*
- *access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

This proposal seeks planning permission for an off- site replacement dwelling to be positioned approximately 37 metres east of existing buildings' position and seeks to retain the building as a domestic store and the development of a double garage. Whilst there is provision in policy for an offsite replacement this is only permitted when criteria a or b can be met (a - the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. As stated above, the building subject of this planning application has been included in the defined residential curtilage of No. 18 and appears to be used in connection with this dwelling. While the building subject of this planning

application does not have its own defined curtilage there are existing boundaries in place and it is not considered acceptable to replace the building in a much larger agricultural field and outside existing boundaries when there is sufficient space immediately east of the existing building to accommodate a new dwelling which could also successfully incorporate the existing building into the overall layout. The off-site replacement as proposed will result in a significantly greater visual impact than an onsite replacement. The current off site proposal is not considered to offer any demonstrable landscape, heritage, access or amenity benefits. Historic Environment Department (HED) has confirmed they would have no concerns in regards to the rath if a new dwelling was replaced on the footprint of the existing building or immediately east of it subject to the development being in compliance with parameters that include a replacement dwelling not extending beyond the limits of the existing western gable of the existing building on site, a dwelling constructed with a low ridge and any associated lawns, landscaping, fences or garage to be located away from the rath. The new dwelling alone represents a building footprint that is almost 5 times the size of the original existing buildings footprint in a much larger agricultural field and while allowance will be made for a modest sized dwelling, its size and position is not considered acceptable to policy criteria. The design is relatively reflective of house types within the locality. As the building subject of this application has not been successfully demonstrated to have been previously a dwelling, granting planning permission for a replacement dwelling would therefore result in an intensification of the existing access onto Ballyvally Road. Upon consultation with DFI Roads on intensification of the existing access, they had advised the proposal would be contrary to Policy AMP2 and therefore would prejudice the safety and convenience of road users as visibility plays are not in place in accordance with the standards contained in the DCAN 15.

As the principle of development for a replacement dwelling has not been demonstrated through the submission of additional information as requested from the agent by the Planning Department, there was no requirement for the agent to address the issues raised above in relation to the additional criteria of CTY3 for all replacement dwelling opportunities.

Having considered the proposal the Planning Department are of the opinion the proposed dwelling and garage will be a prominent feature in the landscape given their siting, size and scale. Critical views of the application are considered from the Hilltown Road to the north and a shared private lane to the north east of the application site, there is limited views from Ballyvally Road. The block plan shows the applicant intends to retain the mature trees along the northern boundary and existing field boundaries, however the dwelling will be positioned in a large agricultural field, which is comprised of sloping ground meaning extensive ground works would be required to accommodate any development within this area of the site and the existing northern boundaries sit on lower ground and would not provide much integration. The implementation of planning permission at the site will extend the area of development, when taken with the adjacent dwellings to the east of the site and accessed off the shared laneway from Hilltown Road will add to an overall cumulative effect of buildings within this area leading to a change of the rural character of this area. The proposal is therefore considered contrary to the policy requirement of CTY 13 and 14.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to the commencement of development ensuring the proposal complies with the policy requirements of CTY16.

Planning Policy Statement 3

The Department for Infrastructure Roads (DFI Roads) has been consulted on this proposal and has stated that *"If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modifications DFI Roads has no further objection to this application. If this is not the case then please re-consult."*

Following their consultation response and through the processing of this application, the Planning Department have formed the opinion that the building on site does not represent a valid replacement opportunity as it has not been successfully demonstrated that the building was in residential use. Having advised DFI Roads of this they have assessed the existing access and have advised that the proposal would be contrary to PPS3, Policy AMP2 in that if permitted it would prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 70 metres cannot be provided in accordance with the standards contained in DCAN 15.

Planning Policy Statement 6

The Historic Environment Division has been consulted on the proposal and is content given that there are no proposed ground works in the vicinity of the existing building close to the monument that may impact on below ground archaeological remains. The proposal is considered compliant with the policy requirements of PPS6.

Planning Policy Statement 15

Rivers NI has been consulted on the proposal given the application sites position next to a water course evident along its eastern boundary. On considering the proposal Rivers NI recommends that the applicant established a Q100 level of the undesignated watercourse along its east boundary of the site and sets the floor design a min of 600 mm above this level. In accordance with PPS15 FLD1, development will only be suitable to that part of the site which is found to be outside the determined floor plain. Further, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times in accordance with FLD2 of PPS15. This can be dealt with by a condition should approval for the proposal be recommended.

Conclusion

The proposal does not meet the policy requirements of CTY 3 in that it has not been successfully demonstrated that the building within the application site was previously in residential use. Further, the new dwelling proposed would have a visual impact significantly greater than the existing building and would result in a suburban style build-up of development when viewed with existing buildings.

Recommendation:

Refusal

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

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 Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - it has not been successfully demonstrated to the Council's Planning Department that the building represents a valid replacement opportunity in that it was previously used as a dwelling;
 - the existing structure to be retained has not been sympathetically incorporated into the new development scheme;
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
 - the access to the public road will prejudice road safety.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 -
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

and therefore would not visually integrate into the surrounding landscape.

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

- the dwelling would, if permitted, be unduly prominent in the landscape;
- the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

and would therefore result in a detrimental change to the rural character of the countryside.

5. 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 it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 70 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.



Application Reference: LA07/2017/1825/F

Proposal: Erection of Replacement dwelling and detached garage

Address: No 25 Ballyvally Road, Mayobridge

The above-mentioned planning application has been recommended for refusal at the Planning Committee meeting on 10th April 2019. The application has been recommended for refusal for the following 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 Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- it has not been successfully demonstrated to the Council's Planning Department that the building represents a valid replacement opportunity in that it was previously used as a dwelling;
- the existing structure to be retained has not been sympathetically incorporated into the new development scheme;
- the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
- the access to the public road will prejudice road safety.



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

- the proposed building is a prominent feature in the landscape;
- the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not visually integrate into the surrounding landscape.

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

- the dwelling would, if permitted, be unduly prominent in the landscape;
- the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and would therefore result in a detrimental change to the rural character of the countryside.

5. 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 it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 70 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

It is felt that the application has not been assessed correctly in light of the current planning legislation, application site history and information presented in support of the application.



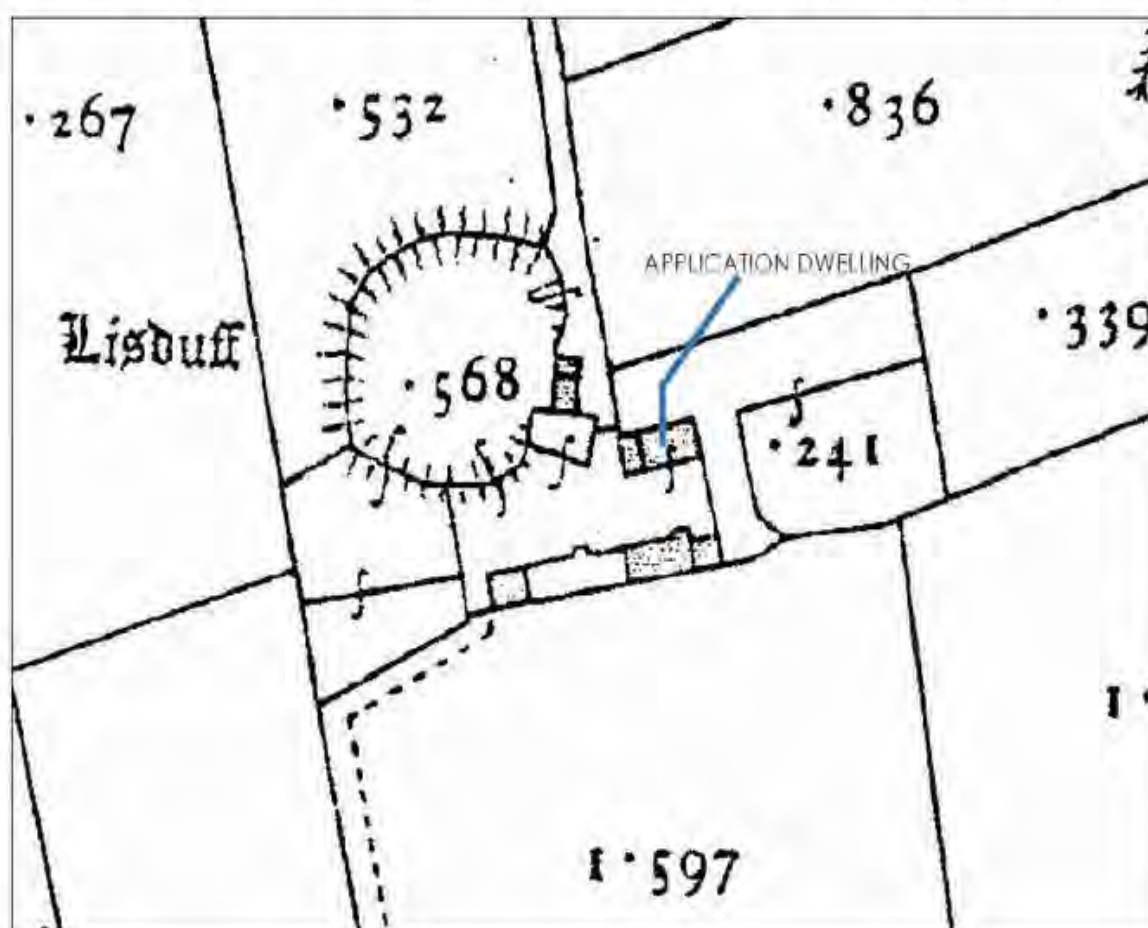
Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. For the purpose of this policy it is stated that all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy. All replacement cases are also required to meet five identified criteria including that the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness. Other criteria require that any alternative position outside the existing curtilage would result in demonstrable landscape, heritage, access or amenity benefits and that the overall size of the new dwelling should allow it to integrate into the surrounding landscape.

Whilst Policy CTY 3 may not be specific as to what are characteristics of a dwelling, The subject structure is linear in shape and of single storey. It has a corrugated iron pitched roof with gable projections and a lean-to at the rear. There is evidence of a chimney, an internal door opening, windows on the front elevation and a front porch. This existing structure therefore clearly exhibits the essential characteristics of a dwelling.

Attention is drawn to the recently approved application LA07/2018/1463/F (Appendix1), which was approved for a replacement dwelling on lands approximately 30 metres North West of No 52 Mill Road Mullaghbawn. The existing dwelling displayed only four external walls, evidence of a chimney breast, small window openings and a small porch opening, which is similar in scale to this current proposal. It is contended that the standard for replacement dwellings should be consistent and therefore this current proposal should be acknowledged as previously used as a dwelling.



To assist in providing a comprehensive history of this site, we previously met with Mr Chris Hillen of OSNI Ariel Photography (Belfast), where we obtained ordnance survey maps (Appendix 2) indicating the subject dwellings houses and outbuildings, which date back to approximately 10th February 1937. The 1937 map clearly identifies the subject replacement buildings along with other existing outbuildings. To the right of the buildings is the annotation of existing “wells” used for water supply. This is significant and material, in that if it were the position there was only one dwelling house, the annotation would not have been annotated as plural. The applicant’s father (Mr Larry Mc Polin) has confirmed, there was always more than one dwelling at this location, along with other outbuildings at this site location. There is also no dwelling house number indicated on the site map dated 1937.



Extract from OSNI Map Dated 10th February 1937



The second attached map (Field Trace dated 1996) indicates the same site location area. The building already replaced is annotated as No.18 on this map. The subject replacement building under consideration is reference by the letter (N) along with other existing out-buildings. It was confirmed with Mr Chris Hillen by email (Appendix 3), this letter represents that the building had not been provided by an actual postal number at the time of the survey, but none the less does not depict the buildings not actually being a dwelling house, due to no number allocation. The district council are responsible for the allocation of postal numbers and the annotated letter (N) only prescribes that either a dwelling house or a commercial property would be given a number from the council, the subject replacement dwelling house was never in commercial use and the existing characteristics of a dwellings house still remain at the subject property.



Extract from OSNI Map Dated 1996

The proposed siting of the dwelling is in relation to the existing Rath adjacent to the application dwelling. The case officer has confirmed that the existing dwelling does not have its own defined curtilage. In cases where an off-site replacement is proposed policy requires that:

“the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably



accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits"

As the proposal is moved away from the existing heritage site, it is felt that there are clear heritage benefits to this application. It is also felt that, as confirmed by the case officer that no existing curtilage exists, this should not be treated as an off-site location.

Policy CTY3 states that the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme. The proposal seeks retention of the existing dwelling on site which is to be retained as a domestic store as part of the new development.

The case officer has not provided any evidence as to why this proposal will have a negative impact on the landscape, failing to acknowledge that the new dwelling will be sited beside a large, existing two-storey dwelling, with mature trees around the site and a rising landscape to assist in integration into the landscape.

In respect of this, attention is drawn to the recently approved application LA07/2017/1144/F, which was approved for an off-site replacement dwelling on lands 50m south of No. 17 Limekiln Road Camlough. The above proposal did not include the existing dwelling as part of the new overall scheme. In fact the proposal was located a mile away from the existing dwelling. The proposal also replaces an existing 92 square metres dwelling with a dwelling size of 1107 square metres. It is felt that, in light of this, the case officer's comments in relation to our modest proposal, which is only situated 35m away from the existing dwelling are harsh in this respect, if only in the interests of fairness and consistency.



The building could be reasonably occupied following minor modifications therefore DFI Roads would have no objections to the application.

It is therefore respectfully requested that this recommendation is overturned and an approval granted for this planning application.



APPENDIX 1

Application Ref: LA07/2018/1463/F



Replacement Dwelling Approved Under Application Ref: LA07/2018/1463/F



Replacement Dwelling Approved Under Application Ref: LA07/2018/1463/F

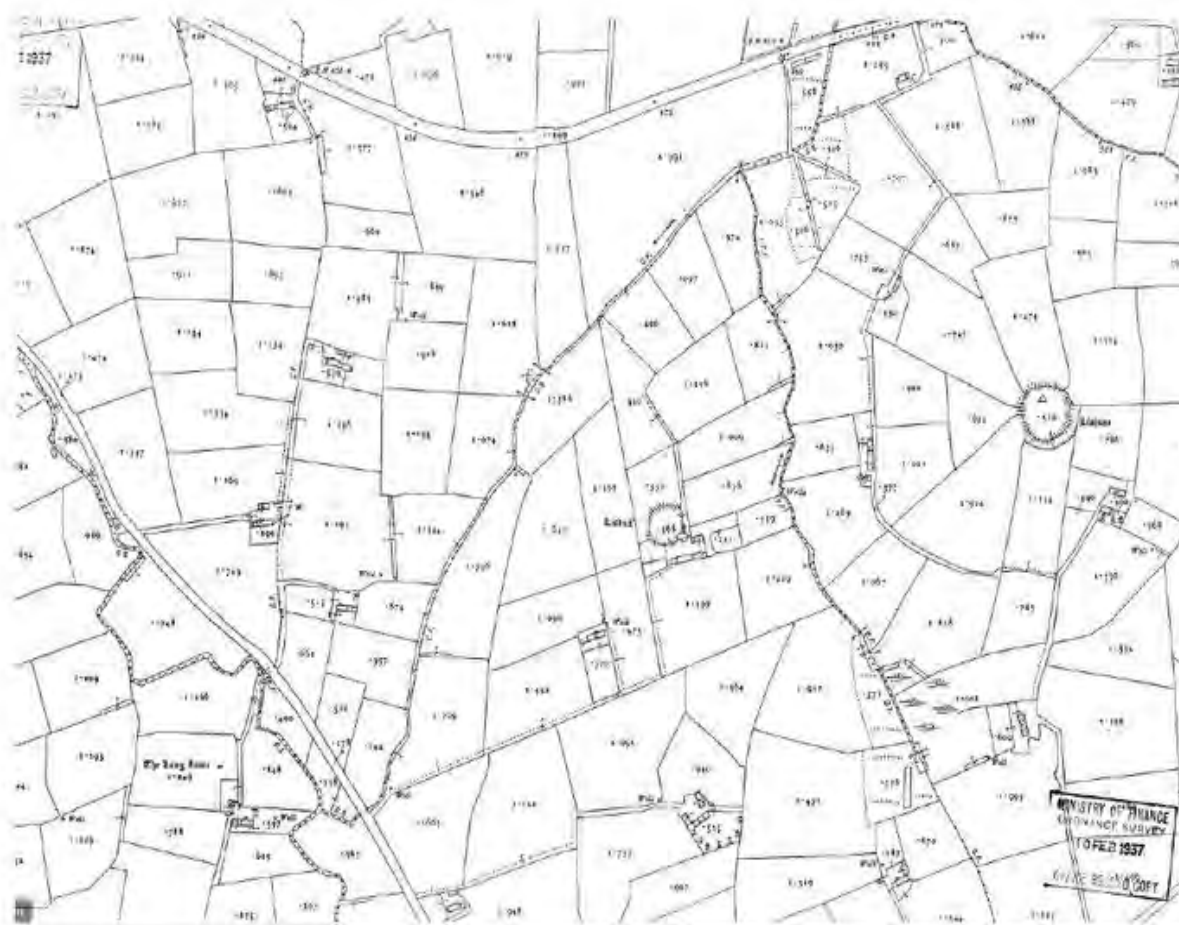


Replacement Dwelling Approved Under Application Ref: LA07/2018/1463/F

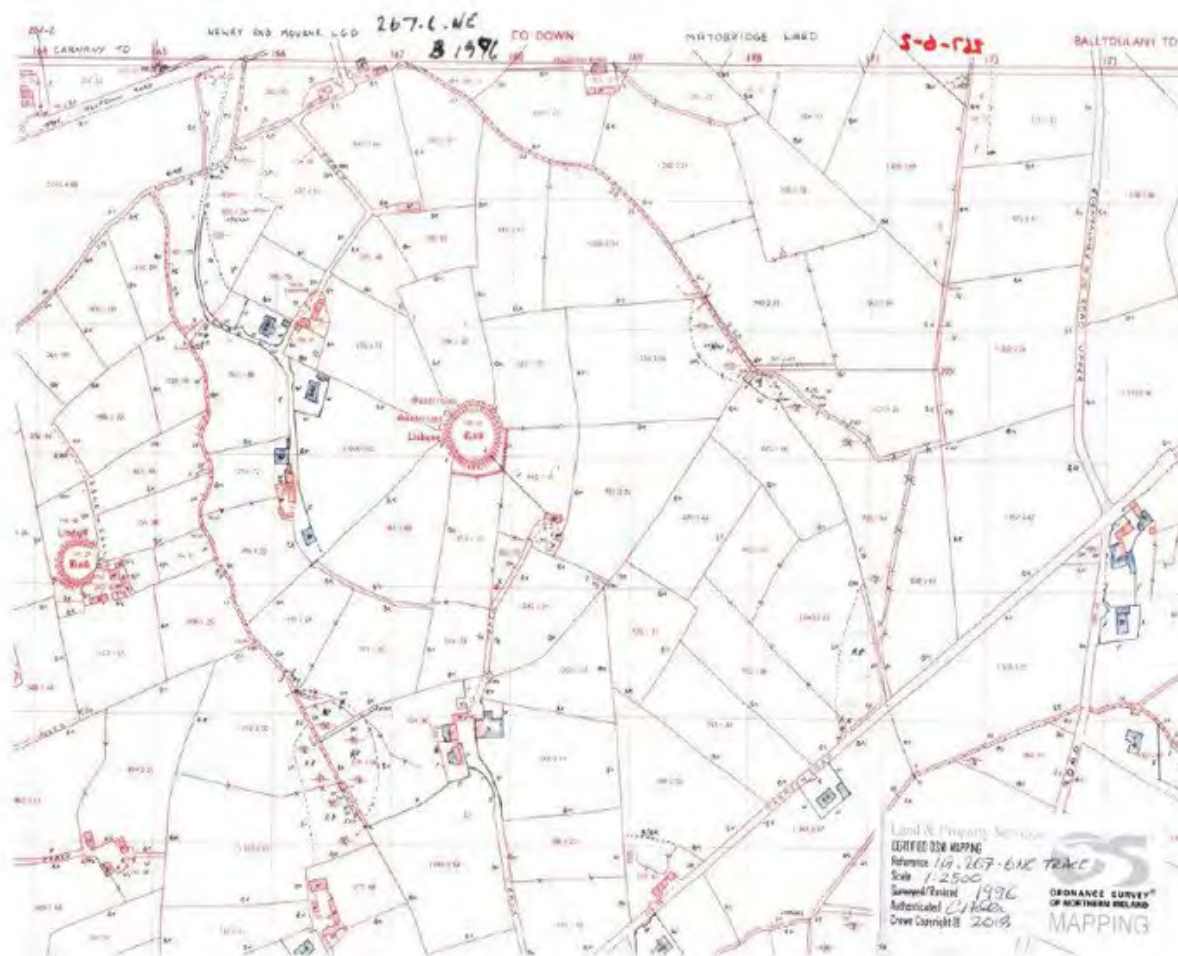


APPENDIX 2

Ordnance Survey NI Maps



Ordnance Survey NI Map Dated 10th February 1937



Ordnance Survey NI Map Dated 1996



APPENDIX 3

Ordnance Survey Email



Barney Mc Kevitt

From: Hillen, Chris <Chris.Hillen@finance-ni.gov.uk>
Sent: 03 May 2018 09:04
To: Barney Mc Kevitt
Subject: RE: Re : Ballyvalley Field Trace

Barney,

That is correct; the annotation 'N' indicates a dwelling or commercial building.

Regards,

Chris Hillen
Products
Ordnance Survey
Land & Property Services
Department of Finance
Queen's Court
56-66 Upper Queen Street
Belfast, BT1 6FD

Tel: 028 9054 3773 (ext: 43773)

Web: www.finance-ni.gov.uk/lps

From: Barney Mc Kevitt [mailto:barneymckevitt@btconnect.com]
Sent: 02 May 2018 11:12
To: Hillen, Chris <Chris.Hillen@finance-ni.gov.uk>
Subject: Re : Ballyvalley Field Trace

Hi Chris,

I hope your keeping well and busy. Further to our meeting on Friday morning, with regards to the field trace map attached and our discussions, the letter (N) annotated on the field map indicates, at the time of the inspection there was no actual number attached to the subject building. A number would be pending and only applicable to be applied to either an existing dwelling house or a commercial building and this would usually be provided by the District Council. The buildings indicated in blue to the west of the Rath, would have the same numbering status. I don't know if I am making sense of this, perhaps you could confirm what I am saying is correct.

Many Thanks

Regards

Barney McKevitt
BGPS

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING - 09 MAY 2018			
LA07/2017/1326 /F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlarney	Application considered at August 2018 meeting - agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent. Further meeting on site, siting agreed awaiting amended drawings from agent.	N
LA07/2017/1721 /F	Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - Millvale	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted	Pat Rooney	21 day letter issued to agent requesting the said information.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Road, Bessbrook	as soon as possible and report back to Committee for further consideration of the application.		Expiry date for info is 9.7.18. Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity	
PLANNING MEETING - 6 JUNE 2018					
LA07/2018/0398 /0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	Application removed from the schedule for further consideration by Planners	Andrew Davidson	Application deferred at Pl. Meeting on 29-08-2018 to allow for further discussions between applicant/agent and planning officers re:	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				potential for other in-fill or agricultural opportunities. Awaiting information from the agent in terms of sites owned by the applicant so that the Planning Department can assess the potential for any planning approvals on these sites.	
PLANNING MEETING - 1 AUGUST 2018					
LA07/2017/1261/0	Thomas Mageean - proposed dwelling and garage - site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the	Annette McAlarney	Await legal advice.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10			
PLANNING MEETING - 29 AUGUST 2018					
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Money nabane, Ballynahinch.	Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting	Annette McAlarney	Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before returning to consider the current deferred application. Contact made with agent re progress on potential new	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				application which has yet to be submitted. Meeting to be convened.	
		PLANNING MEETING - 24 OCTOBER 2018			
LA07/2018/0894 /F	Dundrum Cross Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-9 Manse Road, Dundrum.	Removed from the addendum list at the request of Councillor Murnin to allow objectors to make representations	Annette McAlarney	Requires further consideration on foot of additional information submitted prior to Oct 2018 Committee	N
LA07/2017/1671 /F	Mr and Mrs McConnell - farm dwelling - 50m east of No. 77 Ballynahinch Road, Saintfield.	Defer for 6 months to allow for the completion of an agricultural building on site and delegate authority to Planning Officers to issue the decision	Annette McAlarney	Review April 2019 re construction of shed. Shed constructed and application approved.	Y
LA07/2018/0758 /O	Mr and Mrs Hickland - new dwelling and garage - lands approximately 50M south of 56 Crawfordstown Road, Drumaness	Defer for a site visit	Annette McAlarney	Site visit held on 09-01-2019 Represented at Planning Meeting on 13-03-2019	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Agreed to re-present at the April Meeting and hopefully a quorum will be present	
LA07/2017/1694 /RM	Mr R Hutton - replacement dwelling (off site) - adjacent to junction of Vianstown Road and Bishopsbrae Road, Downpatrick.	Defer to allow the opportunity for the agent/applicant to avail of one more office meeting with Planners and submit one additional set of amended plans for a dwelling in line with what was originally on site. Delegate authority to Planning Officers to issue the decision	Annette McAlarney	Set up meeting with Agent. Meeting date agreed 29/11/2018. Application approved	Y
		PLANNING MEETING - 19 DECEMBER 2018			
LA07/2018/0377 /0	Replacement dwelling and garage - 20m east of 53 Beechview Road,	Defer to allow for the submission of a CLUD on the building	A McAlarney	Return to April 2019 Committee. Agent can not satisfy CLUD.	
		PLANNING MEETING - 16 JANUARY 2019			
LA07/2017/1603 /0	Housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development - lands	Defer to allow time for more information to be submitted in terms of the potential for any zoned land within the settlement to be developed.	A McAlarney	Supporting information has been received from Agent. Return to May	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	to the west of 34 and 61 Old Railway Close, Leitrim.	Application to be taken back to Committee		2019 Committee	
LA07/2018/0444 /F	Proposed replacement dwelling and erection of detached garage - 5 Creevytenant Road, Ballynahinch.	Defer to allow the agent and Planners to agree on an acceptable curtilage and design. Officers be delegated authority to impose any relevant conditions and issue the decision	A McAlarney	Meeting held with agent. Amended design awaited.	
LA07/2018/1193 /O	Off-site replacement dwelling with detached garage - approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan.	Defer for a site visit to look at the site in more detail including the original access	A McAlarney	Return to May 2019 Committee	
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149 /F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard - site between 54 and 58 Edenappa Road, Jonesborough	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson		
LA07/2018/0820 /F	Erection of a semi- detached pair of dwellings	Defer to allow the applicant to meet with Rivers Agency to	A McAlarney	Applicant has met with Rivers	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and associated car parking - lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	discuss flooding and culvert issues	y	Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee	
P/2014/0427/0	Site for dwelling - to the rear and south of No. 2 Berkley Grove, Warrenpoint	Defer application for discussion on amended plans and authority be delegated to Planning Officers to issue the decision	J McParlan d	Date for site visit - 27-02-2019 - back to Committee in April 2017	
		PLANNING MEETING - 13 MARCH 2019			
LA07/2018/0758 /0	New dwelling and detached garage - lands approx. 50m south of 56 Crawfordstown Road, Drumaness	Defer application to the April Planning Meeting (10-04-2019) to try and ensure a quorum is present	A McAlarne y	Defer to the Planning Meeting on 10-04-2019	
LA07/2017/1458 /F	Proposed woodland burial site to include new entrance to Ballyculter Road: vehicle parking and turning, extensive native species planting; new dry- stone walling and pedestrian pathway	Defer to consider new information submitted by applicant	A McAlarne y	Deferred and Planning office consulting on late info submitted.	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	network – 150m west of 40 Ballyculter Road, Ballyalton, Downpatrick				
LA07/2018/0650 /F	Proposed dwelling to the rear of 45 Greenpark Road, Rostrevor	Defer for a site visit	A McKay	Date for site visit - 01-04-2019 - take back to Planning Committee on 10-04-2019	
LA07/2018/0753 /F	Proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park - lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook	Defer to allow further discussion regarding access and parking to take place with Planning Officials; Dfi Road and the applicant	P Rooney		

Newry, Mourne & Down District Council – March 2019

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1. Live Applications

MONTH 2018/19	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263
October	168	971	272
November	187	1,002	276
December	133	1,085	297
January	164	1,063	273
February	180	1,124	274
March	115	1,105	262

Newry, Mourne & Down District Council – March 2019

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2. Live Applications by length of time in system

Month 2018/19	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	914
May	506	193	78	33	106	916
June	483	201	84	33	108	909
July	540	189	90	34	107	960
August	482	187	99	34	111	913
September	511	184	108	45	110	958
October	529	170	114	46	112	971
November	548	178	110	52	114	1,002
December	604	184	115	64	118	1,085
January	607	183	90	62	121	1,063
February	676	174	90	62	122	1,124
March	668	175	82	60	120	1,105

Newry, Mourne & Down District Council – March 2019

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3. Live applications per Case Officer

Month 2018/19	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56
October	61
November	62
December	64
January	62
February	79
March	79

4. Decisions issued per month

Month 2018/19	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83
October	147	141
November	145	138
December	44	40
January	172	156
February	111	93
March	121	101

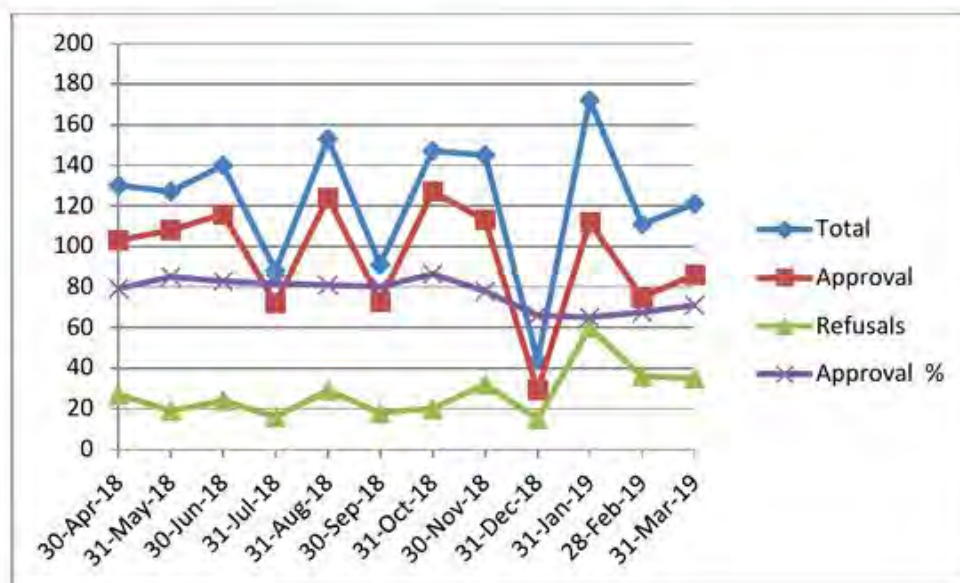
Newry, Mourne & Down District Council – March 2019

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5. Decisions Issued YTD

Month 2018/19	Number of Decisions Issued	Breakdown of Decisions	
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%
October	876	Approvals (723)	83%
		Refusals (153)	17%
November	1,021	Approvals (836)	82%
		Refusals (185)	18%
December	1,065	Approvals (865)	81%
		Refusals (200)	19%
January	1,234	Approvals (974)	79%
		Refusals (260)	21%
February	1,345	Approvals (1,049)	78%
		Refusals (296)	22%
March	1,466	Approvals (1,135)	77%
		Refusals (331)	23%

Newry, Mourne & Down District Council – March 2019



6. Enforcement Live cases

Month 2018/19	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061
October	389	239	142	77	80	160	1,087
November	393	232	155	83	71	169	1,103
December	383	220	165	77	74	174	1,093
January	388	217	166	82	72	181	1,106
February	388	221	175	85	72	186	1,127
March	364	224	175	85	73	185	1,106

Newry, Mourne & Down District Council – March 2019

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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
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
24 October 2018	13	4	9
21 November 2018	10	4	6
19 December 2018	15	12	3
16 January 2019	12	6	6
13 February 2019	20	15	5
13 March 2019	18	14	4
Totals	196	116	80

8. Appeals

Planning Appeal Commission Decisions issued during March 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	20	3	2	1	
Down	11	4	0	4	
TOTAL	31	7	2	5	

Newry, Mourne & Down District Council – March 2019

Statutory targets monthly update - up to January 2019 (unvalidated management information)
Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	48	6	170.2	66.7%
May	0	2	67.3	0.0%	115	118	16.9	43.2%	49	14	48.3	64.3%
June	1	1	20.2	100.0%	133	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	108	81	15.2	49.4%	39	6	61.9	66.7%
August	0	-	0.0	0.0%	110	136	15.6	47.8%	39	5	34.6	80.0%
September	1	-	0.0	0.0%	117	82	14.9	50.0%	34	5	129.7	20.0%
October	2	-	0.0	0.0%	144	138	16.3	44.9%	51	29	49.8	69.0%
November	0	-	0.0	0.0%	143	123	16.4	44.7%	36	14	58.4	50.0%
December	0	-	0.0	0.0%	115	31	18.0	38.7%	19	34	52.8	52.9%
January	1	-	0.0	0.0%	134	152	22.9	26.3%	36	18	85.5	44.4%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	5	5	48.6	20.0%	1,219	1,102	16.8	44.4%	400	156	54.6	57.7%

Source: NI Planning Portal

Notes:

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 2018-2019

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	C McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	C McGrath MLA
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr Walker
04/09/2018	G Kerr	Cllr Tinnelly
07/09/2018	A McAlarney	C McGrath MLA
12/09/2018	A McAlarney	Cllr Walker Cllr Andrews
18/09/2018	A McAlarney	Cllr Walker Cllr Andrews
20/09/2018	A McAlarney	Cllr Rice
03/10/2018	A McAlarney	Cllr W Clarke
18/10/2018	A McAlarney	Cllr Enright
29/10/2018	A McAlarney	Cllr Walker Cllr Andrews
13/11/2018	A McAlarney	Cllr Burgess
04/12/2018	A McAlarney	Cllr Walker
29/01/2019	A McAlarney	C McGrath MLA
15/03/2019	A McAlarney	Cllr Walker
20/03/2019	A McAlarney	C McGrath MLA
27/03/2019	A McKay	C McGrath MLA

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2017/A0168
Planning Ref:	LA07/2017/0687/	DEA	The Mournes
APPELLANT LOCATION	Steven And Diane Campbell 30m North Of 94 Greencastle Road Kilkeel		
PROPOSAL	RT34 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged**

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2017/A0213
Planning Ref:	LA07/2016/0952/	DEA	Newry
APPELLANT LOCATION	D & M Downey 113-117 Dublin Road Newry		
PROPOSAL	RT35 80P Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	18/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

316

ITEM NO	3		
Planning Ref:	LA07/2016/1407/	PAC Ref:	2018/A0027
APPELLANT	Richard Newell	DEA	The Mournes
LOCATION	75A Glassdrumman Road Annalong		
PROPOSAL	^{Co Down} Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2017/0969/	PAC Ref:	2018/A0046
APPELLANT	Mr Peter Clerkin	DEA	Crotlieve
LOCATION	160m South Of 106 Leitrim Road Hilltown		
PROPOSAL	Proposed retention and extension of farm shed (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	11/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

317

ITEM NO	5		
Planning Ref:	LA07/2018/0747/	PAC Ref:	2018/A0079
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East 21 Levallyreagh Road Rostrevor		
PROPOSAL	^{Newrv} Proposed replacement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	05/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2018/0554/	PAC Ref:	2018/A0123
APPELLANT	Mr Craig Baxter	DEA	Crotlieve
LOCATION	No. 5 Ringbane Road Ringbane		
PROPOSAL	^{Newrv} Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	25/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	P/2015/0200/F	PAC Ref:	2018/A0130
APPELLANT	Mr Nail Black	DEA	Newry
LOCATION	Approx 150m South East Of No 28 Ferryhill Road, Killean		
PROPOSAL	Newry Erection of a farm dwelling and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2018/0331/	PAC Ref:	2018/A0131
APPELLANT	David Gordon	DEA	The Mournes
LOCATION	34 Dougans Road Kilkeel		
PROPOSAL	RT34 4HN Retention of dwelling and integrated garage, in substitution of Planning Ref: P/2009/1284/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

319

ITEM NO	9		
Planning Ref:	LA07/2017/1316/	PAC Ref:	2018/A0132
APPELLANT	O'Hagan Construction Ltd	DEA	Newry
LOCATION	Site Adjacent And North Of 8 Heslips Court Adjacent And West Of 9 Heslips Court And Opposite And 25 M East Of 16 Chancellors Hall		
PROPOSAL	Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2018/0360/	PAC Ref:	2018/A0133
APPELLANT	Forest Park Developments	DEA	The Mournes
LOCATION	Immediately North West Of 4 Sawmill Road Castlewellan BT31 9GJ		
PROPOSAL	Infill dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	31/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

320

ITEM NO	11		
Planning Ref:	LA07/2017/1151/	PAC Ref:	2018/A0134
APPELLANT	Clark McCourt	DEA	Slieve Gullion
LOCATION	Lands 70 Metres North-East Of 32 Cullentragh Road Jerretspass		
PROPOSAL	Erection of farm building and associated site works to include vehicular access, access lane and hard-standing area		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	31/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2018/1074/	PAC Ref:	2018/A0142
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	Lands Opposite No 1 Ashgrove Avenue Newry		
PROPOSAL	Housing Development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments (amended proposal)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reqs	Date Appeal Lodged	04/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

321

ITEM NO	13		
Planning Ref:	LA07/2018/0457/	PAC Ref:	2018/A0143
APPELLANT	D Downey	DEA	Newry
LOCATION	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road		
PROPOSAL	Newry Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2018/1261/	PAC Ref:	2018/A0151
APPELLANT	Ebony Hughes	DEA	Newry
LOCATION	Premises At Corner Of Upper Edward Street Railway Avenue		
PROPOSAL	Newry Retention of mechanics garage, office store and boundary fencing		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	26/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	15	PAC Ref:	2018/A0168
Planning Ref:	LA07/2018/0903/	DEA	The Mournes
APPELLANT LOCATION	Mr Glyn Mitchell 19 The Square Kilkeel		
PROPOSAL	Change of use from a travel agency to professional services office and new external finishes		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	21/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2018/A0171
Planning Ref:	LA07/2018/0709/	DEA	Downpatrick
APPELLANT LOCATION	Mr Michael Mariner 111 Loughinisland Road Annacloy Downpatrick		
PROPOSAL	Demolition of portion of existing vehicle repair building and construction of new extension(Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2018/A0172
Planning Ref:	LA07/2018/0921/	DEA	The Mournes
APPELLANT	Leah Chambers		
LOCATION	14a Stewarts Road Annalong		
PROPOSAL	RT34 411F Replacement dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	07/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2018/A0178
Planning Ref:	LA07/2017/1624/	DEA	The Mournes
APPELLANT	Thomas Stevenson		
LOCATION	Site 50m NW Of 18 Turloughs Hill Annalong		
PROPOSAL	RT34 4XD And 80m NW Of The Dwelling Which Is To Be Replaced Replacement Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	10/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

324

ITEM NO	19		
Planning Ref:	LA07/2018/0862/	PAC Ref:	2018/A0191
APPELLANT	Mr And Mrs McIlwrath	DEA	Slieve Croob
LOCATION	North And Adjacent To 41 Old Park Road Tievendarragh Drumaness		
PROPOSAL	Erection of a dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2018/0403/	PAC Ref:	2018/A0198
APPELLANT	Joseph Walls	DEA	Crotlieve
LOCATION	Existing Farm Buildings Located 140m South East Of 26 Sandbank Road Hilltown		
PROPOSAL	2 No. farm buildings (Retrospective)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	28/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

325

ITEM NO	21		
Planning Ref:	LA07/2018/0410/	PAC Ref:	2018/A0201
APPELLANT	Mr And Mrs Stevenson	DEA	Rowallane
LOCATION	80m South East Of 2 School Road Saintfield		
PROPOSAL	RT24 7.IH Proposed dwelling and garage (Change of design from that previously approved under R/2015/0060/F)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2018/1393/	PAC Ref:	2018/A0209
APPELLANT	John Rush	DEA	Slieve Croob
LOCATION	Lands Adjacent To And 29m East Of 15 Altnadua Road Castlewellan		
PROPOSAL	Construction of 1no dwelling house on a gap infill site		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2018/1207/	PAC Ref:	2018/A0222
APPELLANT	Mr And Mrs Byrne	DEA	Downpatrick
LOCATION	Lands Adjoining Farm Buildings At 28 Ballyclander Road Downpatrick BT30 7DZ		
PROPOSAL	Farm dwelling and garage/farm outbuilding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2017/1252/	PAC Ref:	2018/A0223
APPELLANT	Ms Naiomh Morgan	DEA	Newry
LOCATION	Adjacent To And Immediately West Of 13 Crieve Road Newry BT34 2JT		
PROPOSAL	Dwelling house (amended address)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	25	PAC Ref:	2018/A0231
Planning Ref:	LA07/2018/0270/	DEA	The Mournes
APPELLANT	Conquer Fitness		
LOCATION	Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
PROPOSAL			

APPEAL TYPE	DC - Conditions of Approval	Date Appeal Lodged	05/03/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2018/A0233
Planning Ref:	LA07/2018/1215/	DEA	Rowallane
APPELLANT	Jacqueline Ross		
LOCATION	Adjacent And Immediately East Of 16a Killybawn Road Saintfield		
PROPOSAL	Go Down Part demolition of existing shed to accommodate site for proposed new dwelling.		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	07/03/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

328

ITEM NO	27		
Planning Ref:	LA07/2018/0963/	PAC Ref:	2018/A0238
APPELLANT	Miss L Patterson	DEA	Slieve Croob
LOCATION	Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
PROPOSAL	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2018/0532/	PAC Ref:	2018/A0239
APPELLANT	Ryan Rogan	DEA	Slieve Croob
LOCATION	Between 11 And 13 Seavaghan Road Ballynahinch		
PROPOSAL	Proposed dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

329

ITEM NO	29	PAC Ref:	2018/A0243
Planning Ref:	LA07/2017/1485/	DEA	Downpatrick
APPELLANT	Mr J McCabe		
LOCATION	Site Approx. 250m South East Of No 60 Killyleagh Road Downpatrick		
PROPOSAL	<small>Co Down</small> Conversion & extension of barn previously approved under R/ 2014/0654/F with additional extension to form new domestic dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2018/E0054
Planning Ref:	LA07/2018/1558/	DEA	The Mournes
APPELLANT	Glyn Mitchell		
LOCATION	19 The Square Kilkeel		
PROPOSAL	<small>RT34 4AA</small> Removing existing timber cladding and painting the ground floor façade of the building with a timber effect finish		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	20/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	31		
Planning Ref:	LA07/2018/1844/	PAC Ref:	2018/E0060
APPELLANT	Forest Park Developments	DEA	The Mournes
LOCATION	Immediately North West Of 4 Sawmill Road Castlewellan		
PROPOSAL	Retention of builders storage yard		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	04/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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Appeal Reference:	2018/A0117
Appeal by:	Mr and Mrs Mc Murray
Appeal against:	Refusal of Outline Planning Permission
Proposed Development:	Single storey 200sq.m. house with outbuilding, garage and stores.
Location:	110m south of No. 52, Carsonstown Road, Saintfield.
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/0290/O
Procedure:	Written representations and accompanied site visit on 28 th February 2019
Decision by:	Commissioner Helen Fitzsimons on 13 th March 2019

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 and if it would have an adverse impact on rural character.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by the Ards and Down Area Plan 2015 (ADAP). ADAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'. PPS 21 is material in this appeal.
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' It continues 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'. One of these is a dwelling on a farm in accordance with Policy CTY 10 of the PPS. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raised objections under the first requirement of criterion (a) that the farm business is currently active.
5. There is no dispute that the appellants' have a Farm Business Id. No. The Council's argument is that the appellants are not engaged in active farming. The

appellants' holding comprises two parcels of land both of which are planted out in woodland under the Department of Agriculture, Environment and Rural Affairs (DAERA) subsidised Farm Woodland Grant Scheme (FWGS). The FWGS commenced in March 1999, and finished in 2013 when entitlement to subsidies ceased. However, it is a requirement of the scheme that the woodland must be retained for 15 years after 2013. The appellants are not engaged in any activities other than maintaining the woodland on the holding. The appellants argued that the farm business has been long established and that the ongoing maintenance of the woodland is agricultural activity.

6. Footnote 26 of the SPPS directs the reader to the definition of 'agricultural activity' which is changed by the SPPS in so far that it states '*For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013.*' Whilst this replaces the definition of agricultural activity set out in paragraph 5.39 of Policy CTY 10 there is no material difference. Paragraph 5.39 of PPS 21 defines agriculture as the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition, and woodland does not fall into this.
7. The Planning Act (Northern Ireland) 2011(the Act) interprets agriculture as including horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow lands, market gardens and nursery grounds, and the use of the land for woodlands where that use is ancillary to the farming of land for other agricultural purposes. This is the statutory interpretation of agriculture as transcribed into Northern Ireland Law and I am entitled to rely upon it. I am clear from this interpretation that use of land for woodland purposes may well be agriculture in certain circumstances. However, in this case all of the appellants' holding is planted in woodland and is not ancillary to the farming of land for other agricultural purposes. This is not agriculture and there is no active farm. The proposed development fails criterion (a) of Policy CTY 10 of PPS 21. The Council has sustained its first reason for refusal.
8. Policy CTY 8 of PPS 21 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33. says that 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. Policy CTY 14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new buildings will be unacceptable in five stated circumstances one of which is (d) it creates or adds to a ribbon of development (see Policy CTY 8).
9. The appeal site does not have a frontage to Carsonstown Road but is carved out of the woodland and fronts that. No 52 is a road frontage detached dwelling and garage. The existing woodland west of the appeal site acts as a buffer between it the buildings at No 52 Carsonstown Road. Such is the extent of the woodland planting that there would be no visual linkage between the two and there would be no ribbon of development. There would be no adverse impact on rural character. The Council has not sustained its second and third reasons for refusal based upon Polices CTY 8 and CTY 14 of PPS 21.

10. As the Council has sustained its first reason for refusal the proposed development is not acceptable in principle in the countryside and the appeal must fail.

This decision is based on the 1:2500 scale site location plan and the design statement numbered 0716/003.

COMMISSIONER HELEN FITZSIMONS

2018/A0117

List of Documents

Planning Authority: -

C1 Written Statement and appendices

Appellant: -

A1 Written Statement and appendices
A2 Comments

Attendances

Planning Authority: -

Ms C Moan
Ms F Murray

Appellant: -

Mr Adam Larkin (Gravis Planning)
Mr J Bradley
Mr and Mrs Mc Murray



Appeal Decision

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Appeal Reference: 2018/A0124
Appeal by: Mr and Mrs G Cunningham
Appeal against: Refusal of Outline Planning Permission
Proposed Development: Proposed detached retirement dwelling and garage.
Location: Adjacent to and North East of 346 Newry Road Kilkeel.
Planning Authority: Newry Mourne and Down District Council
Application Reference: LA07/2017/0691/O
Procedure: Informal Hearing on 13th February 2019
Decision by: Commissioner Helen Fitzsimons on 5th March 2019

Decision

1. The appeal is allowed subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside, whether it would have adverse impact on the safety of road users; and whether it would harm visual amenities of the countryside and its Area of Outstanding Natural Beauty location.
3. At the hearing the Council withdrew its eighth reason for refusal based on lack of information.
4. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. The BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'. The SPPS also retains Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3). Both PPSs are material considerations in this appeal. The appeal site lies in the Mournes Area of Outstanding Beauty (AONB) and is accessed from a Protected Route and as a consequence Planning Policy Statements 2 'Natural Heritage' (PPS 2) and Planning Policy Statement 3 'Access Movement and Parking' (PPS 3) are also material in this appeal.
5. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' It continues 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'. One of these is a dwelling on a farm in accordance with Policy CTY 10 of the PPS. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raised objections under both aspects of criterion (c) that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access should be taken from an existing lane.

6. Policy AMP 2 of PPS 3 'Access to Public Roads' says the 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 (b) the proposal does not conflict with Policy AMP 3 'Access to Protected Routes'. Policy AMP 3 of PPS 3 states that 'the Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes.' It sets out circumstances where planning permission will be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a Protected Route. One of these is (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road. Policy AMP 3 is therefore applicable to this appeal proposal.
7. The appeal site comprises large a field. It is accessed via a long private laneway off Newry Road. Immediately south west of the appeal site and adjacent to it lies No. 346 Newry Road with its outbuildings and they comprise the established group of buildings on the farm. At my site visit I noted that there is no road/laneway which severs the appeal site from this grouping. A condition requiring the siting of the proposed dwelling and garage in the north western portion of the appeal site would ensure that the proposed development is sited to cluster with the established farm buildings when seen from the Council's critical viewpoints.
8. The existing laneway extends to the north of No. 346 Newry Road and leads to the appeal site. However, as an alternative means of accessing the appeal site the appellant proposes a short driveway from the existing laneway at a point just south of No 346 Newry Road. Such an arrangement does not in my mind constitute 'a new access' and the proposed development involves use of an existing lane. In any event the laneway north of No. 346 Newry Road passes immediately along its boundary and close to its side and rear elevation and its use for traffic associated with the proposed dwelling could have an adverse impact on the residential amenity of the existing dwelling. Criterion (b) of Policy CTY 10 of PPS 21 is met in both respects and the proposed development is acceptable in principle in the countryside. The Council has not sustained its second reason for refusal. As it is acceptable in principle in the countryside the Council's first reason for refusal based Policy CTY 1 is not sustained.
9. The proposed development involves the intensification of use of an existing access onto Newry Road. As it acceptable in principle in the countryside under Policy CTY 1 and Policy CTY 10 it is also acceptable under Policy AMP 3 of PPS 3. As the proposal does not conflict with Policy AMP 3 it is acceptable under Policy AMP 2 and the Council has not sustained its fifth and sixth reasons for refusal based on PPS 3.

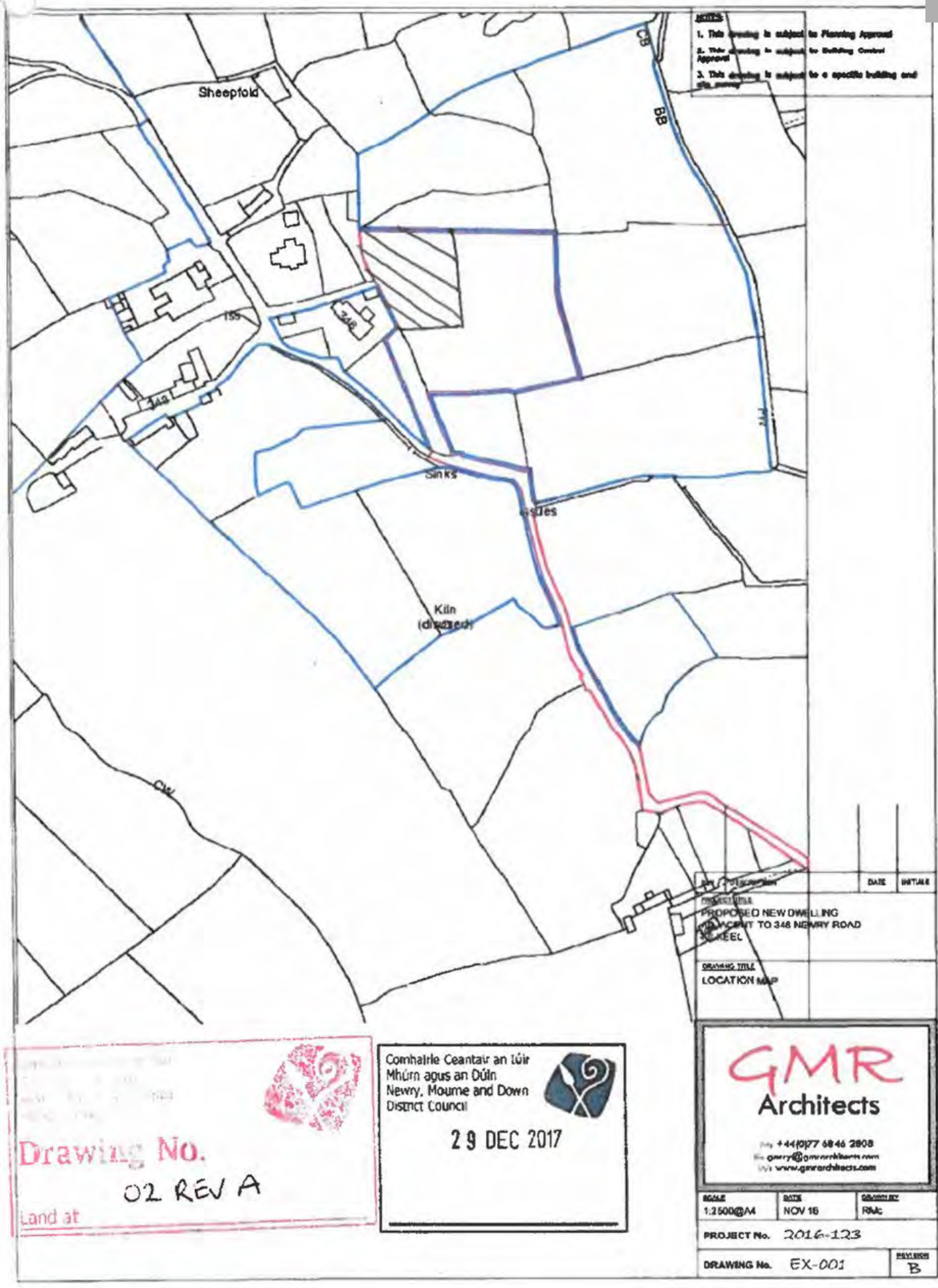
10. Policy CTY 13 'Integration and Design of Buildings in the Countryside' states that planning permission will be granted for a building in the Countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.' A new building will be acceptable in seven sated circumstances. The Council raised objections under ((a) it is a prominent feature in the landscape; (b) the site lacks long established boundaries or is unable to provide a suitable degree of integration; and (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm. From the Council's identified viewpoints on the existing laneway the proposed development would be viewed against a backdrop of rising landform. Trees to the north west of the appeal site add to this backdrop and provide integration. As already concluded the proposed development is sited to cluster with an established group of buildings on a farm. All of this being the case the boundary treatment which is typically low stone walls does not go against the proposed development. The appeal proposal, with a restricted ridge height, would not be a prominent feature and would integrate into the landscape. The Council has not sustained its third reason for refusal based on Policy CTY 13 of PPS 21.
11. Policy CTY 14 of PPS 21 'Rural Character' also says that a new building will be unacceptable where amongst other circumstances (a) it is unduly prominent in the landscape. As I have already concluded under Policy CTY 13 that the proposed development would not be an unduly prominent feature in the landscape it would not offend the requirements of Policy CTY 14 and the Council has not sustained its fourth reason for refusal based on Policy CTY 14.
12. Policy NH 6 'Area of Outstanding Natural Beauty' of PPS 2 states that Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all of three criteria are met. The Council's objections to the proposed development are based on criteria (a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The Council considers the established character of the AONB to be one of widely spaced out farm buildings and isolated dwellings with barns and sheds are grouped together. Its' objection to the appeal proposal is that there is insufficient visual linkage between the appeal site and the cluster of buildings to its west. As I have already concluded that the proposed development meets the clustering requirements of Policy CTY 10 I do not accept that proposed development would have an adverse impact on the AONB for the reasons given by the Council. The Council has not sustained its seventh reason for refusal based on Policy NH 6 of PPS 2.
13. A landscaping condition is required to ensure the visual qualities of the countryside are protected. The design of the proposed dwelling and garage should be in keeping with the publication 'Building on Tradition' for visual amenity purposes. I do not consider it necessary to withdraw permitted development rights for extension to or enlargement of the proposed dwelling and garage as such modest development would have little or no impact upon the qualities of the AONB.

Conditions

1. Except as expressly provided for by Condition 2, 3 and 4 the following reserved matters shall be as approved by the planning authority – landscaping and the means of access thereto.
2. The hereby approved dwelling and garage shall be sited within the hatched area on the attached drawing annotated PAC 1
3. The ridge height of the hereby approved dwelling and garage shall not exceed 7.5 m within the lowest point within its footprint.
4. The hereby approved dwelling and garage shall be designed and the site landscaped in accordance with Building on Tradition – A Sustainable Design Guide for Northern Ireland’s Countryside and agreed with in writing by the Council.
5. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
6. Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
7. The development shall be begun before the expiration of [five years] from the date of this permission or before the expiration of [two years] from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1:2500 scale site location plan annotated PAC1.

COMMISSIONER HELEN FITZSIMONS



Drawing No.
02 REV A

Land at

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

29 DEC 2017

PAC 1



Appeal Decision

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Appeal Reference:	2018/A0133
Appeal by:	Forest Park Developments
Appeal against:	The refusal of outline planning permission
Proposed Development:	Infill dwelling
Location:	Immediately to the north west of 4 Sawmill Road, Castlewellan, BT31 9GJ
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0360/O
Procedure:	Written representations and accompanied site visit on 27 th February 2019
Decision by:	Commissioner T A Rue, dated 11 th March 2019

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed dwelling is acceptable in principle in the countryside and its effect on the rural character of the area.
3. The Planning Act (Northern Ireland) 2015 requires the Commission, in dealing with the 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 operates as the local development plan for the area. The site is in the countryside outside any settlement identified in the plan. It is in a Countryside Policy Area but, due to changes to regional planning policy, that designation is no longer relevant. It is also within the Mourne Area of Outstanding Natural Beauty. The plan contains no provisions specific to infill dwellings in the countryside.
4. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies types of development which are in principle acceptable in the countryside. The second paragraph of the policy states that other types of development will be permitted only where there are overriding reasons why that development is essential and could not be located in a settlement. Paragraph 5.0 of PPS 21 says that the provisions of its policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision.
5. Policy CTY 1 states that planning permission will be granted for an individual dwelling in the countryside in a number of cases, including the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. For the purpose of that policy, a substantial and

built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear; and a road frontage includes a footpath or private lane.

6. The appeal site is located on a spur road which has been abandoned following a junction reconfiguration. The spur road is accessed via a field gate. The main portion of the site is separated from the spur road by a 2.5- to 3-metre high concrete block boundary wall. The wall is set back from the spur road leaving a rough hard-surfaced strip in between. There is a wide gate in the wall which leads into what resembles a builder's storage yard/compound.
7. There are two buildings on the appeal site. At the northern apex there is a block-built former boiler/water house which is attached to and shares the boundary wall. It has a much smaller footprint than shown on the indicative site layout. Its lean-to roof is overgrown with vegetation. The other building, which lies adjacent to the south-eastern site boundary but is set back about 12 to 14 metres from the wall, is a much larger and taller green corrugated metal, pitched roofed shed with its gable orientated towards the spur road. The Council notes in its statement of case that the boiler house and green shed have no planning permission in place but does not seek to argue that the buildings could be subject to enforcement action.
8. Beyond the site, to the south east, there is a large detached dwelling, 4 Sawmill Road. That dwelling and an associated outbuilding both have a frontage to the spur road. The spur road terminates at the northern extremity of the boundary wall and there are no buildings to the north west of the appeal site.
9. The appellants' indicative site plan identifies a rectangular "gap site" which comprises the bulk of the yard/compound area. This "gap site" lies between the boiler house and the green industrial-type shed. The appellants' statement of case explains that the application site boundary was drawn around the buildings on either side of the "gap site" because the application site forms one planning unit. The inclusion of the buildings would, it is said, allow them to be renovated (cladded and re-roofed) and used as domestic buildings (garage and small garden store) associated with the proposed dwelling. The statement goes on to say that the extension of the domestic curtilage can be achieved through this application.
10. Although the spur road is no longer used by through traffic it is still a road or at least a private lane. Although the wall is set back from the spur road and prevents the boiler house being seen from the spur road, there is still a line of four buildings along a road frontage without accompanying development to the rear. There is therefore a substantial and built up frontage as defined in Policy CTY 8.
11. The appeal proposal must be assessed on the basis of the site shown on the submitted location map. The "gap site" artificially delineated on the indicative plan does not include all the land it is proposed to develop. The appeal site is not a small gap between the boiler house and the green shed. It includes those buildings, which are to be renovated and domesticated. The appeal proposal does not entail the development of a small gap site in accordance with Policy CTY 8.
12. Policy CTY 8 requires the proposed development to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and to meet other planning and environmental requirements. At my accompanied

- site visit, I asked the appellants' planning expert to point out where the proposed dwelling would be placed. He indicated that it would be centrally located on the site and set back 17 to 18 metres from the existing wall with its gable facing the spur road. The ridge height would be 5.5 metres.
13. The appellants' evidence refers to "an appropriately landscaped and conditioned dwelling". Conditions could be imposed requiring the utilitarian boundary wall to be removed and the site frontage landscaped. To give effect to the appellants' proposals, a condition could also be attached to any permission requiring the boiler house to be altered and retained, although this would involve substantial reconstruction. The retention of this structure at the front of the site would be visually anomalous. The site layout would be unsatisfactory and would not respect that of the adjacent plot, 4 Sawmill Road, where buildings are well set back from the spur road. But if the boiler house were removed, the new dwelling would become the last in the line of buildings. In any scenario, the appeal proposal does not qualify for approval under Policy CTY 8.
 14. It is asserted in the appellants' statement of case that the use of the site as a builder's yard is immune from enforcement. It is said that the yard is an eyesore, that surface runoff from the yard can contaminate the Burren River and that neighbours are deeply dissatisfied. It is the appellants' preference to cease the builder's yard use and construct the proposed dwelling. A negative condition could require all material to be removed from the site prior to the commencement of development. That, it is argued, would be a demonstrable planning gain.
 15. It is also argued on behalf of the appellants that should the appeal fail there would be fall-back opportunities either to continue with the existing builder's yard use or to submit a planning application for further builder's stores for perishable materials and more valuable items in order to increase rental income.
 16. On 24th January 2019, the Council refused an application for a certificate of lawfulness of existing use for a builder's storage yard. An appeal has been lodged but has not yet been allocated to a Commissioner.
 17. Section 169(2) of the 2011 Planning Act states that existing uses are lawful at any time if no enforcement action may then be taken in respect of them and they do not constitute a contravention of any requirements of any enforcement notice then in force. The appellants submitted a 2008 aerial photograph at application stage and in its statement of case but the Council disputes their view that immunity from enforcement has been achieved. The lawfulness or otherwise of the builder's yard use will be determined through the appeal process. In the meantime, it cannot be taken for granted that the appeal site can continue to be used as a builder's yard if the appeal fails. Consequently, while the existing use of the site is a material consideration, I do not attach determining weight to the planning gain argument.
 18. The proposed dwelling does not qualify for approval under Policy CTY 8 and it was not argued that it falls into any other category of development that is acceptable in principle under Policy CTY 1. No overriding reasons were presented as to why it is essential and could not be located in a settlement. While removal of an unacceptable use can in some instances be an overriding material consideration, in this case the planning gain and fall-back arguments do not attract determining

weight. The development is not acceptable in principle in the countryside. To the extent specified, the Council's first and second reasons for refusal are sustained.

19. Policy CTY 14 of PPS 21 states that a new building in the countryside will be unacceptable where, among other things, it results in a suburban style build up of development when viewed with existing and approved buildings. The amplification text states at Paragraph 5.78 that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the inter-visibility of the proposed building with existing and approved development; the vulnerability of the landscape and its capacity to absorb further development; and the siting, scale and design of the proposed development.
20. The Council's statement of case surprisingly asserts that the appeal site and its associated built development are not readily discernible in the landscape and currently do not offend rural character. Due to the presence of the builder's yard, the site is currently unsightly when viewed from the elevated Drumree Cemetery on the opposite side of Newcastle Road to the north east. Whether the builder's yard can be removed by enforcement action remains to be seen.
21. Apart from that strange statement, the Council's evidence in support of its third reason for refusal amounts to an assertion that any new development on the site would lead to suburban type build up. There is no identification of existing or approved buildings with which the proposed dwelling would be inter-visible and no analysis of the other factors set out in Paragraph 5.78 of PPS 21. In this evidential void, the third reason for refusal is not sustained. However, as the proposed dwelling is not acceptable in principle in the countryside, the appeal must fail.

This decision is based on the location map at 1:1250 scale and the indicative site plan at 1:500 scale, both received by the Council on 26th March 2018.

COMMISSIONER TREVOR RUE

Attendances at Site Visit

Planning Authority:- Ms A McAlarney, Planning Officer

Appellants:- Mr E Morgan, Planning Permission Experts
Mr D Rooney, Planning Permission Experts
Mr M Johnston, Forest Park Developments
Mr B McGroary QC

Documents

Planning Authority:- LPA 1 Statement of case with two appendices
LPA 2 Rebuttal of appellants' evidence

Appellants:- APP 1 Statement of case with four annexes
APP 2 Rebuttal of Council statement of case



Appeal Decision

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Appeal Reference:	2018/A0079
Appeal by:	Joan Henderson
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed replacement dwelling
Location:	200m south east of 21 Levallyreagh Road, Rostrevor
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2018/0747/F.
Procedure:	Written representations and Commissioner's site visit on 10 January 2019
Decision by:	Commissioner Pauline Boomer, dated 13 March 2019

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 and its impact on the visual amenity of the area.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge Newry & Mourne Area Plan (BNMAP) operates as a LDP. The appeal site is located outside any designated settlement development limit, although it lies within the Mourne Area of Outstanding Natural Beauty (AONB). The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 lists 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 an individual dwelling house are outlined. The appellant argues that the appeal building represents a replacement opportunity in accordance with Policy CTY 3. It automatically follows that if the proposal complies Policy CTY 3, it will comply with Policy CTY 1.
5. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. The SPPS is more prescriptive than the retained

- policy in PPS 21 in relation to replacement dwellings and so it carries greater weight in the assessment of this appeal. Accordingly, the test as set out in Paragraph 6.73 is that any replacement dwelling must be located within the existing curtilage where practicable and must not have a visual impact significantly greater than the existing building (my emphasis). In these circumstances, greater weight must be attached to the tests set out in Paragraph 6.73 of the SPPS.
6. In addition to the above, Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external walls are substantially intact. Other criteria require that any alternative position outside the existing curtilage would result in demonstrable landscape, heritage, access or amenity benefits and that the overall size of the new dwelling should allow it to integrate into the surrounding landscape.
 7. The Appellant is seeking to replace the former dwelling which the submitted photographs confirm previously occupied the appeal site. In 2010 the Department of Environment, the Planning Authority at that time, assessed the application for a replacement dwelling on the appeal site under P/2010/1299/F and considered that the dwelling to be replaced comprised a valid replacement opportunity, with a decision notice issuing on 06 April 2011. On 18 April 2016, after the expiry of that approval, the appellant submitted an application for a change of house type under LA07/2016/0527/F.
 8. The Planning Act (Northern Ireland) 2011 provides for Certificates of Lawfulness of existing uses and development (CLEUD) as well as Certificates of Lawfulness of Proposed uses and development (CLOPUD). On receipt of that new planning application, the Local Planning Authority (LPA) became aware that the original dwelling had been demolished and advised that a CLEUD would be required to prove commencement of development within the required time frame. Assessed under LA07/2017/0053/LDE, the CLEUD was refused by the LPA and this decision was appealed. Appeal 2017/E0027 was primarily concerned with the application involving the CLEUD and concluded that the demolition of the building on the site was lawful, issuing a Certificate of Lawfulness for those specific works. The Commissioner went on to consider whether or not the works carried out to date, if they were lawful, represented a material start to the development as approved on foot of the application P/2010/1299/F. She concluded that as the pre-commencement conditions had not been complied with and it had not been demonstrated that the approved development had lawfully commenced on the site, the completion of the replacement dwelling and garage would not be lawful.
 9. I note that the appellant has presented some new arguments addressing the issue of whether or not pre-commencement conditions have been complied with and it is always open for her to submit a CLOPUD where such arguments including any new evidence can be considered. However I must deal with the present circumstances where there is no CLOPUD. In this appeal, I therefore cannot attach weight to the planning history on the site as the dwelling to be replaced no longer exists. I must therefore make my assessment on the basis of the site at the current time.

10. The appellant in her Statement of Case argues that the original dwelling was destroyed to keep a planning approval live and facilitate a replacement dwelling. I acknowledge that Policy CTY 3 states that in cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. I accept that this is not an exhaustive list and that other reasons for a dwelling being destroyed may fall to be considered. I agree with the appellant's assessment that the dictionary definition of "destroyed" includes demolished, wrecked and wiped out. It is unclear if the current appellant or the previous owner/appellant demolished the dwelling but in the Statement of case it is indicated that "in his naivety he demolished the dwelling prior to submitting a change of house type, unaware that he could simply have applied for a renewal of the original approval". Whilst it is stated that "the dwelling was accidentally destroyed through the ignorance of the appellant", I do not consider that the demolition was as a result of an accident or malice beyond the control of the appellant but due to a conscious decision taken by him/her without having proper regard for the time limit for undertaking any works before the expiry of that approval in April 2016. Whilst Policy CTY3 goes on to state that evidence about the status and previous condition of the building and the cause and extent of the damage may be provided, taking account of the particular circumstances of each case, I agree with the LPA that this is only relevant where accidental damage has occurred rather than deliberate demolition. In this evidential context, I do not agree with the appellant's assessment that the appeal site qualifies as a "destroyed dwelling" which may be granted approval under Policy CTY3.
11. There is currently no structure on the appeal site which exhibits the essential characteristics of a dwelling with all external walls intact as required to comply with the headnote of Policy CTY3. I agree with the LPA's interpretation of Policy CTY3 that the appeal site must be assessed on the basis of the current position where there is no dwelling to be replaced and find it to be neither "flawed" nor "perverse" as suggested by the appellant. No weight can be attached to the previous approval which has now long expired and had not been lawfully implemented. I conclude that the appeal proposal finds no support in Policy CTY3 and the principle of a dwelling on the appeal site is not acceptable.
12. With the exception of the repositioning of the access, now moved north of the original laneway, the appeal proposal is identical to that scheme approved under P/2010/1299/F which allowed a much larger dwelling orientated towards the road and sited for the most part outside the original curtilage of the existing linear cottage. At that time, it was also found acceptable that a significantly larger curtilage be provided with the new dwelling extending into and incorporating most of the adjacent agricultural field. The appellant argues that it is unreasonable for the LPA to now suggest that this siting is unacceptable when the identical dwelling was previously approved in the same position in 2010 by the then planning authority, the Department for the Environment, especially when there has been no change in planning policy since that approval. The LPA is not bound by the decisions of the previous planning authority and is entitled to form a different opinion if it considers it justified to do so. As stated above, planning policy has also changed since that approval with the introduction of stricter tests set out in the SPSS mentioned previously.
13. The LPA has also referred to the failure to site the proposed dwelling within the existing curtilage or to demonstrate that the alternative position would result in

landscape, heritage, access or amenity benefits. The original one and a half storey dwelling was modest in size, set at right angles to the public road and with a restricted curtilage enclosed by mature trees along its southern boundary. Whilst properly scaled drawings have not been submitted, it appears from the internal measurements indicated that the current proposal seeks to erect a much larger one and a half storey dwelling with a footprint of approximately 140m², set parallel to the road and sited immediately east of the original structure. The LPA raised no issue with the size, scale and design of the appeal proposal. Their main concern related to the positioning of the new dwelling for the most part outside the curtilage of the original dwelling, with only a small degree of overlap. A new access is proposed sited north of the original driveway which would run across an open section of the large field which now defines the curtilage of the proposed dwelling. From the drawings, it appears that the extended curtilage would now have a frontage of approximately 80m compared to that of the original dwelling which extended to around 25m.

14. Whilst a marginal increase would be acceptable to accommodate the larger footprint and alternative access, the appellant has offered no explanation as to why such an extensive curtilage is required or demonstrated that such a significant increase in the size of the curtilage would result in any landscape, heritage, access or amenity benefits. It is not sufficient to argue that it was previously considered acceptable when assessed against a different policy. No evidence has been presented by the appellant to show compliance with the current policy in the SPPS which requires that any replacement dwelling must not have a visual impact significantly greater than the existing building. I therefore concur with the LPA that the extensive curtilage now proposed is not reflective of that associated with the original dwelling or other properties in the AONB and in this respect, does not comply with Policy CTY 3. For all of the above reasons, I find that the LPA has sustained the 2nd reason for refusal.
15. There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. The LPA has therefore sustained its first reason for refusal based on Policy CTY 1 of PPS 21.
16. As both reasons for refusal have been sustained, the appeal must fail.

This decision is based on the following drawings all submitted to Newry Mourne & Down District Council on 10 May 2018.

Drg. PL01	1:2500 site location plan
Drg. PL02c	1:500 site plan
Drg. PL03a	1:100 floor plans and elevations.

COMMISSIONER PAULINE BOOMER

2018/A0079

List of Documents

LPA 1–	Statement of Case and appendices from Newry Mourne & Down District Council
LPA 2	Rebuttal from Newry Mourne & Down District Council
LPA 3	Planning history for P/2010/1299/F
APP 1	Statement of Case and Appendices from Appellant.
APP 2	Rebuttal from appellant.



Appeal Decision

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Appeal Reference:	2018/A0100
Appeal by:	Mr Clifford Parke
Appeal against:	The refusal of full planning permission
Proposed Development:	1½ storey rear extension and garage
Location:	25 Oldtown Lane, Annalong
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2018/0865/F
Procedure:	Written representations and accompanied site visit on 26 February 2019
Decision by:	Commissioner Brigid McGlinchey dated 12 March 2019

Decision

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

Reasons

2. The main issues in this appeal are the impact of the proposal on the existing built form and whether the design, size and scale of the appeal development is acceptable within an Area of Outstanding Natural Beauty (AONB).
3. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside and within the Mourne AONB. The BNMAP offers no specific policy or guidance in respect of the proposed development. Other planning policy context for the proposal is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS). The SPPS indicates that the provisions of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7) is retained and will continue to apply until such time as a new development plan is in place for the council area. Another retained policy document relevant to the consideration of the appeal proposal within its AONB location is Planning Policy Statement 2: Natural Heritage (PPS2).
4. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where a number of criteria are met. The policy goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the listed criteria. The objections from the Council fell under criterion (a) which requires that 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. Paragraph A4 of Annex A states that an extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually whilst paragraph A13 indicates that in the countryside ancillary buildings such as garages should be designed as part of the overall layout to

result in an integrated group of buildings. Paragraph A24 states that the impact of an extension or alteration on the visual amenity of the countryside, and in particular, AONBs, needs to be considered.

5. The appellant's dwelling lies within a substantial curtilage that is enclosed by a stone and block wall. The dwelling is 1½ storey with a ridge height of 7m and is positioned with its gable to the Oldtown Lane. The dwelling and a domestic garage immediately to the east was approved in 1997. The appellant indicated that he converted this garage to a granny annex subsequent to his purchase of the property in 2005 without seeking planning permission. Further to the east is a shed which is the subject of an enforcement case. Neither the change of use of the garage or the unauthorised shed form part of the appeal proposal which relates only to the proposed rear extension to the dwelling and the erection of a garage to the west of it.
6. The proposed 1½ storey extension is L-shaped with a ridge height of 5.7m and is aligned with the rear elevation of the dwelling. The extension is to be positioned approximately 2m from the site boundary wall. Though its floor area over the two levels equates to just over 50% of that of the dwelling, this of itself would not deem the proposed extension unacceptable in terms of size and scale. The footprint, length, depth and ridge height are also relevant factors and these are all subordinate to that of the dwelling. With the exception of one large glazing unit which extends over both levels of the extension, the other fenestration and architectural features and finishes all match that of the dwelling. The proposed detached garage, to be positioned close to the dwelling, has a footprint of 56 sqm and a ridge height of 5m. It is of a standard design with comparable external finishes to the dwelling. It would appear visually and functionally as an integral part of the property. Given the size of the plot, there is ample space remaining for parking and turning within the site. I consider that neither the extension nor the garage are disproportionate to the size of the dwelling or the plot.
7. The Council identified a critical view of the proposal from the north along Oldtown Lane. Albeit that is an unadopted privately owned shared lane, it is used by other residents and therefore views from it are public views. From this public viewpoint, transient views towards the appeal site are available from a distance of 240m though these are partially impeded by a stone wall along the laneway. More critical closer transient views are available from a distance of approximately 80m moving towards the site. From these perspectives only part of the large glazing unit would be discernible above the boundary wall of the appeal site and consequently would not read as a significant discordant design feature. The appeal proposal does not entail removal of this boundary wall. I consider that the scale, massing, design and external materials of the extension would read as sympathetic to the dwelling.
8. Though the proposed garage would be read with the dwelling and the former approved garage as a line of three buildings extending back into the site, there is no test of ribboning regarding such a layout within a residential curtilage. I consider that from the available public viewpoints the resulting overall layout would read as an integrated group of buildings within the plot. Despite the Council's concern on the cumulative effect of the appeal development, I consider that the extension and the garage are proportionate in size and sympathetic to the existing built form of the property. Notwithstanding the other unauthorised developments on the site, I consider that the appeal development does not offend extant policy and would not result in a detrimental change to rural character. The Council has not sustained its first reason for refusal.

9. Policy NH6 of PPS2 relates to development in an AONB. It reflects the requirements of the aforementioned policy in that it states that proposals will only be granted where they are of appropriate design, scale and size for the locality and comply with additional criteria. The Council argued that the proposal was not sensitive to the special character and landscape quality of the AONB due to its design, size and scale. As the appeal proposal is confined to a localised extension to an existing property plus a domestic garage, it does not impede or block views of important features within the Mourne AONB. For the reasons set out above, I am satisfied that the proposal does not offend the appearance of the host building or the character of the surrounding area. I am therefore not persuaded that the proposal is detrimental to the character of the wider AONB. The objection as detailed in the second reason for refusal is not sustained.
10. I conclude that the appeal development does not offend extant policy and I am satisfied that it should be approved subject to conditions. The Council suggested two conditions in the event of consent being granted. The first of these relates to the withdrawal of permitted development rights in respect of the dwelling. Given the scale of the proposed extension, I consider that the proposed condition is necessary in order to safeguard the amenity of the surrounding area. With respect to the second condition, I consider that restricting the use of the garage solely for purposes ancillary to the enjoyment of the dwelling is necessary in order to ensure that its use is for domestic purposes only.

Conditions

- (1) Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension (including alterations to roofs) shall be made to the dwelling at No.25 Oldtown Lane without the grant of a separate permission from the Council.
- (2) The garage hereby approved shall be used only for purposes ancillary to the enjoyment of the dwelling and for no other purposes.

This decision approves the following drawings submitted with and during the processing of the planning application:-

- 01 – 1:2500 scale Site location plan;
- 02A – 1:500 scale Proposed site plan and 1:100 scale Existing and proposed floor plans;
- 03A – 1:100 scale Existing and proposed elevations and proposed garage.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- G Murtagh

Appellant:- E Speers
C Parke

List of Documents

Planning Authority:- C1 Statement of case + Appendix

C2 Rebuttal

Appellant:- A1 Statement of case + Appendices

A2 Rebuttal



Enforcement Appeal Decision

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Appeal Reference:	2018/E0008
Appeal by:	Mr Brendan Maginn
Appeal against:	An enforcement notice dated 28 March 2018
Alleged Breach of Planning Control:	Construction of a wind turbine and associated works
Location:	approximately 285 metres south west of 63 Dundrinne Road, Drumee, Castlewellan, Co Down, BT31 9EX
Planning Authority:	Newry, Mourne and Down District Council
Authority's Reference:	R/2013/0136/CA
Procedure:	Hearing on 12 December 2018
Decision by:	Commissioner Rosemary Daly, dated 21 March 2019

Grounds of Appeal

1. The appeal was brought on Grounds (a) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed planning application by virtue of Section 145(5).

Ground (a) and the Deemed Planning Application

2. The deemed application relates the retention of as constructed 225kW wind turbine with a tower height of 39.5 metres. The planning merits of the development to which the enforcement notice relates was considered with appeal 2018/A0054, which was heard jointly with this appeal.
3. The main issues considered in both appeals related to:
 - the principle of the development in the countryside;
 - the impact of the scale, siting and design of the turbine on the landscape character and visual amenity of the area;
 - the impact of the development on the special character of the Mourne Area of Outstanding Natural Beauty (AONB); and
 - the impact of the development on residential amenity and human health by reason of noise and shadow flicker.
4. The reasons for refusal and third party concerns relating to the unacceptable adverse impact of the 'as built' turbine on the landscape character of the area and the special character were considered. It was concluded in appeal 2018/A0054 that the development was unacceptable in respect its adverse impact on the landscape character and visual amenity of the area and was unsympathetic to the special landscape character of the AONB. The third party objections and Council's second and fourth reasons for refusal were sustained in respect of these matters.

5. Concerns were raised in respect of the impacts of the 'as built' turbine on the surrounding residential amenity. Matters relating to shadow flicker and structural borne sound were considered in appeal 2018/A0054 not have a determining impact on the surrounding sensitive receptors. However, due to anomalies in respect of the noise assessment which gave rise to ambiguity in the presented evidence from both the Council and the appellant and even though it was accepted by the parties that noise limited conditions could be applied, based on the information submitted, it was not possible to conclude what the limiting noise levels should be to ensure the turbine would not have an adverse impact on the closest sensitive receptors. Accordingly the third party objections and the Council's third reason for refusal in respect of noise impacts were sustained.
6. The wider environmental, economic and social benefits, were considered in appeal 2018/A0054. Whilst such benefits would make a modest contribution to achievement of renewable energy targets and to the economy and the appellant's business, on balance, the visual impact of the proposal from identified viewpoints as noted in appeal 2018/A0054 were determining. The 'as built' turbine gives rise to an unacceptable adverse impact on the visual amenity and landscape character of the rural area and of the special qualities of the AONB at this location. It was concluded in appeal 2018/A0054 that the wider environmental, economic and social benefits of the renewable energy development do not override the unacceptable adverse impact on the character of the area and the Mourne AONB. Furthermore such benefits do not override the uncertainty in respect of necessary noise limitations to ensure the development does not give rise to an unacceptable adverse impact on surrounding sensitive receptors by reason of noise.
7. The appeal development accordingly fails to meet the requirements of the SPSS and Policy RE1 of PPS18. No other persuasive overriding reasons were presented to demonstrate why this development is essential. The appeal development therefore fails to meet the requirements of Policy CTY1 of PPS21. Accordingly the Council's four reasons for refusal and third party concerns are sustained. No further evidence was presented in the context of this appeal to lead me to come to an alternative view in respect of the planning merits relating to the deemed application. The appeal on ground (a) therefore fails.

Ground (g) the time period for compliance

8. The question posed by the ground (g) appeal is whether it is reasonable to require the removal of the wind turbine and associated works within 56 days. The appellant stated that such a time period is unreasonable as time should be afforded to decommission the existing turbine and move it to the location that was considered acceptable under planning application R/2010/0555/F. At the appeal hearing the appellant presented that a period of five months would be a reasonable period to allow this to happen.
9. The evidence presented by the appellant was not convincing to support the request for an extended time period. The matters relating to relocation of a wind turbine to the previously approved location is not a justifiable reason to continue any further injury to amenity which has been caused by the breach of control. The period specified in the notice is reasonable as dismantling the turbine and associated works would be relatively straight forward with no significant earth works involved. The appeal on ground (g) must therefore fail.

Decision

The decision is as follows:-

- The appeal on Ground (a) fails and the deemed planning application is refused;
- The appeal on Ground (g) fails.
- The notice is upheld.

COMMISSIONER ROSEMARY DALY

List of Appearances

Planning Authority:-	D Watson, Newry, Mourne and Down District Council A McAlarney, Newry, Mourne and Down District Council J Robinson, EHO, Newry Mourne and Down District Council
Appellant:-	A Ryan, TLT Solicitors S Mullholland, RSK Solicitors D Leaver, RSK D Clare, RSK W Hogben, RSK M Grainger, Grainger Acoustics B Maginn, Appellant H Murray, H Murray Architectural Services
Third Parties:	J Wells, MLA South Down G Tumelty, Tumelty Planning Services D Rice M Rice M Cleland M Lyle G Glencross J Masson

List of Documents

Planning Authority:	"A" Statement of Case and Appendices, Newry, Mourne and Down District Council. PAC4 Annotated Map of Surrounding Receptors PAC6 Investigation of Wind Turbine Noise at Dundrinne Road, Castlewellan
Appellant:-	"B" Statement of Case and Appendices, TLT PAC3 Affidavit of Brendan McGinn PAC5 Suggested Shadow Flicker Condition
Third Parties:-	"C" Objectors Statement of Case "C1" Mr Jim Wells, Statement of Case



Appeal Decision

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Appeal Reference:	2018/A0054
Appeal by:	Mr Brendan Maginn
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of as constructed 225kw wind turbine with a tower height of 39.9 metres (to supersede previous wind turbine approval reference R/2010/0555/F)
Location	approximately 285 metres South West of 63 Dundrinne Road, Castlewellan
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	R/2014/0079/F
Procedure:	Hearing on 12 December 2018
Decision by:	Commissioner Rosemary Daly, dated 21 March 2019

Decision

1. The appeal is dismissed.
2. The appeal hearing relating to this appeal was conjoined with appeal (2018/E0008) in respect of an enforcement notice relating to the appeal site. The appeals are subject of separate decisions.

Reasons

3. The main issue in this appeal include:
 - the principle of the development in the countryside;
 - the impact of the scale, siting and design of the turbine on the landscape character and visual amenity of the area;
 - the impact of the development on the special character of the Mourne Area of Outstanding Natural Beauty (AONB); and
 - the impact of the development on residential amenity and human health by reason of noise and shadow flicker.

Background and the proposal

4. On 29 January 2009 the appellant was granted planning permission (R/2008/0883/F), by the former planning authority, for a 15 metre domestic turbine on land 350 metres south west of 63 Dundrinne Road, Castlewellan. This permission was not implemented. In substitution of this planning permission another wind turbine was granted (R/2010/0555/F), also by the former planning authority, on the 11 February 2011 for a 30 metre turbine to hub with a 20 metre blade diameter (40 metres to tip). This was granted at 63 Dundrinne Road, but

relates to a different location some 80 metres south west from the 'as built' location of the subject turbine. The turbine approved by this permission was not built.

5. The appellant presented an affidavit stating that in August 2012 work was carried out under his direction to construct an access track to the turbine site and excavations were dug out for the turbine base and control room in the location of the approved turbine under the R/2010/0555/F permission. A photograph of a digger at the site, a map and an invoice for MS Contracts was provided with the affidavit. Whilst the previous permissions are part of the background information in this appeal the questions relating to whether there has been a material start to the 2010 permission is not a matter which can be determined in the context of this appeal. Nonetheless, irrespective of the status of that permission, at the appeal hearing the Council acknowledged that in principle the approved 2010 wind turbine proposal is acceptable.
6. The appeal development 'as built' relates to a 54 metre high wind turbine with a generating capacity of 225kW. The wind turbine is 39.5 metres to its hub with a blade diameter of 29 metres. The turbine sits on an elevation of 83.53 metres AOD. By comparison the approved wind turbine relates to a 30 metre hub with a blade diameter of 20 metres. The approved turbine sits on an elevation of 77.8 metres AOD. At the appeal hearing the Council stated the appeal development is 35% higher than the approved wind turbine relating to the 2010 permission and 80 metres east of its approved location. This assessment was not disputed by the parties at the hearing.

Policy Context

7. The Ards and Down Area Plan 2015 (ADAP), which operates as the local development plan, has no determining policies for wind energy development. The appeal site is located in the open countryside in an Area of Constraint on Mineral Development and is within the Mourne AONB.
8. Regional planning policy for renewable energy development is set out in paragraphs 6.214 to 6.234 of the Strategic Planning Policy Statement (SPPS). Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) and Planning Policy Statement 18 Renewable Energy (PPS18) are amongst the retained documents which are also applicable to the appeal proposal. Whilst the SPPS does not cancel PPS18 it does emphasis a 'cautious approach' in AONB's for renewable energy projects. The paragraph does not define what is meant by a cautious approach, but refers specifically to the potential difficulty in accommodating wind energy proposals in such sensitive landscapes without detriment to the regions cultural and natural heritage.
9. Policy CTY1 of PPS21 states there are a range of types of development which in principle are considered acceptable in the countryside. Planning permission will be granted for renewable energy projects in accordance with PPS18. Other types of development will be permitted where there are overriding reasons why that development is essential.
10. The objective of PPS18 is to facilitate the siting of renewable energy generation facilities in appropriate locations within the built and natural environment in order

to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. Policies contained in PPS18 are supported by supplementary planning guidance entitled "Wind Energy Development in Northern Ireland's Landscapes" (SPG) and the Best Practice Guidance to PPS18 'Renewable Energy' (BPG).

11. Policy RE1 of PPS18 states development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:(a) public safety, human health, or residential amenity; (b) visual amenity and landscape character; (c) biodiversity, nature conservation or built heritage interests; (d) local natural resources, such as air quality or water quality; and public access to the countryside. The policy sets additional requirements for wind energy.
12. The Council's and third party objections relate to criteria (a) and (b) and specific to wind energy development the objections related to criteria (i) and (vi). It is noted that no objections were raised in respect of the remaining criteria outlined by Policy RE1 of PPS18.
13. The appellant outlined the planning need for the development. The need related to the appellant's renovation of Maginn's Bar at of cost of £2m. The business employs 34 staff during the quiet winter months and 54 staff during peak periods. After wages the next biggest overhead is lighting and heating. When the refurbished bar opened in 2006, the needs of the business could not be met and for the first three years the bar was powered by standby diesel generator for over 95% of the time. In 2009 the appellant applied for a wind turbine to reduce his overheads and carbon footprint.
14. The appellant stated the wind turbine is a different height and model due to difficulties in sourcing the consented turbine under the 2010 permission and the subsequent insolvency of the wind turbine supplier 'Free Breeze'. At the appeal hearing the appellant stated that the 'as built' turbine has the same output 225kW rating as the approved turbines, but that the larger turbine would result in the more efficient generation of electricity. The appellant stated the development makes a contribution to the wider environmental benefits in terms of reduced CO² emissions and green house gases.
15. The appellant acknowledged that the development of the turbine has benefited from the ROC's subsidy and to date the development has off set electricity consumption from his business. Third party comments' relating to implications and payout of subsidies for unauthorised development is not a matter to be adjudicated in this appeal. In any case I consider that such subsidies would have been received had the appellant also constructed the 2010 permission in accordance with the approved plans.
16. The policy makes provision for the wider environmental, economic and social benefits of all proposals for renewable energy project as material considerations that will be given significant weight in determining whether planning permission should be granted. This weighting direction has been modified by the SPPS, which substituted "appropriate weight" for "significant weight".

17. The case of need for the development in respect of the economic, social and environmental benefits appears to relate to the private interests of the appellant. However it is acknowledged that the some of the benefits of the 'as built' development do give rise to some wider economic, social and environmental benefits. It is appropriate to attach weight to these benefits.

Visual amenity and landscape character

18. The appeal site is located between Newcastle and Castlewellan. It is accessed from a private laneway leading from the Dundrinne Road. The laneway also provides access to 63 Dundrinne Road. The turbine is positioned in a field, set back approximately 500 metres from the Dundrinne Road in an elevated position above the level of the road.
19. The BPG contains numerous references to wind farms, many of which are directly applicable to single turbines. Paragraph 1.3.18 acknowledges that there are no landscapes into which a wind farm will not introduce a new distinctive feature. At paragraph 1.3.25 the BPG states that domestic turbines will be smaller (generally less than 15 metres). It goes on to say it will normally be unrealistic to seek to conceal turbines and that developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location. The BPG sets out a general guide to the effect which distance has on the perception of development in an open landscape. At a distance up to 2km's it states turbines are likely to be a prominent feature; at 2-5 km's relatively prominent; and at 5-15 km's prominent in clear visibility – seen as part of the wider landscape.
20. The SPG provides a description of the sensitivity of Northern Ireland's landscape to wind energy development. Whilst the SPG provides useful supplementary guidance to be taken into account, paragraph 4.15 of Policy RE1 of PPS18 states it is not intended to be prescriptive.
21. The site falls within the Landscape Character Area 85 – Newcastle Valleys (LCA85) and is close to the boundary of the Landscape Character Area – Mourne Valleys (LCA84). The landform in LCA85 is described as relatively low-lying rolling ridges and parallel linear river valleys aligned north-west to south east. The SPG notes the open ridges and tranquil valleys of the LCA on the margins of the Mourne Mountains as being sensitive to change given they form the foreground to views of the mountains and form part of the Mourne AONB. The appeal site is located to the western section of the LCA 85 on localised hills at an elevation of 83 metres AOD. The hilltop rises up to 90 metres AOD at its highest point.
22. As already stated the Council argued the turbine 'as built' is some 35% greater in height than what has been considered acceptable in the vicinity of the appeal site. The Council identified 15 critical viewpoints in the surrounding area from where they considered the visual impact of the development. Seven of the identified viewpoints lie within 2 kilometres of the appeal site, 6 view points are within 2-5 kilometres of the appeal site and 2 viewpoints are some 6 kilometres from the appeal site.
23. The appellant provided a landscape and visual impact assessment, appended to their statement of case. This assessment identified 12 viewpoints representative of

views in the area and broadly reflects similar viewpoints as identified by the Council. In making my assessment of the visual impact of the 'as built' turbine on the landscape, including the character of the Mourne AONB I have considered the development from all of the view points.

Ballybannon Road (Council VP 1 and 2)

24. Ballybannon Road is some 2.3 km north east of the appeal site. The road runs almost parallel to the Dundrinne Road. From this area open views of the size and scale of the turbine on the landscape are facilitated through the many gaps in the road side vegetation. The turbine is visible almost in its entirety. The dark shaded backdrop of the Mourne Mountains, in the AONB, gives contrast to the visual appearance of the white turbine. The turbine, at this location, appears on the upper part of the landscape ridge along Dundrinne Road. Its overall scale and size gives rise to a prominent landmark in its surroundings. From the Ballybannon Road the scale, siting and size of the turbine is dominant and is detrimental to qualities of the AONB and the landscape character of the area.

Wateresk Road & B180 Maghera (Council VP 3 and 4 & Appellant's VP 7)

25. From the Wateresk Road, located some 2 km north east of the appeal site, the turbine appears as a dominant feature set within the rolling ridges and pastures of the surrounding landscape. From this viewpoint, looking towards the north west, the turbine is viewed against the backdrop of the Mourne Mountains. The appearance of the turbine from this location is relatively prominent given its height, scale and position on the landform. However from these viewpoints the appearance of the size and scale is not so unacceptable that it significantly detracts from the landscape character of the surrounding area or the qualities of the AONB.

Dundrinne Road and Newcastle Lane (Council VP 5 and 6, Appellants VP 1 and 3)

26. The appeal site is accessed from Dundrinne Road. The visual appearance of the turbine is prominent at this close distance. The base of the turbine is screened by the surrounding rising landform, boundary vegetation and existing built development. The appearance of the turbine is set against the shaded backdrop of Slieve Donard. Even though these viewpoints are at a close distance, where it is expected that a wind turbine would be prominent, the size, scale and siting of the turbine significantly detracts from its setting in the landscape character and AONB. The scale of the turbine is not proportionate to the height of the landscape ridge at Dundrinne Road. As noted by the appellant's visual assessment a smaller turbine located lower on the ridge would have a significantly less visual impact on the surrounding landscape character and the qualities of the AONB. The appeal development is overwhelming dominant in this close range distance. It detracts significantly from the character of the surrounding landscape and landscape quality of the AONB.

Burrenreagh Road (Council VP 7, 8, 9 and 10/Appellant's VP 8)

27. The Burrenreagh Road runs some 2-2.3 km west of the appeal site. The turbine is seen in its entirety and is relatively prominent on the landscape. Wateresk Hill and Dundrum bay fall into the wider backdrop of the turbine. From this viewpoint the

position of the turbine appears almost at the highest point of the landscape ridge along Dundrinne Road. As detailed by the appellant visual assessment a smaller turbine lower on the ridge would not appear as prominent on the landform and would have more opportunity to integrate the overall appearance of the turbine. However, the scale, size and siting of the 'as built' turbine means it is almost visible from base to tip. Such open views of the entirety of the size and scale of the turbine gives rise to a detrimental impact on the landscape character of the surrounding area and the qualities of the AONB.

Burrenbridge Road (Council VP 11 and 12/Appellant's VP 4)

28. Burrenbridge Road runs some 1 to 1.5 km west of the appeal site. At this close range the scale and size of the turbine is relatively prominent on the landscape. The turbine is viewed from base to blade tip in its entirety. The turbine dominates the ridge and the surrounding landscape. As noted by the appellant's viewpoint 4 a smaller turbine on a lower part of the ridge utilising existing vegetation and buildings would not have the same visual impact on the surrounding landscape. The turbine 'as built' appears over dominant on the upper part of the ridge. This gives rise to an adverse impact on the surrounding landscape and the qualities of the AONB.

Kilkeel Road, Newcastle (Council VP 13 & 14/ Appellant's VP 12)

29. On approach into Newcastle along the Kilkeel Road, some 6 km to the south east of the appeal site, glimpses of the turbine are possible to the backdrop of the urban area. The urban development dominates this view and the wind turbine falls into the backdrop of the settlement. The appeal development is not so unacceptable that it detracts from the overall landscape character of the area or landscape qualities of the AONB.

Ballylough Road (Council's VP15)

30. Ballylough Road is located some 3.5 km north of the appeal site. The expanse of the wider landscape and the Mourne is very apparent. From this area the turbine is set in the landscape where the appearance of the mountains is the dominant feature. From this location appeal development is visible but is not so unacceptable that it detracts from the overall landscape character of the area or the landscape qualities of the AONB.

A50 Newcastle Road (Appellant's VP 2, 5 and 6)

31. The A50 Newcastle Road is the main road between Castlewellan and Newcastle. The view points are all within a close range of the 'as built' turbine. As illustrated by the appellant's visual assessment a smaller turbine, lower on the ridgeline and positioned on the landscape would have a reduced visual impact. From the Newcastle Road, glimpses of the turbine are possible, but a full appreciation of the wider landscape character and qualities of the AONB are not as apparent. Views along the busy Newcastle Road are filtered by road side development, hedgerows, walls and road junctions. The turbine whilst visible from this close up range is not so unacceptable on the surrounding landscape character and qualities of the AONB.

A50 Bann Road (Appellant's VP 9)

32. This viewpoint is from the north west when travelling from Banbridge towards Castlewellan. Glimpses of the turbine come into view in the backdrop when approaching the settlement of Castlewellan. The turbine is seen in the wider context of other built development. The 'as built' turbine does not dominate the landscape character of the area due to the appearance of the settlement. The wider landscape character is not as apparent from this Bann Road. The turbine, whilst visible from this location, does not appear unacceptable or give rise to an adverse impact on the surrounding character of the landscape and qualities of the AONB.

Newcastle Dunes (Appellant's VP 10)

33. From the Newcastle Dunes the turbine can be seen in the distance to the north west. This viewpoint is representative of Dundrum Bay. The turbine appears on the rising landform in the distance along with another turbine in the area. The caravan development to the foreground dominates this view. From this viewpoint whilst the turbine is visible on the landscape its appearance does not give rise to an unacceptable adverse impact on the surrounding character of the landscape of the area or the landscape qualities of the AONB.

Drinnahily Transmitter (Appellant's VP 11)

34. This viewpoint is representative of views looking out from the Mourne Mountain range. Views are looking out and down across the wider landscape. The turbine is viewed in the context of lower ground in the wider context of many other forms of manmade influences on the landscape, such as buildings, road and other infrastructure. From this viewpoint whilst the turbine is visible on the landscape its appearance is not so unacceptable on the surrounding character of the landscape and qualities of the AONB.
35. The appeal development gives rise to a much larger turbine at a higher level on the landscape than what has been previously considered acceptable in the area. The impact of development on the surrounding landscape character and the landscape qualities of the AONB is very apparent from a number of the identified viewpoints in the area, namely from the Ballybannon Road, Dundrinne Road, Newcastle Lane, Burrenreagh Road and Burrenbridge Road. From these viewpoints the 'as built' turbine gives rise to an adverse impact on the landscape character of the area and the landscape qualities of this part of the AONB.
36. Taking account of the siting, scale and height of the 'as built' turbine mitigation measures in the form of hedgerow gapping up and shelter belt planting within the surrounding field boundaries in order to reinforce the robust field patterns in the area would not be sufficient to overcome the landscape and visual concerns as noted above. All in all the overall scale, siting and size of the turbine has a unacceptable adverse impact on the landscape character and visual amenity of the area and is unsympathetic to the special character of the AONB. Accordingly the Council's and third parties concerns relating to the developments impact on the visual amenity and landscape character of the area and the AONB are well founded.

37. Paragraph 6.223 of the SPPS mandates a 'cautious approach' to renewable energy development proposals within designated landscapes of significant value, such as AONBs. It states that in sensitive landscape it may be difficult to accommodate wind turbines without detriment to the regions natural heritage assets. Policy NH6 of PPS2 states that permission for new development in an AONB will be granted only where it is of appropriate design, size and scale for the locality. It requires the siting and scale to be sympathetic to the special character of the AONB in general and of the particular locality. The existing turbine's siting and scale gives rise to an increased impact of the appearance of a wind energy development on the locality and wider area of the AONB. Having regard to the detrimental impact of the 'as built' turbine on visual amenity and landscape character when seen from the surrounding road network, as noted above, it must be concluded that the appeal development does not comply with Policy NH6.

Residential Amenity

38. Criterion (a) of Policy RE1 requires that development that generates energy from renewable resources will be permitted provided the proposal will not result in an unacceptable adverse impact on public safety, human health, or residential amenity. Specific to wind energy development the policy states that applications for wind energy development will also be required to demonstrate that the development will not cause any significant harm to the safety or amenity of any sensitive receptor arising from noise; shadow flicker; ice throw; and reflected light.
39. Policy RE1 of PPS18 states that for wind farm development, a separation distance of 10 times the rotor diameter to an occupied property, with a minimum distance not less than 500 metres, will apply. Paragraph 6.227 of the SPPS reiterates this part of Policy RE1 and also refers to wind farm development. At paragraph 6.222 the SPPS defines wind farms as more than 2 turbines. The SPPS and Policy RE1 of PPS18 are both silent on the matters of a standard separation distance for single turbines rather the SPPS states that factors to be considered on a case by case basis will depend on the scale of the development and its local context.
40. The policy clarifies what a sensitive receptor is defined as a habitable residential accommodation (although not necessary occupied), hospitals, schools and churches. In the area surrounding the wind turbine six properties at 51, 53, 49, 45, 55 and 65 were identified as the closest surrounding sensitive properties. The two storey dwelling at 51 Dundrinne Road is the closest sensitive receptor and is located some 230 metres north west of the 'as built' turbine.
41. Third parties, including the closest residents at 51 Dundrinne Road, raised concerns relating to the unacceptable and overwhelming appearance of the wind turbine on their residential amenity. During my site inspection I assessed the appearance of the development on the closest residential property at 51 Dundrinne Road. This assessment included an internal inspection from that property. The front elevation of 51 Dundrinne Road is south facing. From its main living room window unobstructed views, but for some garden and boundary vegetation, of the turbine are possible. To some extent the residential amenity of the property at 51 Dundrinne Road is adversely affected. However this is limited because of the separation distance between the turbine and the property of around 220 metres. If the outlook from this property and ambiance of its garden

were the only considerations, these would not suffice to justify preventing development of a type that regional policy seeks to facilitate. I have also considered the visual appearance of the 'as built' turbine on the other neighbouring sensitive receptors and also conclude given the topography, surrounding boundary vegetation and given the separation distance of more than 230 metres that the development would not give rise to an unacceptable impact on the views from the neighbouring properties. Accordingly I do not find the impact of the scale and appearance of the turbine on residential amenity to be unacceptably adverse that this issue of itself would cause a significant harm to the residential amenity of the closest sensitive receptors in the area.

42. Third parties in the area and the Council's third reason for refusal raised issues in respect of noise. Paragraphs 1.3.43-1.3.49 of the BPG deals with noise considerations for wind energy development and it refers to the "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) as being the report that describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development. Page 23 of the BPG sets out the 'Recommended Good Practice on Controlling Noise from Wind Turbines' and reiterates the framework established by ETSU.
43. The appellant provided a noise report to the Council dated 21 October 2015. The Council's Environmental Health Office (EHO) raised no concerns, relating to this report, as it predicted that the noise levels meet the criteria set down in ETSU-R-97. Conditions were recommended at that stage based on the predicted levels presented in the noise report. Noise limits were set out and were taken from the predicted levels in that noise report.
44. Following a complaint from a nearby resident the EHO undertook a noise investigation at the complaint's property. Pages 102 to 109 of ETSU-R-97 set out procedures to be followed in the event of a complaint. The EHO stated they followed these procedures. An operational survey with the turbine switched on and a background noise survey with the turbine off. During the survey the EHO stated the noise monitoring equipment remained in the same location. The results of the survey indicated the criteria set down in ETSU-R-97 was not being met as the noise from the turbine had exceeded the background noise levels by more than 5 dB(A). An exceedance of the ETSU-R-97 limits were identified at 7 m/s, 8 m/s and 9 m/s before the tonal penalty of +2dB was applied and exceedance at 6 m/s, 7 m/s, 8 m/s and 9 m/s after the tonal penalty was applied. The conclusion from EHO was that the operation of the turbine is highly likely to impact on the amenity of nearby noise receptors.
45. In response to these findings EHO were consulted on another Acoustic Report, provided by the appellant and dated 2 April 2018. This report related to an operational survey and was carried out in accordance with ETSU-R-97 (pages 102 to 109). The EHO raised concerns about the location of the monitoring for the operational noise in that it was approximately 50 metres further away from the turbine than the complaint's property and 50 metres closer to the Newcastle Road (a noise source). I note ETSU states that noise statistics should be measured at the affected property, to my mind a distance of 50 metres away from the property could give rise to a deviation of the noise survey results.

46. However concerns were also identified in respect of the location of the EHO noise survey. The appellant wrote to the Council to state that their noise consultant, Grainger Acoustics, carried out a site inspection on 25 May and noted the location of the measuring mast installed by the Council's EHO. Concerns were reported that it was located close to buildings and therefore it is likely to result in wind shading from certain directions. Furthermore the appellant's noise consultant noted the measuring equipment may not have been located at a height of 10 metres as would be standard practice according to the ESTU. As the proposed location of the microphone is unknown and therefore the appellant's noise consultant is not confident it was placed in an appropriate location and properly calibrated again to ensure representative results. For these reasons appellant's noise consultant considered that wind measurements may not be fully representative and such issues causes concerns relating to the accuracy of the noise environment and levels both when the turbine is operational and not operational as they are not certain the noise assessment was carried out in accordance with accepted standards.
47. Upon review the presented evidence on behalf of the appellant and the EHO, including the evidence at the appeal hearing, there appears to be questions in respect of the robustness of both the appellant's noise assessment and the EHO noise assessment. A fundamental issue relates to the location of the relative surveys. Even though table 2 of the Council's evidence shows there is little deviation in the background sound levels, the sound levels recorded by the EHO noise assessment are lower than those recorded by the appellant's noise consultant. The appellant has challenged the location of the EHO noise survey, which to my mind also is not conclusive that the measurements were made in "free field" conditions, with the microphone placed at least 10 metres away from a building or reflecting surface. The appellant's observations undermine the EHO conclusions regardless of the length of time or duration of the respective surveys relating to 1 week of operation and 1 week of non operation.
48. In respect of the appellant's noise assessment dated 2 April 2018, the Council noted that the whilst the background noise survey had been carried out previously to derive the noise limits the results from the operational survey showed that the noise from the turbine was significantly lower than the background noise level. EHO raised concerns about how this was measured as it is expected that if less than the background noise level that the result obtained from the survey would be similar to the measured background. The appellant states that this is "perfectly feasible" but this is disputed by the EHO as the operational sound at a distance is dependent on the sound power level of the turbine at each wind speed and other additional factors including hub height, wind direction and air and ground absorption. The EHO states that the sound power level, which used in the appellant's noise assessment, is given by the manufactures as a fixed value at each wind speed with a degree of uncertainty (usually between 1 and 3 dB). The EHO notes that a turbine in situ for a number of reasons may not meet these predicted levels such as reconditioning of the turbine, replacement or adjustment of parts, length of blades, hub height etc. A turbine installed and is operational is more accurate to measure the noise from the turbine in situ when assessing the impact on a noise receptor.

49. As stated at page 83 of ETSU-R-97 *"the prevailing background noise level at sensitive dwelling will need to be agreed with the local EHO so that noise limits at different operating wind turbine speeds can be set"*. In this instance the appellant has disputed the EHO survey location, which I note was not agreed with the appellant and has led to some ambiguity in the EHO findings. Furthermore the location of the appellant's noise survey dated 2 April 2010 does not appear to have been agreed with the EHO. The guidance goes on to say *"monitoring should be undertaken at the locations to which the noise limits apply i.e. the noise sensitive properties from which complaints have been received."* The appellant's survey is some 50 metres away from the complaints property which I consider in this rural area would give rise to a variation in background noise due to rural road networks and other surrounding properties causing some variances in background noises. I note the complaint's property has no intermittent noise features such as laneway, roads or other buildings between the property and the turbine. Therefore to obtain accuracy any assessment should be taken from the complaint's property or as close as possible to limit variations between background noise and operational noise levels. Whilst I acknowledge the appellant's requests to meet with the EHO to agree the methodology for the noise survey, I note that such good practice of agreement in respect of the location of the noise survey does not appear to have happened in this instance. Had this happened conflicting survey data may not have been presented in this case.
50. Notwithstanding both the EHO and Appellant's noise assessments, at the appeal hearing both the Council and the appellant accepted that noise levels could be restricted by means of planning conditions. Restriction of noise levels does not mean that the turbine would be inaudible but would mean that noise levels would not be at a level to have an unacceptable impact on the residential amenity of the closest sensitive receptor. If agreement could be reached in respect of the appropriate location of the noise assessment then such limits could be identified. I have not been persuaded that it is necessary to turn the turbine off during night time hours such practice would interfere with the efficiency and viability of the turbine.
51. Nonetheless, given the anomalies relating to the noise limits as presented by the appellant and the EHO I am not in a position to conclude what are the definitive and acceptable noise limits to be applied by way of planning condition to this 'as built' and operational turbine. So whilst I consider that appropriate noise limits could be applied at this point in time, based on evidence before me, I cannot conclude that the 'as built' turbine does not give rise to an unacceptable adverse impact on the residential amenity and human health by reason of noise on the nearest noise receptor at 51 Dundrinne Road. Accordingly for on this basis the Council's third reason for refusal and third party concerns relating to noise are sustained.
52. Third parties raised concerns relating to 'structural borne sound'. Sufficient evidence or assessment was not provided to demonstrate the significance of the issue. The parties agreed this amounted to noise vibration. Whilst this maybe an implication of the location of this wind turbines relative to the surrounding receptors the evidence before me does not persuade me that this issue is so unacceptable that this issue of itself would justify refusal of the 'as built' turbine.

53. Third parties raised concerns in respect of shadow flicker. Paragraph 1.3.76 of BPG advises that *"problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low"*. The turbine as built is within 10 rotor diameters, some 290 metres, of three properties in the area. The properties are 51 Dundrinne Road (house B) located some 220 metres north west of the turbine and 49 Dundrinne Road (house C) located some 230 metres north west of the from the turbine. The third property referred to as house A is south of the turbine and will not experience any shadow flicker.
54. A shadow flicker assessment was undertaken by the appellant and considered the theoretic worst case scenario. The conclusions of the assessment was that there would be no shadow flicker at house A and shadow flicker would not exceed the 30 minutes per day and 30 hours per year at (House C) 49 and (House B) 51 Dundrinne Road. The assessment also considered even if the sun never stopped shining on all relevant dates and times and the turbine blades always faced the relevant house the guidelines would be met.
55. The living room and bedroom window at the property of 51 Dundrinne Road look directly onto the turbine and are within the 290 metres from the turbine. At the appeal hearing the residents at 51 Dundrinne Road outlined their experience at present stating that effects of shadow flicker are common at their property and can last for up to 45 minutes per day especially in the morning times when the sun is low. They stated that the experience is both internally and externally in respect of their property. In response to these concerns the appellant presented that a planning condition requiring the fitting of a turbine control system to restrict shadow flicker impacts. In these circumstances given the third party experience and the distance to the wind turbine such a condition is necessary and would address the third party concerns in respect of the adverse impact resulting from shadow flicker. Accordingly the third party objections in respect of shadow flicker are not determining.
56. On balance the wider environmental, economic and social benefits, noted above have merit in the consideration of this proposal. Such benefits would make a modest contribution to the achievement of renewable energy targets and to the economy and the appellant's business. However, the visual impact of the proposal from the identified surrounding viewpoints is determining as the development 'as built' gives rise to an unacceptable adverse impact on the visual amenity and landscape character of the rural area and landscape qualities of the AONB at this location. The presented socio economic and environmental benefits do not override the unacceptable adverse impact on the character of the area and the Mourne AONB. Furthermore such benefits to not override the uncertainty in respect of the provided noise assessments to demonstrate the development does give rise to an unacceptable adverse impact by reason of noise.
57. The appellant provided a table which detailed 5 other wind turbines approved in the area. Only one of the turbines is located in the same LCA as the appeal site. Four of the approved turbines area smaller in size and scale than the 'as built' turbine on the appeal site. As already noted the Council is not adverse to a wind energy development in this area but in this instance the concerns relate to the overall scale, size and position of the turbine in respect of the surrounding sensitive receptors and on the landscape character, visual amenity and the

qualities of the AONB. I do not consider reference to these other approved turbines in the area provide justification to consider the 'as built' development is an acceptable form of development in this area.

58. The appeal proposal accordingly fails to meet the requirements of the SPPS and Policy RE1 of PPS18. No other persuasive overriding reasons were presented to demonstrate why this development is essential. The appeal development therefore fails to meet the requirements of Policy CTY1 of PPS21. The unacceptable adverse impact of the appeal development on visual amenity and landscape character of the AONB and the failure to demonstrate that the turbine does not give rise to a level of unacceptable adverse impact on residential amenity by reason of noise are determining in this appeal. Accordingly the Council's four reasons for refusal and third party concerns are sustained in respect of these matters. The appeal is therefore dismissed.

This decision is based on the following drawings:-

- Drawing 01 Site Location Plan Scale 1:2500 received by Council 21 Oct 2015
- Drawing 02 Rev 01 Block Plan Scale 1:500 (amended) received by Council 21 Oct 2015
- Drawing 03 Section through the site Scale 1:2500 received by Council 21 Oct 2015
- Drawing 04 Turbine Elevations date received by Council 21 Oct 2015
- PAC1 – Control House
- PAC2 – NIE transformer

COMMISSIONER ROSEMARY DALY

List of Appearances

Planning Authority:-	D Watson, Newry, Mourne and Down District Council A McAlarney, Newry, Mourne and Down District Council J Robinson, EHO, Newry Mourne and Down District Council
Appellant:-	A Ryan, TLT Solicitors S Mullholland, RSK Solicitors D Leaver, RSK D Clare, RSK W Hogben, RSK M Grainger, Grainger Acoustics B Maginn, Appellant H Murray, H Murray Architectural Services
Third Parties:	J Wells, MLA South Down G Tumelty, Tumelty Planning Services D Rice M Rice M Cleland M Lyle G Glencross J Masson

List of Documents

Planning Authority:	"A" Statement of Case and Appendices, Newry, Mourne and Down District Council. PAC4 Annotated Map of Surrounding Receptors PAC6 Investigation of Wind Turbine Noise at Dundrinne Road, Castlewellan
Appellant:-	"B" Statement of Case and Appendices, TLT PAC3 Affidavit of Brendan McGinn PAC5 Suggested Shadow Flicker Condition
Thrid Parties:-	"C" Objectors Statement of Case "C1" Mr Jim Wells, Statement of Case

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
3/1/19	Cllr D Taylor	LA07/2017/1338/F	Update requested	J McParland	E mail sent	4/1/19
" "	C McGrath MLA	LA07/2018/1936/F	Update requested	A McAlarney	Direct e mail	9/1/19
04/01/19	Cllr Hearty	Planning app	Update request	P Rooney	Direct email	9/1/19
7/1/19	Cllr A McMurray	Dundrum Playgroup	Update on application	A McAlarney	E mail sent	9/1/19
7/1/19	Cllr Mulgrew	LA07/2018/1025	Update on application	P Rooney	Email sent	9/1/19
8/1/19	Cllr D Curran	LA07/2018/1293/F & Listed Building query	Update on application and advice	M McIlhone	Call returned	8/1/19
8/1/19	Cllr Sean Doran	LA07/2018/0683/F	Update on application	J McParland	E mail sent	-----
" "	Cllr W Walker	LA07/2018/1390/F	Request for meeting	A McAlarney	Direct e mail	9/1/19
" "	Cllr T Andrews	LA07/2018/0377/O	Update requested	A McAlarney	Direct e mail	9/1/19
9/1/19	Cllr R Mulgrew	-----	Enquiry	A Davidson	E mail sent	-----
" "	C Hazzard MP	LA07/2018/0820/F	Request for meeting	A McAlarney	Direct e mail	10/1/19
" "	Cllr S Doran	R/2014/0471/F	Update requested	A McAlarney	Direct e mail	9/1/19
" "	Cllr M Murnin	LA07/2017/0175/F	Update requested	A McAlarney	Direct e mail	10/1/19
10/1/19	Cllr T Andrews	LA07/2018/1660/O	Update requested	A McAlarney	Direct e mail	10/1/19
11/1/19	Cllr C Enright	LA07/2018/1243/F	Request a meeting	Annette McAlarney	E mail sent	14/1/19
14/1/19	Cllr W Walker	Elm Church, Ballynahinch	Request for meeting	A McAlarney	Direct e mail	14/1/19
" "	Cllr J Macauley	Permitted Development	Advice requested	J McParland	E mail sent	14/1/19
" "	Catherine for S Bradley MLA	LA07/2018/0316	Update requested	J McParland	E mail sent	15/1/19
" "	Cllr S Doran	LA07/2017/1326/F	Update requested	A McAlarney	Direct e mail	14/1/19
15/1/19	Cllr C Enright	LA07/2018/1243/F	Call in request 11/1/19	A McAlarney	E mail sent	15/1/19
" "	Catherine for S Bradley MLA	LA07/2018/0316	Update requested	J McParland	Call transferred	15/1/19
" "	C McGrath MLA	LA07/2018/1407/F	Update requested	A McAlarney	Direct e mail	21/1/19
" "	C McGrath MLA	LA07/2018/1348/F	Update requested	A McAlarney	Direct e mail	22/1/19
" "	Cllr W Clarke	R/2011/0058/F	Query re Discharge of Condition	A McKay	Direct e mail	8/2/19

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
16/1/19	Cllr W Walker	LA07/2018/1755/F	Update requested	A McAlarney	Direct e mail	18/1/19
17/1/19	C McGrath MLA	Tollymore Forest area	Advice re Farm diversification	A McAlarney	Direct e mail	18/1/19
17/1/19	Cllr Hearty	Pre app discussion,	Request for meeting	P Rooney	Direct email	Mtg on 15/02/19
18/1/19	Cllr A McMurray	Dundrum Playgroup app.	Update requested	A McAlarney	E mail sent	18/1/19
18/1/19	Una for E Rogan MLA	LA07/2018/0378/O	Update requested	A McAlarney	Call transferred	18/1/19
18/1/19	Cllr A McMurray	Dundrum Playgroup app.	Update requested	A McAlarney	Call transferred	18/1/19
21/01/19	Cllr Hearty	Current application Culloville	Update requested	P Rooney/A davidson	Direct email	22/01/19
21/1/19	Cllr W Walker	Meeting 22/1/19	Discuss	A McAlarney	Call transferred	21/1/19
" "	C McGrath MLA	LA07/2018/1532/F	Update requested	A McAlarney	Direct e mail	22/1/19
23/1/19	S Bradley MLA	LA07/2017/1494/F	Update requested	A McAlarney	Direct e mail	24/1/19
24/1/19	Cllr D Taylor	Query	-----	J McParland	Call transferred	24/1/19
" "	Cllr C Enright	LA07/2018/0899/F	Information on Decision	A McAlarney	Direct e mail	24/1/19
" "	Cllr C Enright	LA07/2018/1243/F	Advice on application	A McAlarney	Direct e mail	25/1/19
25/1/19	Cllr P Brown	R/2015/0126/F	Update requested	A McAlarney	Call transferred	25/1/19
" "	Cllr C Enright	Social Housing Strangford	Meeting request	A McAlarney	Direct e mail	25/1/19
28/1/19	Cllr D Taylor	-----	Query	A Davidson	E mail sent	29/1/19
29/1/19	Cllr D Taylor	-----	Query	A Davidson	Call transferred	29/1/19
" "	C McGrath MLA	LA07/2017/1127/LBC & LA07/2017/126F	Update requested	A McAlarney	Direct e mail	29/1/19
30/1/19	C Boylan MLA	LA07/2018/1506/F	Update requested	A Davidson	E mail sent	-----
31/1/19	Cllr A McMurray	LA07/2018/0085/F	Query re Committee referral	A McAlarney	E mail sent	1/2/19
" "	Cllr W Clarke	LA07/2018/1238/F	Query re Planning Committee	A McAlarney	Direct e mail	31/1/9
" "	Cllr W Clarke	LA07/2018/1628/F	Update requested	A McAlarney	Direct e mail	1/2/19

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1/2/19	Cllr G Craig	Walter Watsons	Update requested	A McAlarney	Call transferred	1/2/19
4/2/19	C McGrath MLA	LA07/2017/0024/F	Update requested	A McAlarney	Direct e mail	4/2/19
6/2/19	Cllr D Taylor	-----	Query	A Davidson	Email sent	-----
" "	Cllr W Clarke	LA07/2018/1023	Clarification required	A McAlarney	Direct e mail	6/2/19
" "	C McGrath MLA	-----	Query – App. Ref. no. required	A McAlarney	Direct e mail	6/2/19
7/2/19	C McGrath MLA	LA07/2018/1023	Query issue of decision	M McIlhone	Telephone call	7/2/19
11/2/19	Cllr S Doran	LA07/2018/1458/F	Why app. not called in?	M McIlhone	Telephone call	11/2/19
12/2/19	Cllr A McMurray	-----	Query re dev. at Annsborough	A McAlarney	Direct e mail	12/2/19
" "	C McGrath MLA	-----	General enquiry	A McAlarney	Call transferred	12/2/19
" "	Cllr W Walker	LA07/2018/0486/O	Query re Call in request	A McAlarney	Direct e mail	14/2/19
13/2/19	C McGrath MLA	-----	Request for PAD	A McAlarney	Direct e mail	14/2/19
14/2/19	C McGrath MLA	-----	PAD agreed	A McAlarney	Direct e mail	14/2/19
" "	Cllr W Clarke	LA07/2018/1900/F	Query	A McAlarney	Direct e mail	14/2/19
" "	Cllr W Clarke	LA07/2015/0054/F	Corresp. From Applicant	A McKay	Direct e mail	15/2/19
15/2/19	Cllr R Burgess	-----	Grant funding query	A McAlarney	Call transferred	15/2/19
" "	Una for E Rogan MLA	LA07/2017/1261/O & LA07/2015/0491/F	Updates requested	A McAlarney	E mail sent	-----
16/02/19	Justin McNulty MLA	Current applications	Updates	P Rooney	Ring back	12/03/19
18/2/19	Cllr S Doran	-----	Query re: wind turbines	A McAlarney	Call transferred	18/2/19
" "	Frances for S Bradley	LA07/2015/0658/F	Query re: call in procedure	M McIlhone	Call answered	18/2/19
" "	Cllr T Andrews	LA07/2018/1890/F	Update requested	A McAlarney	Direct e mail	19/2/19
20/2/19	C McGrath MLA	Donard Medical Practice	Update requested	A McAlarney	E mail from L Hannaway	21/2/19
" "	Cllr L Devlin	LA07/2018/0442/F	Update requested	A McAlarney	Direct e mail	21/2/19
21/2/19	C McGrath MLA	LA07/2015/0491/F	Update requested	A McAlarney	Direct e mail	21/2/19
" "	Cllr W Walker	LA07/2019/0149/F	Update requested	A McAlarney	Direct e mail	21/2/19
22/2/19	Cllr S Doran	LA07/2017/0546/F &	Updates requested	A McAlarney	E mail sent	-----

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
		LA07/2018/1761/LDE				-
25/2/19	Frances for S Bradley MLA	LA07/2015/0658/F	Clarification required re recent LAGAN call	M McIlhone	Call answered	22/2/19
" "	Emma Rogan	LA07/2015/0491/F	Update requested	A McAlarney	Call transferred	25/2/19
" "	Dominic for C McGrath MLA	-----	Query re Applicant contact where no Agent	M McIlhone	Call answered	25/2/19
" "	ClIr J Macauley	LA07/2016/0583/F	Update requested	D Watson	Call back	25/2/19
26/2/19	ClIr D Curran	LA07/2019/0166/F	Update requested	A McAlarney	Call transferred	26/2/19
26/2/19	Dominic for C McGrath MLA	-----	To arrange a PAD	A McAlarney	Call transferred	26/2/19
" "	ClIr W Walker	-----	To arrange meetings	A McAlarney	Direct e mail	27/2/19
26/2/19	Carmel for C McGrath MLA	-----	Query green space within Boulevard Park, Newcastle	A McAlarney	Direct e mail	1/3/19
27/2/19	ClIr G Sharvin	LA07/2017/1458/F	Update requested	A McAlarney	Direct e mail	27/2/19
" "	C McGrath MLA	-----	Pad meetings	A McAlarney	Direct e mail	27/2/19
" "	ClIr G Sharvin	LA07/2017/1458/F	Question re refusal reasons	A McAlarney	Direct e mail	27/2/19
" "	ClIr G Sharvin	-----	Query lowering kerbs in Killough	A McAlarney	Direct e mail	27/2/19
28/2/19	ClIr G Sharvin	-----	Query lowering kerbs in Killough	A McAlarney	Direct e mail	27/2/19
" "	ClIr W Clarke	-----	Enforcement Middle Tollymore Rd, Newcastle	A McAlarney	Direct e mail	28/2/19
1/3/19	ClIr M Murnin	LA07/2018/1170/F	Query re consultations	A McAlarney	Direct e mail	1/3/19
" "	ClIr M Murnin	LA07/2018/1170/F	Update requested	A McAlarney	Direct e mail	1/3/19
" "	C McGrath MLA	LA07/2018/1807/F	Update requested	A McAlarney	Direct e mail	1/3/19
4/3/19	ClIr S Doran	P/2012/0133/F	Query enforcement case	P Smyth	Call transferred	4/3/19
" "	ClIr David Taylor		Query regarding Derrywilligan Road, Newry for Judith Newman	P Rooney	E mail sent	6/03/19
5/3/19	Justin McNulty MLA	LA07/2018/1454/F	Update requested	P Rooney	E mail sent	9/3/19
" "	ClIr D Curran	LA07/2019/0166/F	Update requested	A McAlarney	Call transferred	5/3/19

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Frances for S Bradley MLA	LA07/2015/0658/F	Questions re call in process	M McIlhone	Telephone call	5/3/19
6/3/19	ClIr David Taylor	LA07/2018/0106/F	Update request	P Rooney	Call Transferred	6/3/19
" "	ClIr W Clarke	LA07/2018/1660/0	Query re recommendation	A McAlarney	Direct e mail	6/3/19
7/3/19	ClIr D Curran	LA07/2019/0166/F	Update requested	A McAlarney	Previous contact	5/3/19
" "	ClIr W Walker	-----	Discuss meeting arrangements	A McAlarney	E mail sent	7/3/19
7/3/19	ClIr D Curran	-----	Re meeting 12/3/19 at Saul	M McIlhone	Call answered	7/3/19
" "	C McGrath MLA	LA07/2017/1844/F	Query	M Keane	Call returned	7/3/19
7/03/19	ClIr Ruane	current application	Query	P Rooney	Call returned	7/03/19
15/1/19	ClIr C Enright	LDP	Email enquiry and questions	A Hay	Email response	8/3/19
26/2/19 (7/2/19)	ClIr Baillie	LDP	Email dated 7/2/19 received via Chief Execs office on 26/2/19 – General enquiry	A Hay	Email response	27/2/19
8/3/19	ClIr T Andrews	LA07/2018/1660/F	Query re withdrawal	A McAlarney	Direct e mail	8/3/19
" "	ClIr W Walker	LA07/2018/1515/F	Update requested	A McAlarney	Direct e mail	8/3/19
" "	ClIr G Craig	LA07/2015/1088/F & LA07/2017/1422/O	Updates requested	A McAlarney	Direct e mail	8/3/19
" "	C McGrath MLA	LA07/2018/1357/F	Query re screening site	A McKay	Direct e mail	15/3/19
11/3/19	ClIr S Doran	LA07/2018/0708/F	Update requested	P Rooney	E mail sent	14/3/19
" "	Carmel for C McGrath MLA	-----	Query re: 175 South Promenade, Newcastle	A McAlarney	Direct e mail	11/3/19
" "	C McGrath MLA	LA07/2018/0426/F	Update requested	A McAlarney	Direct e mail	11/3/19
" "	ClIr W Walker	LA07/2018/1756/F	Call in request	A McAlarney	Direct e mail	12/3/19
11/3/19	ClIr McAteer	Current application	Request for meeting	P Rooney	Call back	13/03/19
12/3/19	C McGrath MLA	LA07/2017/1067/F	Update on 75 South Promenade, Newcastle	A McAlarney	Direct e mail	12/3/19
" "	ClIr S Doran	LA07/2015/1000/F	Enforcement query	D Watson	Call answered	12/3/19
" "	J McNulty MLA	LA07/2018/0722/F	Query	P Rooney	E mail sent	14/3/19
12/3/19	ClIr S Doran	LA07/2018/0708/F	Update requested	P Rooney	E mail sent	14/3/19

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
13/3/19	Clr S Doran	LA07/2018/0708/F	Update requested	P Rooney	E mail sent	14/3/19
14/3/19	Clr S Doran	LA07/2018/0708/F	Update requested	P Rooney	E mail sent	14/3/19
" "	C McGrath MLA	LA07/2018/1532/F	Update requested	A McAlarney	Direct e mail	14/3/19
" "	Clr J Rice	LA07/2017/1603	Update requested	A McAlarney	Direct e mail	15/3/19
14/3/19	Clr Hearty	Current application	Update requested	P Rooney	Email	20/03/19
15/3/19	Clr J Macauley	-----	Query 2 x Apts. Downpatrick Road, Crossgar	A McAlarney	E mail sent	
" "	C McGrath MLA	LA07/2018/0442/F	Meeting date	A McKay	Direct e mail	15/3/19
19/3/19	Clr W Clarke	R/2011/0058/F	Update requested	A McKay	Direct e mail	20/3/19
19/3/19	C McGrath MLA	LA07/2017/1127/LBC & LA07/2017/0126/F	Updates requested	A McAlarney	Direct e mail	19/3/19
" "	Clr W Walker	R/2006/0281/F	Update provided	A McAlarney	Direct e mail	19/3/19
19/3/19	Clr Hearty	P/2009/0065	Update	P Rooney	email	20/3/19
20/3/19	C McGrath MLA	LA07/2018/0442/F	Meeting date agreed	A McKay	Direct e mail	20/3/19
" "	Clr S Doran	LA07/2018/1980/F	Update requested	P Rooney	Call transferred	20/3/19
" "	C McGrath MLA	LA07/2018/1062/F	App. ref. number requested	M McIlhone	Call answered	20/3/19
21/3/19	Clr D Curran	-----	Query	A McAlarney	Call transferred	21/3/19
" "	Clr P Brown	LA07/2019/0173/F	Update requested	A McAlarney	Call transferred	21/3/19
" "	Clr A McMahan	LA07/2019/0212/LDE	Information provided	P Rooney	E mail sent	21/3/19
21/3/19	Clr Ruane	LA07/2019/0360	Update requested	P Rooney	E mail sent	21/3/19
22/2/19	Catherine for S Ennis MLA	LA07/2017/1469	Update requested	P Rooney	E mail sent	23/2/19
22/2/19	Sinead Bradley MLA	LA07/2019/0287	Update requested	P Rooney	Email sent	22/3/19
25/3/19	Clr A McMurray	LA07/2018/1258/F	Update requested	A McAlarney	E mail sent	-----
26/3/19	Clr Fitzpatrick	LA07/2019/0409/F	Update Requested	P Rooney	Email sent	26/3/19
27/3/19	Clr A McMahan	LA07/2019/0212/LDE	Information provided	P Rooney	Call transferred	27/3/19
27/3/19	Clr A McMurray	LA07/2018/1258/F	Update requested	A McAlarney	E mail sent	-----