

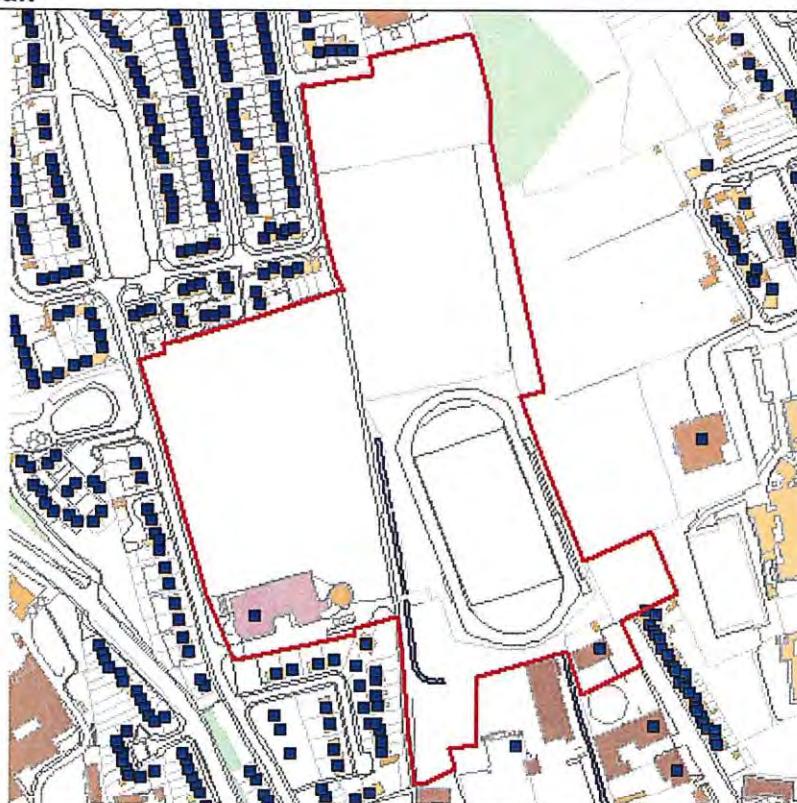


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: P/2014/0310/RM	Target Date:
Proposal: Phase 2 of New Leisure Centre (follow on application to P/2011/0293/RM) comprising new sports halls, fitness suites, cafe, multi-purpose rooms, associated changing facilities and car park	Location: Rooney's Meadow Clanrye Avenue Newry incorporating Frank Curran Park and Jennings Park with new access to site taken off Cecil street Newry
Referral Route: Major Development	
Recommendation:	Approve
Applicant Name and Address: Newry and Mourne District Council District Council Offices Monaghan Row Newry BT358DT	Agent Name and Address: Kennedy Fitzgerald Architects LLP 3 Eglantine Place Belfast BT96EY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Newry & Mourne District Council	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	NI Transport - Downpatrick Office	No Objection
Non Statutory	Env Health Newry & Mourne District Council	Add Info Requested
Non Statutory	NI Water - Multi Units East - Planning Consultations	Superseded by further Consultation
Non Statutory	Water Management Unit	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>This site covers the area known as Jennings Park and Frank Curran Park which covers an area approximately 2.20 hectares in size. The land is located in a basin and surrounded by elevated land. On site at present is the former swimming pool, playing fields to the north and north east of this as well as the new Newry Leisure Centre situated adjacent to the proposed siting of the new phase 2 building. Car parking is also provided in front of the new leisure centre. Current access to the site is via Clanrye Avenue. There is a public right of way through the site which follows the route of the Bessbrook and Newry tramway that formerly cut through the site. The boundaries are predominantly functional security fencing.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The site lies within the settlement limits of Newry City as per the current adopted plan being the Banbridge Newry and Mourne Area Plan 2015 (BNMAP) and within a major area of existing open space within a disused transport route intersecting the site</p> <p>Previous planning history on the site includes: P/2011/0293/RM – approval of phase 1 – swimming pool and associated car parking P/2008/1579/O – approval for leisure centre, demolition of former swimming pool, access via Clanrye Avenue and Cecil Street and associated car parking.</p> <p>Relevant planning policies relating to the proposal include:-</p> <ol style="list-style-type: none"> 1. Shaping our future- Regional Development Strategy for Northern Ireland 2035 2. Planning Policy Statement 1 –General Principles 3. Planning Policy Statement 3- Access Movement and Parking 4. Planning Policy Statement 6 – Planning, Archaeological and the Built Heritage 5. Planning Policy Statement 8- Open space, Sport and Outdoor recreation 6. Planning Policy Statement 11- Planning and Waste Management 7. Planning Policy Statement 13- Transportation and Land Use 8. Planning Policy Statement 15- Planning and Flood Risk <p>Supplementary Planning Guidance is found in</p> <ul style="list-style-type: none"> • DCAN15- Vehicular Access Standards <p>PPS 1</p> <p>PPS 1 sets out the position that the ‘purpose of town and country planning is to regulate the development and use of land in the public interest’ and that ‘the public interest requires that all development is carried out in a way that would not cause demonstrable harm to interests of acknowledged importance’ (Paragraph 3) - This proposal is for a new leisure centre and car parking which will be in the public interest.</p> <p>PPS 1 also states that the Department’s (in this case the Councils) guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This application is for phase 2 Reserved Matters and the principle of development has already been established through the approval for outline planning permission under P/2008/1579/O.</p>	

PPS3 – Access, Movement and Parking and supplementary guidance contained within DCAN15 Transport NI has no objection to the proposal.

The car parking layout shows 386 car spaces (including 31 disabled spaces) and 3 coach spaces (accommodating both phase 1 and phase 2 developments). Two drop off zones are provided with 20 cycle rack spaces which can be increased upon phase 2 completion.

Within the agent's notes, they state that in the worst case scenario that they cannot provide the 389 spaces due to site constraints, 380 can be provided. This number of spaces in total for both the swimming pool and leisure centre is acceptable and taking into account the site's proximity to the city centre and bus and rail network, it is well located for walking and cycling.

PPS8 – Open Space, Sport and Outdoor Recreation

OS1 requires the protection of existing open space and this proposal will ensure the protection of this area of open space within an urban setting as it provides both indoor recreational facilities but retaining the use of the existing outdoor sporting facilities.

Policy OS4 Intensive Sports Facilities - states the Department will only permit the development of intensive sports facilities where these are located within settlements. In this case the proposed development is located within the development limit of Newry. The principle of the development has already been accepted under outline planning permission P/2008/1579/O. This application proposed phase 2 of the leisure centre development with phase one being granted permission under P/2011/0293/RM.

Intensive sports facilities

Will be required to meet the following criteria

- There is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated: - previous to the construction of the new swimming pool under Phase 1 RM approval (P/2011/0293/RM) there previously was an existing swimming pool and playing fields on this site.
- There is no adverse impact on features of importance to nature conservation, archaeology or built heritage: - a very small section of the site falls within an Area of Archaeological Potential as defined within the current development plan. Part of the new road from Cecil Street proposes to run through this section however in order to protect archaeological potential within this area a standard informative could be attached to the decision notice for the applicant/developer to contact NIEA Historic Monuments Unit within 1 working day should any archaeological remains or objects be discovered on site.
- Buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment: - this is a reserved matters application and the building proposed reflects the newly built swimming pool approved under phase 1. The design also includes elements of the old swimming pool such as its peaked roof design. The overall height of the building is 13.2m above finished floor level and just below the height of phase 1 swimming pool building. The finishes include deep timber reveals to south east facing windows, a glazed link between phase 1 and 2 buildings, a dark brick plinth base with light brick above and translucent panels on the sports hall roof. The materials are also sympathetic to the new swimming pool on the site approved under phase 1. The building is also suitably located away from neighbouring residential properties so as not to create any detrimental amenity issues. Landscaping details also form part of this application. Therefore the design and layout as presented would be acceptable in this locality.
- The proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and

public transport:- the proposal is within walking distance of the City centre, and major transport networks such as bus and train stations. The centre has also been suitably designed to accommodate people with disabilities.

- The road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal:-This is a Reserved Matters application so the principle of the new access has already been agreed at the outline stage. Transport NI has however no objection to the proposed details for this phases 2 application.

Under policy OS7 the department (in this case the Council) will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met.

(i) There is no unacceptable impact on the amenities of the people living nearby.
No flood lights are proposed with this phase 2 application. Any lighting from the whole development however should not cause any detrimental harm as residential property is located a suitable distance away.

(ii) There is no adverse impact on the visual amenity or the character of the locality.
The area is still in recreational use and there will be no loss of visual amenity or adverse effect on the locality as it is located adjacent to the new swimming pool and adjacent to a similar facilities.

(iii) Public safety is not prejudiced.
Road Service have no objection

PPS15:

Rivers Agency has advised the site is bisected by a watercourse designated under the terms of the Drainage (Northern Ireland) Order 1973 and known as the Derrybeg River.

Rivers Agency also advised detailed flood hazard maps and associated modelling show parts of the site to lie within 1 in 100 year fluvial floodplain of this watercourse.

As this is a reserved matters application Rivers Agency recommend that all finished development levels should have a minimum of a 600mm freeboard above the 1 in 100 year fluvial flood level. The proposed plans show a finished floor level of 4.73mOD. The predicted 1 in 100 year flood level for the Derrybeg River at this location is 4.55mOD, as such the proposed development would not have the minimum recommended 600 mm freeboard.

This issue was considered at the Department's internal group meeting and was not considered a reasonable request. Rivers Agency was consulted at the time of the original outline application (P/2008/1579/O) and also on Phase one of the development (P/2011/0293/RM). This issue was not raised under either of these applications. A Flood Risk Assessment was submitted at the time of the outline permission. Following consideration of this assessment Rivers Agency accepted its' logic and did not raise any objections to the proposal from a drainage perspective. They have also stated that they have no records of flooding at this site.

Consultation Responses:

Roads Service did not raise any objections to the proposed development.

Rivers Agency - see above.

Water Management Unit of Northern Ireland Environment Agency advised the Department to consult NI Water to determine if Newry Waste Water Treatment Works (WWTW) will be able to

cope with the additional load the proposed development will generate or whether the existing WWTW would need to be upgraded.

A consultation was forwarded to NI Water. They advised the existing WWTW has available capacity.

Northern Ireland Water Strategic Applications - No objections subject to condition regarding no construction made within 3m of sewers or 4m of watermains. Informatives also attached.

Newry and Mourne Environmental Health Department

- No objection following the submission of an air quality statement regarding the additional car parking and associated vehicles attracted to the site. Informatives attached.

No objections were received in response to the local press advertisement and neighbour notifications.

Recommendation:- Approval

Neighbour Notification Checked	Yes/No
--------------------------------	--------

Summary of Recommendation:

This is an existing site which already comprises the newly constructed swimming pool, car park and playing fields. This proposal will upgrade the existing facilities by providing additional leisure facilities and associated parking for the city of Newry. It complies with the relevant policy tests of PPS8. It is for leisure development on an existing area of open space as designated in the BNMAP2015. The design of building and proposed materials are sympathetic to the existing swimming pool and acceptable to the wider locality.

Conditions/Reasons for Refusal:

Conditions

1. As required by section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

2. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with drawing no. 03 site layout bearing the date stamp 28-03-2014 prior to the commencement of any other development hereby permitted.

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

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and

such splays shall be retained and kept clear thereafter.

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

4. The access gradient to the building hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

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

6. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

7. The building hereby permitted shall not be occupied until the sewerage works/drainage works have been completed in accordance with the submitted plans.

Reason: In the interest of public health.

8. The building shall not be occupied until works for the disposal of sewerage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by Newry Mourne and Down District Council.

Reason: In the interests of Public Health.

9. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by Newry Mourne and Down District Council.

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

10. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development in accordance with the stamped approved drawings.

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

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

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

12. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

13. No site works of any nature or development shall take place until arrangements have been made and agreed, in writing, with the Council, for archaeological surveillance of top soil stripping and site preparation and for the recording of any archaeological remains which may be identified.

Reason: To ensure that archaeological remains, which may exist within the application site are properly identified and recorded.

Informatives

1. Notwithstanding the terms and conditions of the Newry Mourne and Down District Council's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge or footway or any part of said road, verge or footway bounding the site. The consent is available on personal application the Transport NI Section Engineer whose address is: Cecil Street, Newry. A monetary deposit will be required to cover works on the public road.

2. It is the responsibility of the developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

3. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby dwellings.

4. Suitable ventilation and filtration equipment shall be installed to suppress and disperse odours created from operations on the premises. The outlet from any ventilation ducting shall terminate at a height not less than 1 metre above the ridge height of the main building and it should be directed away from nearby premises.

5. All flood lighting shall be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the institution of Lighting Professionals at <https://www.theilp.org.uk/documents/obstrusive-light/>

6. Dependant on the method of heating to be used on the premises it may be necessary to provide a chimney for a boiler, the height of which should be approved by Newry Mourne and Down District Council. Guidance on chimney height calculation is given in Guidelines on Discharge Stack Heights for Polluting Emissions, HMIP Technical Guidance Note (Dispersion) D1, 1993. Further advice may be sought from the Environmental Health Service of the council.

7. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served at an early design stage by means of a Predevelopment Enquiry. Application to NIW is to obtain approval to connect.

8. Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.

9. Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

10. The applicant is advised to contact NIW through its Customer Relations Centre 084575440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

11. If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 0845 8770002.

12. This development requires the installation of a grease trap.

13. NIEA Water Management Unit (WMU) would recommend the following measures be incorporated:

- In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain/surface water each building shall be provided with such sanitary pipework, foul drainage and rainwater drainage as may be necessary for the hygienic and adequate disposal of foul water and rainwater separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the 'foul' sewage system to the rainwater drainage system, once the buildings are occupied.

- The buildings associated with this planning application should not be occupied unless the necessary sewerage infrastructure is in place to transfer foul sewage to a NIW sewer in an acceptable manner.

- Should a sewage pumping station be required for this development then the applicant must apply to WMU for Water Order (1999) consent for an 'emergency overflow'.

Consideration must be given at preliminary planning and design stages to ensure that the impact

on the receiving water environment during any pre-construction, construction and operational phases is minimised.

WMU's Pollution Prevention Team **MUST BE** consulted about any work to be conducted in; near or liable to affect any waterway in order to agree a method statement with the contractors at least eight weeks prior to the commencement of any works.

This includes culverts, alterations to culverts, diversions and crossings whether temporary or permanent.

The perceived risks to any waterway during the pre-construction, construction and operational phase are from oil, hydrocarbons, fuel, suspended solids, concrete, cement and grout. However, this list is not exhaustive and all aspects of the work should be considered for the risk of pollution.

WMU would advise that consideration is given to the following:

1. The consideration of phased stripping and minimisation of exposed land to control suspended solid generation;
2. The use of cut-off drains and check dams, as the water collected in these features should be channelled to settlement features for treatment of suspended solids prior to discharge;
3. Silt fencing can be used around banks to minimise contaminated runoff;
4. The use of settlement systems for settlement of suspended solids from site drainage;
5. The management and maintenance of mitigation measures to ensure effective functioning of these systems;
6. The prevention of pollution by fuel/oil from leaking machinery through regular inspections of machinery working near any waterway;
7. Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc;
8. Emergency spill procedures should be addressed.

Any run-off contaminated by cement should be directed via an impermeable pathway to purpose-built impermeable containment for tankering away.

The WMU Pollution Prevention Team can be contacted at nieapollutionprevention@doeni.gov.uk

Consent to discharge under the terms of the Water (Northern Ireland) Order 1999 may be required for the discharge of site drainage during the construction phase of the proposed development. The applicant should contact WMU's Industrial Consent team to discuss the matter further, at industrialconsents@doeni.gov.uk

An application form for consent to discharge site drainage under the Water (NI) Order 1999 can be obtained by contacting WMU at the above address, or by visiting our website at: http://www.doeni.gov.uk/niea/apply_online.htm

The applicant may wish to install oil interceptors to prevent oil from on-site activities entering any nearby watercourse.

WMU recommend that the storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDS) where appropriate in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SUDS has also been produced by CIRIA.

The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment.

Any commercial kitchens associated with this development should have suitable, properly maintained grease traps on their effluent pipes.

Any proposed scheme that involves an abstraction (e.g. dewatering of an excavation for basement structures or underground tanks) or an impoundment (a pool of water formed by a dam or pit) may require an appropriate abstraction/impoundment licence issued under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006. In such circumstances you should contact the Abstraction and Impoundment Licensing Team of WMU to determine if you require an appropriate licence.

An application to abstract and/or impound water can be obtained at the following link:
http://www.doeni.gov.uk/niea/water-home/water_resources/abstraction/application_information.htm

The applicant should comply with all the relevant Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:

- PPG 01 – General guide to the prevention of pollution
- PPG 02 – Above ground oil storage tanks
- PPG 03 – Use and design of oil separators in surface water drainage systems
- PPG 05 – Works and maintenance in or near water
- PPG 06 – Working at construction and demolition sites
- PPG 13 – Vehicle washing and cleaning
- PPG 20 – Dewatering underground ducts and chambers
- PPG 21 – Pollution incident response planning
- PPG 27 – Installation and decommissioning and removal of underground storage tanks

These PPGs can be accessed by visiting the NetRegs website at: <http://www.netregs.org.uk>

The applicant should also adhere to the advice detailed in the DOE guidance document 'Surface Waters Alterations Handbook' which can be accessed via the following link:
http://www.doeni.gov.uk/surface_water_alteration_handbook_-_online_version.pdf

Hard copies are available from WMU upon request.

14. WMU note the intention to decommission a swimming pool as part of this application. All infill material must be strictly inert. Waste Management, Land and Groundwater Team is the NIEA lead on infill applications.

The applicant needs to be aware that the person or company carrying out the work will be legally responsible for any polluting discharges from the site during the construction phase.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter.

15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

16. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

17. Part of the site falls within an Area of Archaeological Potential designated under the Banbridge Newry and Mourne Area Plan 2015. The applicant/developer shall arrange archaeological surveillance of topsoil stripping and site preparation. Any archaeological objects or remains discovered in the course of this surveillance shall be reported to NIEA Historic Monuments Unit Tel: 028 90 54 3159, within one working day and arrangements agreed with HMU for the proper recording and removal of objects or remains (licensed by DOE (NI) under the Historic Monuments and Archaeological Objects (NI) Order 1995) before work recommences.

Signature(s)

Date:

ANNEX	
Date Valid	28th March 2014
Date First Advertised	18th April 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Killeavey Road, Newry</p> <p>The Owner/Occupier, 1, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 1, Killeavy Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,</p> <p>The Owner/Occupier, 10 Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 10, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 10, Killeavy Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,</p> <p>The Owner/Occupier, 10a Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 11 Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 11, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 11, Killeavy Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,</p> <p>The Owner/Occupier, 11a Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 12 Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 12, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 12a Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 14, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 15, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 16 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6EP,</p> <p>The Owner/Occupier, 16, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p> <p>The Owner/Occupier, 17 Clanrye Avenue, Newry</p> <p>The Owner/Occupier, 17 Killeavey Road, Newry</p> <p>The Owner/Occupier, 17, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,</p>	

The Owner/Occupier,
18 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
18, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
19 Clanrye Avenue, Newry
The Owner/Occupier,
19 Killeavey Road, Newry
The Owner/Occupier,
19, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
19a Clanrye Avenue, Newry
The Owner/Occupier,
2, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
2, Killeavey Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,
The Owner/Occupier,
20 Clanrye Avenue, Newry
The Owner/Occupier,
20 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
20, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
20a Clanrye Avenue, Newry
The Owner/Occupier,
21 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
21 Killeavey Road, Newry
The Owner/Occupier,
21, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
22 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
22 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
22, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
23 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
23 Killeavey Road, Newry
The Owner/Occupier,
23, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
24 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
24 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
24, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
25 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
25 Killeavey Road, Newry
The Owner/Occupier,
25, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,

26 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
26 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
26, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
27 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
27 Killeavey Road, Newry
The Owner/Occupier,
27, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
28 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
28 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
28, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
29 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
29 Killeavey Road, Newry
The Owner/Occupier,
29, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
3 Killeavey Road, Newry
The Owner/Occupier,
3, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
3, Killeavey Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,
The Owner/Occupier,
30 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
30 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
30, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
31 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
31 Killeavey Road, Newry
The Owner/Occupier,
31, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
32 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
32 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
32, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
33 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
33 Killeavey Road, Newry
The Owner/Occupier,
33, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
34 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,

The Owner/Occupier,
34 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
34, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
35 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
35 Killeavey Road, Newry
The Owner/Occupier,
35, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
35a Killeavey Road, Newry
The Owner/Occupier,
36 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
36 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
36, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
37 Clanrye Avenue, Newry
The Owner/Occupier,
37 Killeavey Road, Newry
The Owner/Occupier,
37, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
37A Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
37B Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
37a Killeavey Road, Newry
The Owner/Occupier,
38 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
The Owner/Occupier,
38 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
38 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
38, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
39 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,
39 Killeavey Road, Newry
The Owner/Occupier,
39 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
39Q Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
The Owner/Occupier,
4, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
The Owner/Occupier,
4, Killeavey Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,
The Owner/Occupier,
40 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
The Owner/Occupier,
40 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
The Owner/Occupier,

40 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 41 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 41 Killeavey Road, Newry
 The Owner/Occupier,
 41 Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 42 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 42 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 43 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 43A Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 43B Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 43C Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 43D Killeavey Road, Lisdrumgullion, Newry, Down, BT35 6ET,
 The Owner/Occupier,
 44 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 44 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 46 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 48 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 5 Clanrye Avenue, Newry
 The Owner/Occupier,
 5 Killeavey Road, Newry
 The Owner/Occupier,
 5, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
 The Owner/Occupier,
 5, Killeavey Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,
 The Owner/Occupier,
 50 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 52 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 52 Cecil Street, Lisdrumgullion, Newry, Down, BT35 6AU,
 The Owner/Occupier,
 57 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 58 Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EH,
 The Owner/Occupier,
 6 Clanrye Avenue, Newry
 The Owner/Occupier,
 6, Clanrye Fold, Clanrye Avenue, Ballinlare, Newry, Down, BT35 6EQ,
 The Owner/Occupier,
 6, Killeavey Road, Whitegates, Lisdrumgullion, Newry, Down, BT35 6UA,
 The Owner/Occupier,
 7 Clanrye Avenue, Newry

<p>The Owner/Occupier, 7 Killeavey Road, Newry The Owner/Occupier, 7,Clanrye Fold,Clanrye Avenue,Ballinlare,Newry,Down,BT35 6EQ, The Owner/Occupier, 7,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6UA, The Owner/Occupier, 8 Clanrye Avenue, Newry The Owner/Occupier, 8,Clanrye Fold,Clanrye Avenue,Ballinlare,Newry,Down,BT35 6EQ, The Owner/Occupier, 8,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6UA, The Owner/Occupier, 9 Clanrye Avenue, Newry The Owner/Occupier, 9 Killeavey Road, Newry The Owner/Occupier, 9,Clanrye Fold,Clanrye Avenue,Ballinlare,Newry,Down,BT35 6EQ, The Owner/Occupier, 9,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6UA, The Owner/Occupier, Clanryefold Sheltered Dwellings, Clanrye Avenue, Newry The Owner/Occupier, Meadow & Armagh Road Community Centre,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6UA, The Owner/Occupier, Meadow And Armagh Road Community Centre, Newry The Owner/Occupier, Newry Christian Centre, Upper Edward Street, Newry The Owner/Occupier, Northern Ireland Fire And Rescue Service, Upper Edward Street, Newry The Owner/Occupier, Our Lady's Grammar School, Chequer Hill, Newry The Owner/Occupier, St John Bosco Youth Centre, Chequer Hill, Newry The Owner/Occupier, UlsterBus, Upper Edward Street, Newry The Owner/Occupier, Unit 1 Whitegate Centre,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6ET, The Owner/Occupier, Wardens Office,Clanrye Fold,Clanrye Avenue,Ballinlare,Newry,Down,BT35 6EQ, The Owner/Occupier, Whitegate Centre,Killeavy Road,Whitegates,Lisdrumgullion,Newry,Down,BT35 6ET,</p>	
Date of Last Neighbour Notification	2nd May 2014
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: P/1978/1213

Proposal: SITE FOR RECREATION AREA

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1991/6008

Proposal: Redevelopment areas Newry (5No sites)

Address: Newry (5No sites)

Decision:

Decision Date:

Ref ID: P/2014/0432/A

Proposal: Free standing project signboard (to be displayed during construction phases - phase 1 until 2015 and phase 11 until 2017)

Address: Clanrye Avenue, Newry, Co Down (Application site is accross from the existing Newry Swimming Pool and adjacent to no.5 Clanrye Avenue),

Decision: CG

Decision Date: 04.07.2014

Ref ID: P/2014/0355/O

Proposal: Demolition of existing Newry Swimming Pool to facilitate proposed new Newry Community Treatment and Care Centre with associated site works and car parking. (Additional information/amended drawings received)

Address: Newry Swimming Pool and lands to rear at Jennings Park, Clanrye Avenue, Newry, BT356EH.,

Decision: AL

Decision Date:

Ref ID: P/2014/0310/RM

Proposal: Phase 2 of New Leisure Centre (follow on application to P/2011/0293/RM) comprising new sports halls, fitness suites, cafe, multi-purpose rooms, associated changing facilities and car park

Address: Rooney's Meadow, Clanrye Avenue, Newry incorporating Frank Curran Park and Jennings Park with new access to site taken off cecil street, Newry,

Decision: AL

Decision Date:

Ref ID: P/1990/0153

Proposal: Gaelic Football Pitch

Address: ROONEYS MEADOW KILLEAVEY RD NEWRY

Decision:

Decision Date:

Ref ID: P/1979/0623

Proposal: PROPOSED STORAGE COMPOUND

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1980/0495

Proposal: PROPOSED EXTENSION AND IMPROVEMENTS TO DWELLING

Address: 52 CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1978/1053

Proposal: CHANGE OF USE TO OFFICES

Address: 52 CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1979/0942

Proposal: SITE FOR EXTENSION TO DWELLING

Address: 52 CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1980/0815

Proposal: SITE FOR WORKSHOP

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1978/1127

Proposal: PROPOSED STORE EXTENSION TO EXISTING GARAGE

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1974/0472

Proposal: PROPOSED ERECTION OF GARAGE

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/1978/1008

Proposal: PROPOSED REPOSITIONING OF BOUNDARY FENCE

Address: CECIL STREET, NEWRY

Decision:

Decision Date:

Ref ID: P/2000/2053/F

Proposal: Extension & alterations to existing garage & workshop.
Address: 52 Cecil Street Newry Co Down
Decision:
Decision Date: 06.02.2001

Ref ID: P/2008/1507/F
Proposal: Proposed siting of temporary mobile unit for use by Bosco Boxing Club.
Address: St John Bosco Youth Club, Chequer Hill, Newry
Decision:
Decision Date: 19.02.2009

Ref ID: P/2009/1376/F
Proposal: Refurbishment project including new external cladding & encasement of external fire escape
Address: St John Bosco Regional Youth Centre, Chequer Hill, Armagh Road, Newry
Decision:
Decision Date: 27.04.2010

Ref ID: P/2002/0841/Q
Proposal: Group Housing Scheme
Address: Adjacent and South of Frank Curran Park
Decision:
Decision Date:

Ref ID: P/2004/2203/F
Proposal: Construction of small roof exercise tower beside existing drill tower
Address: Newry Fire station, Upper Edward Street Newry
Decision:
Decision Date: 02.12.2004

Ref ID: P/2009/1227/F
Proposal: Erection of storage shed to facilitate St. John Ambulance
Address: 70m North of Newry Fire Station, Upper Edward Street, Newry
Decision:
Decision Date: 17.12.2009

Ref ID: P/1992/0680
Proposal: Fire station
Address: UPPER EDWARD STREET NEWRY
Decision:
Decision Date:

Ref ID: P/1994/0338
Proposal: Erection of Fire Station
Address: UPPER EDWARD STREET NEWRY
Decision:
Decision Date:

Ref ID: P/1995/4075
Proposal: Kiosk Type Sub Station
Address: LISDRUMGILLION NEWRY
Decision:
Decision Date:

Ref ID: P/1979/1163
Proposal: SITE FOR JUNIOR PLAY AREA AND GRASS PLAYING FIELD
Address: ARMAGH ROAD, NEWRY
Decision:
Decision Date:

Ref ID: P/1997/1269
Proposal: Change of use from office to child play care club
Address: UNIT 6 WHITEGATES KILLEAVY ROAD NEWRY
Decision:
Decision Date:

Ref ID: P/1978/0658
Proposal: FARM BUILDING
Address: 17 ATTICAL ROAD, KILKEEL
Decision:
Decision Date:

Ref ID: P/2000/0580/F
Proposal: New warehouse
Address: Vitafresh, 8 Upper Edward Street, Newry
Decision:
Decision Date: 10.11.2000

Ref ID: P/1992/0968
Proposal: 11 kv overhead line
Address: CLANRYE AVENUE NEWRY
Decision:
Decision Date:

Ref ID: P/1994/6028
Proposal: Housing Pound Street Damolly Row Chancellors Road Dorans Hill College Gardens
Address: Pound Street Damolly Row Chancellors Road Dorans Hill
Decision:
Decision Date:

Ref ID: P/1991/0920
Proposal: 11 KV Overhead line
Address: ROONEYS MEADOW LISDRUMGULLION NEWRY
Decision:
Decision Date:

Ref ID: P/1978/0007
Proposal: PROPOSED STORE
Address: JENNINGS PARK, CLANRYE AVENUE, NEWRY
Decision:
Decision Date:

Ref ID: P/1980/0541
Proposal: PROPOSED EXTENSION TO EXISTING PLANT ROOM AT SWIMMING POOL
Address: CLANRYE AVENUE, NEWRY
Decision:
Decision Date:

Ref ID: P/1976/0216
Proposal: PROPOSED CHANGING PAVILION
Address: JENNINGS PARK, CLANRYE AVENUE, NEWRY
Decision:
Decision Date:

Ref ID: P/1991/0007
Proposal: Gaelic Football Pitch & Associated Car-Parking
Address: ROONEYS MEADOW KILLEAVEY ROAD NEWRY
Decision:
Decision Date:

Ref ID: P/1975/0814
Proposal: PROPOSED TEMPORARY CHANGING PAVILION (REPLACEMENT OF PAVILION)
Address: ADJOINING JENNINGS PARK, CLANRYE AVENUE, NEWRY
Decision:
Decision Date:

Ref ID: P/1982/0250
Proposal: PROPOSED PLAYING FIELDS
Address: ROONEYS MEADOWS, NEWRY
Decision:
Decision Date:

Ref ID: P/2006/0044/F
Proposal: Erection of housing development (revised proposal for 10No. dwellings, with demolition of 4No. existing orlit dwellings)
Address: Lands at Nos 9-12 Clanrye Avenue, Newry
Decision:
Decision Date: 23.08.2008

Ref ID: P/2011/0293/RM
Proposal: Erection of Replacement swimming pool building and associated car parking. (Phase 1)

Address: Rooney's Meadow, Newry, incorporating Frank Curran Park and Jennings Park,
Decision:
Decision Date: 14.07.2011

Ref ID: P/2008/1579/O

Proposal: New leisure centre, car park and new playing fields
Address: Rooney's Meadow, incorporating Frank Curran Park and Jennings Park with new access to site from Cecil Street Newry
Decision:
Decision Date: 14.01.2010

Ref ID: P/1988/6013

Proposal: Hostel for mentally handicapped/housing for disabled persons with warden facilities
Clanrye Avenue Newry
Address: Clanrye Avenue Newry
Decision:
Decision Date:

Ref ID: P/1986/0030

Proposal: 3NO TEMPORARY ACCOMMODATION UNITS
Address: ADJACENT TO NO.5 CLANRYE AVENUE, NEWRY
Decision:
Decision Date:

Ref ID: P/2015/0164/F

Proposal: Proposed housing development with associated siteworks and parking
Address: Lands at Chequer Hill and south of College Gardens, Newry,
Decision:
Decision Date:

Ref ID: P/2000/1494/Q

Proposal: New trunk sewer.
Address: Derrybeg/Craigmore, Newry
Decision:
Decision Date:

Ref ID: P/1995/0110

Proposal: Alterations and extension to dwellings
Address: NOS 1-37 AND 35A KILLEAVY ROAD NEWRY
Decision:
Decision Date:

Ref ID: P/2014/0010/F

Proposal: Erection of a portacabin to be used as a training facility for St John Bosco Boxing Club
Address: St John Bosco Regional Youth Centre, Chequer Hill, Armagh Road, Newry, BT35 6DY,
Decision: PG
Decision Date: 15.04.2014

Ref ID: P/1980/0519
Proposal: PROPOSED SITE FOR NURSERY SCHOOL
Address: KILLEAVY ROAD, NEWRY
Decision:
Decision Date:

Ref ID: P/2013/0519/F
Proposal: New changing room facility and associated site works
Address: Rooney's Meadow, Newry (between Frank Curran Soccer Field and Jack Mackin Gaelic Football Pitch) using existing access from Clanrye Avenue, Newry.,
Decision: PG
Decision Date: 24.09.2013

Ref ID: P/2004/3135/F
Proposal: Erection of fencing to boundary of play area
Address: The Meadow and Armagh Road Community Centre, Whitegates, Killeavey Road, Newry
Decision:
Decision Date: 24.10.2005

Ref ID: P/2005/1514/F
Proposal: Erection of youth room/ I.T. suite & committee office
Address: Meadow and Armagh Road Community Centre, Killeavey Road, Newry
Decision:
Decision Date: 19.01.2006

Ref ID: P/1993/0707
Proposal: Community Centre retail and workshop units with associated landscaping car parking and play area
Address: BETWEEN 65 & 67 KILLEAVY ROAD AND TO THE REAR OF 35-65 KILLEAVY ROAD NEWRY
Decision:
Decision Date:

Ref ID: P/1979/1008
Proposal: SITE FOR NURSERY SCHOOL
Address: KILLEAVY ROAD, NEWRY
Decision:
Decision Date:

Ref ID:
Proposal: Phase 2 of New Leisure Centre (follow on application to P/2011/0293/RM) comprising new sports halls, fitness suites, cafe, multi-purpose rooms, associated changing facilities and car park
Address: Rooney's Meadow
Clanrye Avenue
Newry incorporating Frank Curran Park and Jennings Park with new access to site taken off Cecil Street

<p>Newry Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05
Type: Proposed Floor Plans
Status: Submitted

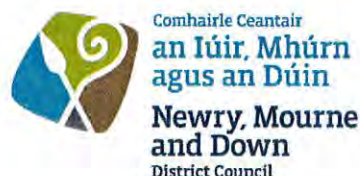
Drawing No. 07
Type: Roof Details
Status: Submitted

Drawing No. 02
Type: Site Location Plan
Status: Submitted

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: P/2014/0957/F	Target Date:
Proposal: Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC	Location: 12 Seaview Warrenpoint BT34 3NJ
Referral Route: This application has received a total of 8 objections from 8 different addresses and the breifing panel at the 21 st April 2015 recommended that this proposal was brought to the next available Planning Committee for decision.	
Recommendation:	Approval
Applicant Name and Address: Julie McLarnon 48 Drumdreenagh Road Rathfiland BT34 5NG	Agent Name and Address: Sarah MacAuley Architect 96 Orby Drive Belfast BT5 6AG
Executive Summary: This application seeks approval to change the ground floor apartment into a financial services office, the site is located within Warrenpoint Town Centre and within an Area of Townscape Character. It has received a total of 8 objections. Despite concerns raised the proposal complies with planning policy in that it is situated within an area where it is policy to encourage a mix of uses. The replacement of a single apartment with a commercial office unit will not adversely undermine that character of the area and the car parking in the area is sufficient to serve the limited numbers of staff who will be employed in the unit.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Newry & Mourne District Council	Substantive Response Received
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received

Representations:

Letters of Support	1
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Existing residential apartment within the designated Town Centre of Warrenpoint
 Potential loss of residential character
 Car parking spaces
 Impact on Area of Townscape Character.

Characteristics of the Site and Area

Site consists of a three storey mid-terrace dwelling, 12 metres in height above Finished Floor Level, that is currently in use as three apartments, one on each floor, the dwelling has a front return that extends to a ridge that is 0.8 metres below the roof ridge. There are decorative features above the front windows on the ground and first floor and above the front door, the dwelling is finished in a cream coloured render. The site is located within the designated town centre of Warrenpoint which is also an Area of Townscape Character. There is no recent planning history on the site.

The site is located close to the edge of Warrenpoint Town Centre, next door is The Balmoral Hotel, on the opposite side are 2 similar dwellings both of which appeared to have converted to apartments. On the corner of Seaview and Queen Street a three and a half storey building has been constructed with apartment on the upper levels but with a commercial unit on the street corner, around this corner is part of the main commercial centre of Warrenpoint with a number of

shops. Across Queen Street is the Whistledown Hotel and Warrenpoint Town Park, on the opposite side of the Balmoral Hotel there area becomes residential with large three storey terraced dwellings of a similar form to the application site.

Planning Assessment of Policy and Other Material Considerations

Planning Policy State 5 Retailing and Town Centres

The proposal seeks a change of use to a Class A2 office, therefore PPS 5 is the appropriate policy.

Paragraph 23

"A compact and attractive shopping environment is important in that it promotes choice and convenience. Within primary retail core areas, the Department will control non-retail uses at ground floor level. Applications for change of use from shop to local services, such as building society offices, banks and estate agents, restaurants or hot-food take-away premises may be acceptable except where:

- there would be a significant loss of retail floorspace at ground level;
- a clustering of non-retail uses is created; or
- the area overall is tending to be dominated by non-retail uses.

Within town centres, but outside the primary retail core, proposals for local services' offices and food uses will be determined on their merits. In smaller towns, where retailing and services are grouped together in the town centre, each case will be determined on the potential impact on the centre itself."

The site is located within a town centre in which there is a variety of uses currently present despite it being primarily residential, Warrenpoint is a significant centre in its own right and therefore I consider that the provision in Paragraph 23 relating to smaller centres does not apply. Paragraph 25 of the policy envisions town centres as being the preferred location for Class A and other related uses. Therefore the proposal would comply with the policy in that it seeks to locate an A2 office use within an existing town centre, which would lead both employment use within an appropriate location.

Addendum to Planning Policy Statement 6, Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character

"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."

The proposal does not propose any demolition to the front elevation of the building nor are any alterations to this elevation proposed, the existing decorative features on the front of the building are to be retained. The only external alterations will be at the rear where an external toilet is proposed to be brought into the interior of the building. The submitted plan shows a sign on the front elevation of the building, this will require separate consent under the Advertisements Regulations and any sign must comply with the requirements of Policy ATC 3 of the addendum.

Planning Policy Statement 3 Access, Movement and Parking, Parking Standards

For Class A2 uses a parking provision of 1 space per 20 square metres of Gross Floor Area is

stipulated, there are 100 square metres and the anticipated numbers of staff will be 3, with 3 daily customers. This results in a requirement for 5 spaces. The site is located in a town centre area which is readily served by public transport, there is parking available along Seaview, Queen Street and other streets in the vicinity of the site. While there is a heavy demand for parking at weekends and during public holidays, this will happen outside of office hours and therefore it is considered that on site car parking is not necessary in this situation.

CONSULTATIONS

Environmental Health No objections to the proposal.

Transport NI No objection provided that the Department has no requirement for dedicated parking, this has been addressed above.

Third Parties To date a total of 7 objections have been received from nearby residents, all but one of the objectors live outside of the Town Centre of Warrenpoint, 4 reside further along Seaview while 2 have given their addresses as being in Rostrevor. All of the objectors have raised concerns that approval of this proposal will affect the residential character of the area and cause it to become more commercial, some have also questioned the availability of parking to service the development. In relation to the character of the area the site is situated within the Town Centre of Warrenpoint where it is the planning authority's policy to ensure that there is a diversity of uses, while an apartment would be lost if the proposal is approved the area would remain strongly residential in character. An approval would not create a precedent for the conversion of other dwellings along Seaview outside of the Town Centre, while it is possible to convert an office unit to a retail one without planning permission under the provisions of the Use Classes Order, the permitted development rights can be revoked by the grant of planning permission.

CONCLUSIONS AND RECOMMENDATION

The proposal seeks to change a residential apartment into a Class A2 office, the third parties have expressed a desire that the area should remain residential but given the presence of the hotel and the nearby commercial unit the area is already mixed use in character, a Class A2 office will have less impact than a Class A1 shop and will not undermine the character significantly. In addition there should be sufficient car parking in the vicinity of the site to cater for the development.

Approval is recommended, consider restricting the use rights to prevent the office being changed into a Class A1 unit without permission.

Neighbour Notification Checked

Yes

Summary of Recommendation: All material considerations have been assessed, the site is located within an area where policy is to promote a diversity of land uses, a subsequent change of use to retail unit can be prevented by the imposition of a condition. The proposal will not adversely affect the character of the ATC and there is sufficient car parking available to serve the unit.

Conditions

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The premises shall be used only for A2 and for no other purpose in Use Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

REASON: To prohibit a change to an unacceptable use within this Use Class.

Signature(s)

Date:

ANNEX	
Date Valid	20th November 2014
Date First Advertised	17th December 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10A Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 10B Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 10C Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, Colm McGuinness 11 Seaview Ringmackilroy Warrenpoint Rose McGuinness 11, Seaview, Warrenpoint, Down, Northern Ireland, BT34 3NJ The Owner/Occupier, 12 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 14 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 15 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 16 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 2 Slieve Foy Place, Ringmackilroy, Warrenpoint, Down, BT34 3NR, The Owner/Occupier, 22 Queen Street, Ringmackilroy, Warrenpoint, Down, BT34 3HZ, The Owner/Occupier, 31 Seaview Ringmackilroy Warrenpoint The Owner/Occupier, 72 Newtown Road Kilbroney Upper Rostrevor The Owner/Occupier, 8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, 9 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, Peter Clerkin Crotlieve House, Kilbroney Road, Rostrevor, Co Down, BT34 3BD The Owner/Occupier, Flat 2, 8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, Flat 3, 8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, Flat 4, 8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, Flat 4B, 18 Seaview Mews, Warrenpoint, Newry, Co Down, Bt34 3nj The Owner/Occupier, Flat 5, 8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ,</p>	

<p>The Owner/Occupier, Flat 6,8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, Flat 7,8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, Flat 8,8 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, David Crozier Navigator Financial Planning, 3B Milltown Hill, Milltown, Warrenpoint, Down, BT34 3QY, The Owner/Occupier, St Andrews, 13 Seaview, Ringmackilroy, Warrenpoint, Down, BT34 3NJ, The Owner/Occupier, The Balmoral Seaview Ringmackilroy</p>	
Date of Last Neighbour Notification	17th December 2014
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: P/1976/0337 Proposal: PROPOSED RENOVATION OF EXISTING DWELLING Address: GLASDRUMMAN, CROSSMAGLEN Decision: Decision Date:</p>	
<p>Ref ID: P/1985/1001 Proposal: EXTENSION AND ALTERATIONS TO EXISTING FUNCTION ROOM Address: BALMORAL HOTEL, 13 SEAVIEW, WARRENPOINT Decision: Decision Date:</p>	
<p>Ref ID: P/2006/2429/F Proposal: Extension & alterations to existing premises to provide 12 en-suite bedrooms, disabled lift, fire escape staircase & storage facilities Address: The Balmoral, Seaview, Warrenpoint (adjacent to No.12 Seaview) Decision: Decision Date: 04.08.2008</p>	
<p>Ref ID: P/2002/0733/F Proposal: Alterations & extension to existing premises (amended scheme) Address: The Balmoral, Seaview, Warrenpoint., (adjacent to 12 Seaview) Decision: Decision Date: 11.10.2003</p>	
<p>Ref ID: P/2004/0189/F Proposal: Proposed alterations and extension to provide new off-sales, keg store, service lift and boiler house to rear of existing premises</p>	

Address: The Balmoral, Seaview, Warrenpoint (adjacent to No.12 Seaview)

Decision:

Decision Date: 04.08.2004

Ref ID: P/1990/4067

Proposal: Extension to dwelling

Address: NO11 SEAVIEW WARRENPOINT

Decision:

Decision Date:

Ref ID: P/2014/0957/F

Proposal: Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC

Address: 12 Seaview Warrenpoint BT34 3NJ,

Decision:

Decision Date:

Ref ID: P/2001/0577/F

Proposal: Erection of 2 storey bay window.

(Amended Elevations)

Address: The Balmoral, Seaview, Warrenpoint.

Decision:

Decision Date: 19.02.2002

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02

Type: Detailed Drawing Plans

Status: Submitted

Drawing No. 01

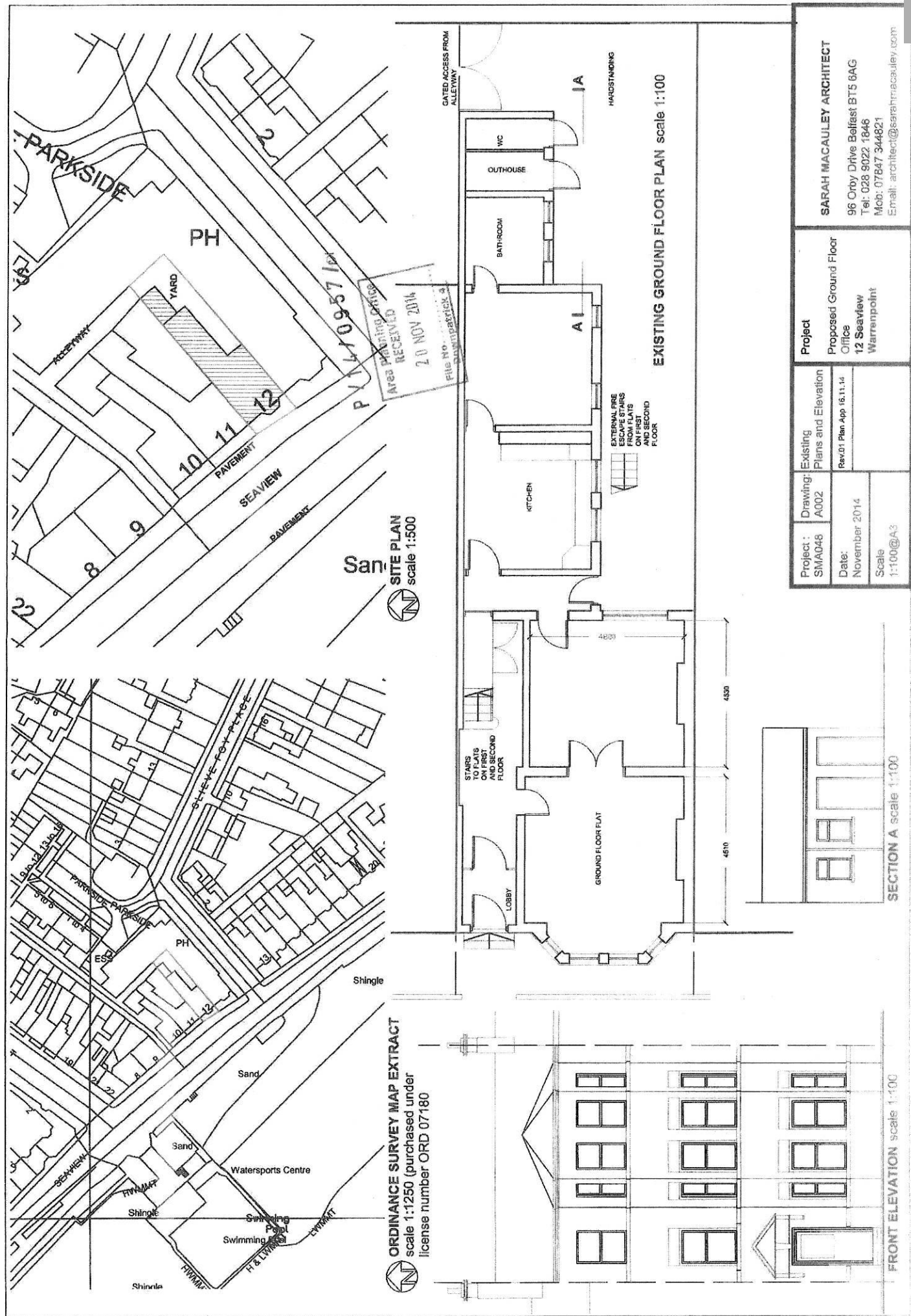
Type: Detailed Drawing Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



ORDNANCE SURVEY MAP EXTRACT
 scale 1:1250 (purchased under
 license number ORD 07180)

SITE PLAN
 scale 1:500

EXISTING GROUND FLOOR PLAN scale 1:100

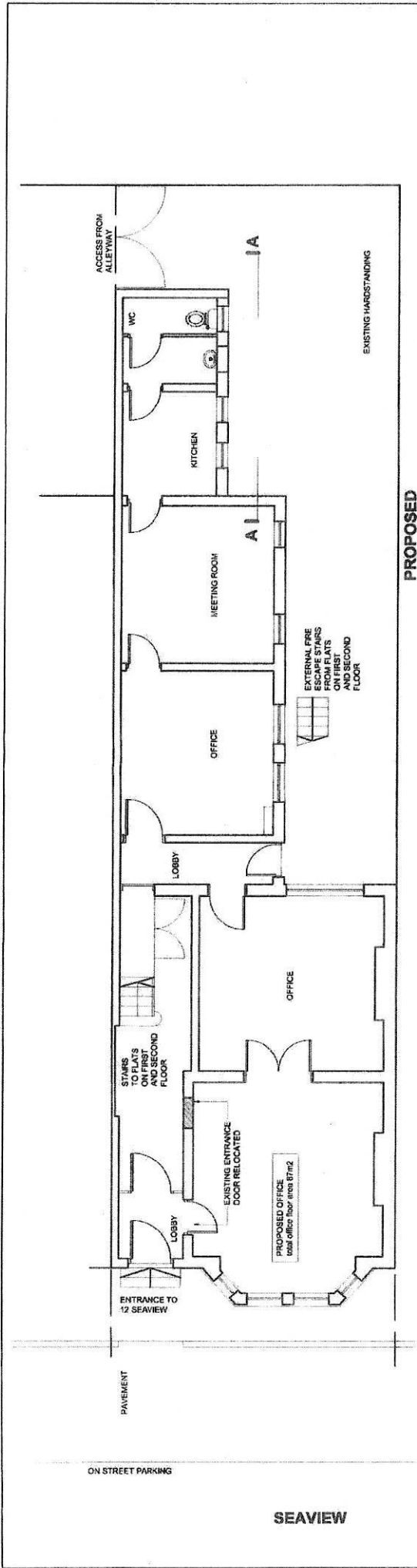
FRONT ELEVATION scale 1:100

SECTION A scale 1:100

Project: SMA0048	Drawing: A002	Existing Plans and Elevation Rev:01 Plan App 16.11.14	Project Proposed Ground Floor Office
Date: November 2014	Scale 1:100@A3		Proposed Ground Floor 12 Seaview Warrenpoint

SARAH MACAULEY ARCHITECT
 96 Orby Drive Belfast BT5 6AG
 Tel: 028 9022 1846
 Mob: 07847 344821
 Email: architect@sarahmacauley.com

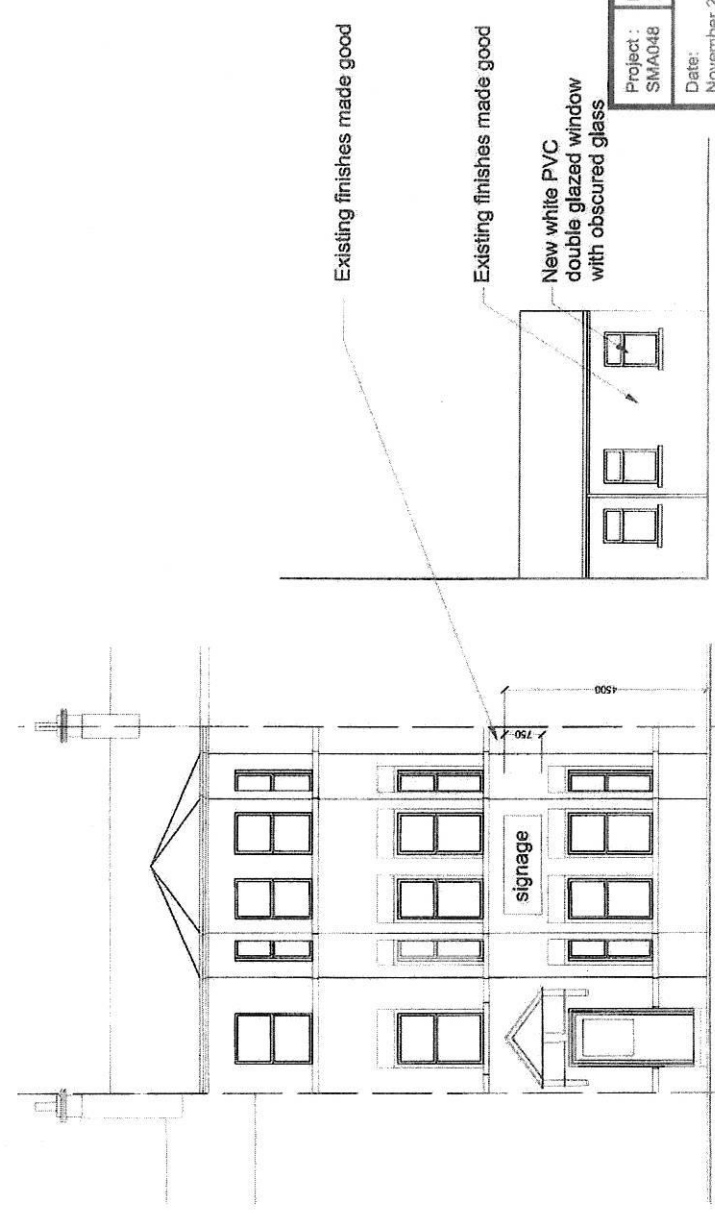
Area Planning Office
 RECEIVED
 20 NOV 2014
 File No. 14/0957/F
 Planning Application 2



PROPOSED GROUND FLOOR PLAN scale 1:100

P174/0057/02
 Area Planning Office
 20 NOV 2014
 File No. D2014/0057/02

NOTES	OFFICE SIZE Area of office spaces: 87m2 Area of ancillary spaces: 13m2 TOTAL INTERNAL AREA: 100m2 TOTAL GROSS AREA (including wall thickness): 120m2
OFFICE DETAILS	STAFF 5 no. staff OPENING HOURS Monday - Friday 9am - 5pm
REFUSE COLLECTION	Alternatis weekly collection: 1 no. 180l mixed waste 1 no. 180l recycling



PROPOSED FRONT ELEVATION scale 1:100
SECTION A scale 1:100

Project: SMA048	Drawing: A001	PROPOSED Plans and Elevation Rev.01 Plan App 16.11.14	Project Proposed Ground Floor Office 12 Seaview Warrenpoint	SARAH MACAULEY ARCHITECT 96 Orby Drive Belfast BT5 6AG Tel: 028 9022 1846 Mob: 07647 344821 Email: architect@sarahmacauley.com
Date: November 2014	Scale 1:100(A3)			

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 13 May 2015	Item Number:
Application ID: P/2014/0960/F	Target Date:
Proposal: Proposed change of use of existing shop to chip shop and associated off-licence.	Location: 4A Dorans Hill Newry.
Referral Route: Application has received at least 6 objections from 6 different addresses. Application has been brought to the Planning Committee at the request of the Briefing Panel.	
Recommendation:	Approval
Applicant Name and Address: Micheal McGuinness 4a Dorans Hill Newry	Agent Name and Address: Cormac McKay 31 Yellow Road Hilltown BT34 5UD
Executive Summary: Application seeks a change of use for an existing retail unit into a hot food takeaway and off licence, it has attracted significant opposition from nearby residents due to concerns over traffic, odours and other potential nuisances.	
Signature(s):	

Case Officer Report		
Site Location Plan		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Newry & Mourne District Council	No objections subject to conditions
Non Statutory	NI Transport - Downpatrick Office	No Objection
Non Statutory	NI Water - Single Units East - Planning Consultations	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	20	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
<p>The site lies within the settlement development limit of Newry in the Banbridge, Newry & Mourne Area Plan 2015. There is a small parking area of 4 spaces located to the northern side of the site, the unit is orientated so that it's front door faces to the east looking downhill, the gable end of the shop faces on to Dorans Hill to the south and has a window. There is no planning history on the site itself.</p> <p>The site is located within a built up residential area, the Barcroft Park estate is located on the opposite side of Dorans Hill from the site, Raymond Kelly Park is located to the north and east while there is a single storey detached dwelling, Number 4 Dorans Hill, to it's immediate west seperated from the site by an entrywayThe area is located on the side of a hill and there is a sharp rise up in levels from east to west, this results in Number 4 being at a significantly higher ground level than the site. There is a significant occurance of on street car parking in the vicinity of the site especially in the evenings.</p>		

Planning Assessment of Policy and Other Material Considerations

The proposal has attracted 20 objections to date, issues of concern include:-

- _car parking and traffic flow
- _noise
- _litter
- _anti-social behaviour

Prior to the Planning Committee Briefing Panel, two representations were made by Councillors. The two representations reiterated the concerns of the residents outlined above. Issues relating to anti-social behaviour and litter are the responsibility of the PSNI and of the Council. Issues relating to noise and car parking are dealt with below.

Planning Policy Statement 1 General Principles

Paragraph 59 states that applications for development will be permitted subject to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is considered that this proposal, if implemented, will not cause demonstrable harm and hence there is a presumption in favour of development in this case.

Planning Policy Statement 3 Access, Movement and Parking

Transport NI in it's consultation response stated that it had no objections subject to Planning being satisfied about off street parking. There is no requirement for this. 4 cars can be accommodated in the parking area indicated.

Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets

The proposal affects a stand alone retail unit that is located outside of the designated city centre of Newry, there are no other retail units in it's vicinity so the unit doesn't qualify as being a local centre. Section 5 of the DCAN contains guidance on the issues most likely to be caused by a business of this type.

"Noise Disturbance

5.3 Whilst residential areas are likely to be sensitive to noise disturbance, it can also be a serious problem in town centres and in areas where commercial activities dominate but where there may be residential accommodation beside or over the proposed use.

5.4 Noise associated with restaurants, cafés and fast food outlets emanates from a variety of sources, the main ones being:

-vehicles - starting, revving of engines, screeching of tyres, sounding of horns, radios playing, opening and closing of doors, manoeuvring; -people - the comings and goings of customers and staff (talking, shouting); -use of equipment associated with catering establishments.

5.5 These sources of noise are especially noticeable in the late evening when local residents have a legitimate expectation that surrounding background noise levels will remain low. In that respect, take-away uses, which often generate frequent vehicle and pedestrian movements, can be particularly annoying and unacceptable. The weight that the Department will attach to noise disturbance will be greater where there is an increased likelihood that customers will seek to park close to the premises, or in nearby residential streets.

5.6 Objections to planning proposals, based on the harmful effects of noise, may, however, be overcome by means of planning conditions attached to a grant of permission in appropriate cases. If the Department is not satisfied that such objections can be overcome by the imposition

of conditions, the application will be refused.

5.7 Conditions designed to prevent noise disturbance will generally involve or require some, or all of the following:

- Restrictions on hours of opening (in predominantly residential areas).
- Restrictions on Sunday opening.
- Restrictions on the use of land within the curtilage of the premises e.g. open areas at the front or rear of the premises.
- Sound-proofing of the premises i.e. walls and ceilings.
- Double-glazing of windows and installation of self-closing external doors.
- The prevention or restriction of live or amplified music."

Smells and Fumes

5.8 Objections based on the likely impact on amenity of smells and fumes, particularly in relation to nearby residential property, are among the most common objections to which proposed restaurants, cafés and fast food outlets give rise.

5.9 Although nuisance caused by the unpleasant effects of smells and fumes emanating from food preparation areas can be considerably reduced by modern filtering and extraction equipment, residual odour often proves detrimental to residential amenity, particularly if there are a number of such uses in close proximity to one another. The problem can be exacerbated if ducting cannot be installed to a height sufficient to ensure efficient dispersal of smells or if topographical and atmospheric conditions combine to impair such dispersal. Where high levels of odours or inadequate odour dispersal are anticipated, an active odour abatement system may be required e.g. activated carbon or the use of electrostatic precipitation combined with odour neutralisation after the main grease filters in the canopy. The adoption of such a system coupled with atmospheric dispersion and dilution represents the best practicable means of mitigating odour nuisance.

5.10 If unacceptable smells and fumes cannot be prevented by means of effective low or high level ducting, or if ducting cannot be installed without significant detriment to visual amenity, planning permission will be refused.

5.11 Generally, conditions to prevent smell nuisance will involve or require the following:

- Approval by the Department of a scheme for the extraction of cooking odours.
- Installation of equipment before commencement of the use and maintenance thereafter.
- Appropriate siting and design of ducting and other external equipment.

Environmental Health has been consulted on this application, and has stated that there are no objections subject to the implementation of conditions to control odours. In relation to Paragraph 5.9 there are no other take aways in the vicinity of the site so there is no issue of an accumulation of uses.

Following on from the initial consultation response with Environmental Health, a meeting was held with Environmental health to discuss the most appropriate conditions to be placed on the planning decision. In order to protect/ safeguard the amenity of adjoin residents and avoid any negative impacts in terms of noise/ smells/ odour, it was agreed that negative conditions relating to the installation of an odour abatement system and ventilation ducting should be attached to any decision. Details for both the odour abatement system and the ventilation ducting must be submitted prior to the opening of the premises hereby approved. It was also agreed that a time condition restricting the opening hours of the premises should also be included on any decision

notice. Subject to the imposition of these conditions as well as two general conditions concerning plant/equipment and waste outlined in the initial consultation response, Environmental Health confirmed that they do not object to the development proposed.

"Traffic considerations and car parking

5.17 Restaurants, cafés and fast food outlets often give rise to concerns about their effect in terms of traffic flow, road safety and car parking, and the following matters will be taken into account by the Department in coming to its decisions on applications for restaurants, cafés and fast food outlets.

- The planning history of the site.
- The existing use of the site.
- Existing traffic conditions.
- The availability of public transport.
- The availability of public parking provision.
- The implications for the amenity of the surrounding area (particularly if predominantly residential).
- The availability of private parking provision, where required.

5.18 Fast food outlets are often located on busy urban or suburban main roads, and experience has shown that a significant proportion of their trade is car borne and short-stay. Where there is limited or no parking, either outside or in the immediate vicinity of the premises, customers may be tempted to indulge in short stay parking of an opportunistic and possibly dangerous nature, for example, near to junctions and traffic lights or within the approaches to pedestrian crossings. Combined with the manoeuvring of vehicles (in order to park in a confined space, for example) and the additional movements of vehicles stopping at and leaving the premises, the free flow of traffic on the main roads can be obstructed, causing congestion and inconvenience and jeopardising the safety of other road users.

5.19 In such circumstances, the Department may have to refuse planning permission or to impose conditions on a restaurant use, for example, to prevent its use as a take-away (this will be inappropriate where the use is ancillary). Applicants may therefore wish to consider other options such as locating on secondary roads or a location not directly fronting onto a highway, which would satisfy traffic/car parking considerations.

5.20 Inadequate car parking provision may also lead to an increase in parking in adjacent streets where parking problems may already exist, causing inconvenience to residents. Restaurants, cafés and fast food outlets cause most parking problems in the evenings and at weekends when the demand for on-street parking spaces by residents is heaviest. The Department will have regard to the availability of kerbside spaces and any off-street parking provision. Planning permission may be refused if customer and staff car parking would prevent local residents from parking their cars near to their homes.

5.21 Adequate arrangements must also be made for the servicing of the premises, both by delivery vehicles and for refuse collection. Ideally this should occur away from the main road.

5.22 It is important that each case is decided on its own specific merits and that advice from DRD Roads Service is fully considered."

As stated above Transport NI has no objection to the proposal,

Planning Policy Statement 5 Retailing and Town Centres

The proposal is for a small scale unit that will not affect the vitality and viability of any town

centre.

CONCLUSIONS AND RECOMMENDATION

In light of the above assessment of planning policy and other material considerations, it is recommended to the Planning Committee that this application should be approved. Statutory consultees have confirmed that they are content with the proposal, subject to appropriate conditions, including negative conditions. The concerns of the objectors have been fully considered and the amenity of the area can be safeguarded via the attached conditions. Given these factors, as well the previous use of the unit as a local shop and the presumption in favour of development set out in PPS 1 it recommended that this proposal is approved.

Neighbour Notification Checked

Yes

A total of 71 properties were notified, 20 letters of objection were received.

Summary of Recommendation:

While there is significant local opposition to the proposal, no demonstrable harm to the amenity of local residents has been established through the consultation process. Issues relating to odours, noise, traffic and car parking can be controlled through appropriate conditions.

Conditions/Reasons for Refusal:

Conditions

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall not become operational until 4 car parking spaces have been laid out in the area marked as "car parking" on stamped approved drawing No. 02, received on November 21st 2014 and permanently retained thereafter.

Reason: To ensure that there is an adequate supply of car parking to serve the development.

3. A proprietary odour abatement system shall be installed to suppress and disperse odours created from operations on the premises. Ventilation ducting shall also be installed and shall terminate at a height not less than 1m above the ridge height of the building and should be directed away from nearby properties. Details of both the odour abatement system and the ventilation ducting shall be submitted to and approved by the Newry, Mourne and Down District Council prior to the opening of the premises hereby approved.

Reason: To protect the amenity of adjoining residents and nearby properties.

4. The premises should not remain open for business prior to 09.00 hours or after 23.00 hours.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

5. All plant and equipment used in connection with the premises should be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings

Reason: To protect the amenity of adjoining neighbours and nearby properties.

6. Waste should be stored and disposed of in a manner so as not to cause a nuisance to neighbouring properties.

Reason: To protect the amenity of adjoining residents and nearby properties.

Informatives

Signature(s)

Date:

ANNEX	
Date Valid	21st November 2014
Date First Advertised	17th December 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Barcroft Park Ballinlare Newry</p> <p>The Owner/Occupier, 1 Hillside Terrace, Ballinlare, Newry, Down, BT35 8EL,</p> <p>The Owner/Occupier, 10 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,</p> <p>The Owner/Occupier, 10 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH, Raymond McGuigan</p> <p>11 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, Brendan Torley</p> <p>11 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH, The Owner/Occupier,</p> <p>12 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN, The Owner/Occupier,</p> <p>12 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH, The Owner/Occupier,</p> <p>13 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, The Owner/Occupier,</p> <p>13 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH, The Owner/Occupier,</p> <p>14 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN, The Owner/Occupier,</p> <p>14 Raymond Kelly Park Ballinlare Newry The Owner/Occupier,</p> <p>15 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, and Maureen Watson</p> <p>15 Raymond Kelly Park Ballinlare Newry The Owner/Occupier,</p> <p>157 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, The Owner/Occupier,</p> <p>159 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, The Owner/Occupier,</p> <p>16 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN, The Owner/Occupier,</p> <p>16 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH, The Owner/Occupier,</p> <p>161 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, The Owner/Occupier,</p> <p>163 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW, The Owner/Occupier,</p> <p>165 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,</p>	

The Owner/Occupier,
 167 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 169 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 17 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 17 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 170 Barcroft Park, Ballinlare, Newry, Down, BT35 8EP,
 The Owner/Occupier,
 171 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 172 Barcroft Park, Ballinlare, Newry, Down, BT35 8EP,
 The Owner/Occupier,
 173 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 174 Barcroft Park, Ballinlare, Newry, Down, BT35 8EP,
 The Owner/Occupier,
 176 Barcroft Park, Ballinlare, Newry, Down, BT35 8EP,
 The Owner/Occupier,
 18 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,
 18 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 19 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 Leo McGrath
 19 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 2 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,
 2 Hillside Terrace, Ballinlare, Newry, Down, BT35 8EL,
 The Owner/Occupier,
 2,4B Dorans Hill, Ballinlare, Newry, Down, BT35 8EL,
 The Owner/Occupier,
 20 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,
 20 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 21 Barcroft Park, Ballinlare, Newry, Down, BT35 8EW,
 The Owner/Occupier,
 21 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 22 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,
 22 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 Marjorie Lambe
 23 Raymond Kelly Park, Ballinlare, Newry, Down, BT35 8EH,
 The Owner/Occupier,
 24 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,
 24 Raymond Kelly Park Ballinlare Newry
 The Owner/Occupier,
 26 Barcroft Park, Ballinlare, Newry, Down, BT35 8EN,
 The Owner/Occupier,

3 Barcroft Park,Ballinlare,Newry,Down,BT35 8EW,
 The Owner/Occupier,
 3 Hillside Terrace,Ballinlare,Newry,Down,BT35 8EL,
 The Owner/Occupier,
 3 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 4 Barcroft Park,Ballinlare,Newry,Down,BT35 8EN,
 The Owner/Occupier,
 4 Dorans Hill Ballinlare Newry
 The Owner/Occupier,
 4 Hillside Terrace,Ballinlare,Newry,Down,BT35 8EL,
 The Owner/Occupier,
 4 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 4A Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,
 The Owner/Occupier,
 5 Barcroft Park,Ballinlare,Newry,Down,BT35 8EW,
 The Owner/Occupier,
 5 Hillside Terrace,Ballinlare,Newry,Down,BT35 8EL,
 The Owner/Occupier,
 6 Barcroft Park Ballinlare Newry
 The Owner/Occupier,
 6 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 7 Barcroft Park,Ballinlare,Newry,Down,BT35 8EW,
 The Owner/Occupier,
 7 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 8 Barcroft Park,Ballinlare,Newry,Down,BT35 8EN,
 The Owner/Occupier,
 8 Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,
 Ronan McShane
 8 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 9 Barcroft Park,Ballinlare,Newry,Down,BT35 8EW,
 The Owner/Occupier,
 9 Raymond Kelly Park,Ballinlare,Newry,Down,BT35 8EH,
 The Owner/Occupier,
 Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,
 The Owner/Occupier,
 Hildene,6 Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,
 The Owner/Occupier,
 Homeleigh,Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,
 The Owner/Occupier,
 Townview,Dorans Hill,Ballinlare,Newry,Down,BT35 8EJ,

Date of Last Neighbour Notification	11th December 2014
Date of EIA Determination	
ES Requested	No

Planning History Ref ID: P/2014/0960/F Proposal: Proposed change of use of existing shop to chip shop and associated off-licence. Address: 4A Dorans Hill, Newry., Decision: Decision Date:
Summary of Consultee Responses No objections from consultees subject to appropriate conditions.
Drawing Numbers and Title
Drawing No. 02 Type: Detailed Drawing Plans Status: Submitted Drawing No. 03 Type: Proposed Plans Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

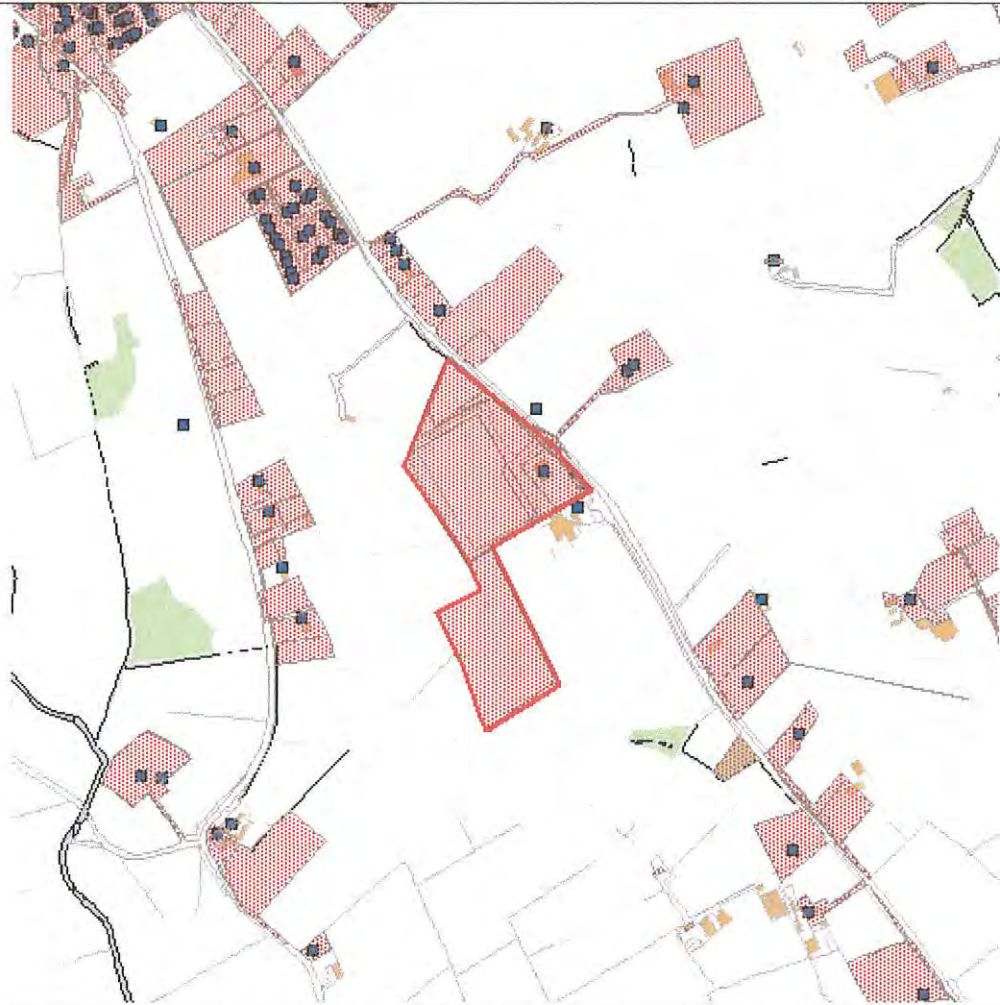


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 13th May 2015	Item Number:
Application ID: P/2015/0124/F	Target Date:
Proposal: Proposed new training field, ball stops, flood lighting and dug-outs as previously approved under application P/2009/1111/F	Location: Immediately south of St Patrick's GFC playing field on the Tullinavall Road Cullyhanna Newry BT35 0PZ
Referral Route: Major application, development site exceeds 1 hectare as defined in The Planning (Development Management) Regulations (Northern Ireland) 2015	
Recommendation:	Approval
Applicant Name and Address: St Patricks GFC Cullyhanna c/o 4 Forge Road Cullyhanna Newry BT35 0LA	Agent Name and Address: Moy Design 26 Clover Hill Moy Dungannon
Executive Summary: Proposed new training field, ball stops, flood lighting and dug-outs as previously approved under application P/2009/1111/F	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Sports Council	No Objection
Non Statutory	NI Transport - Downpatrick Office	No Objection
Non Statutory	Env Health Newry & Mourne District Council	Substantive Response Received

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Characteristics of the Site and Area

The site is located to the SE of the settlement of Cullyhanna within the open countryside. The application site is situated to the S of the existing St Patricks GFC which includes an existing playing field, community centre, clubhouse and car parking. Ground at the site is located on elevated ground on former agricultural land, with land falling gently away from N to S.

The area is characterised by predominantly agricultural land with a dispersed settlement pattern, located to the SE of the settlement of Cullyhanna. Development within the vicinity includes playing fields and community centre with a relatively large farm holding to the east.

Planning Assessment of Policy and Other Material Considerations

Banbridge/ Newry and Mourne Area Plan 2015 - Unzoned within the open countryside

No third party representations were received

NIEA Water Management Unit previously raised concerns under application P/2009/1111/F about the potential for contaminated run off from the site and recommended that diverting all surface water on site to lagoons is good practice. Proposals included 4 settlement ponds to the SW corner of the site measuring 2m deep. The current proposals show no change in the position of the lagoons or ground levels from what was previously approved. The consultation from NIEA Water Management in relation to P/2009/1111/F remains applicable within the current application.

Consultations

Transport NI (1st April 2015) - No objection

Environmental Health (27th March 2015) - Acknowledges that floodlighting is close to residential properties, should planning recommend approval they have no objection in principle subject to a condition requesting a Light Impact Assessment prior to commencement of development.

Sports NI (23rd April 2015) – No objection

Planning History

P/2009/1111/F - Immediately South of St Patricks GFC playing field on the Tullynavall Road, Cullyhanna. Proposed new training field, ball stops, flood lighting and dug-outs. Approved 9th February 2010 (Application site)

P/2015/0003/F - Replace existing grass pitch with new 3G multi sports pitch, with new fences, ball stops and flood lighting. Within the grounds of St Patricks GFC Tullynavall Road, Cullyhanna, Newry. (Current application, adjacent and NE)

Assessment of Policies

PPS1: General Principles, PPS3: Access, Movement and Parking, PPS8: Open Space, Sport and Outdoor Recreation, PPS15: Planning and Flood Risk, PPS21: Sustainable Development in the Countryside, DCAN 11: Access for All and DCAN 15: Vehicular Access Standards

PPS3: Transport NI in their consultation response dated the 1st April 2015 have no objections

PPS8: Policy OS3 (Outdoor Recreation in the Countryside)

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

Not applicable

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Proposals will result in the loss of agricultural land which is within the full ownership and control of St Patricks GFC. Development at this location is unlikely to impact on nearby agricultural activities and no third party representations have been received to highlight any concerns in relation to this

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

There are already existing playing and club facilities associated with St Patricks GFC immediately adjacent and N/NE of the site. Proposals will merely extend this area which is already part of the character of this locality, development proposals will not appear misplaced at this location. Additional landscaping has been proposed along the boundaries of the site which will assist integration

(iv) there is no unacceptable impact on the amenities of people living nearby;

There are already existing playing fields adjacent to properties No. 33 Tullynavall Road and the community centre, the current proposal will be located some 120m away from these properties and access is from the existing entrance. It is unlikely that there will be any additional impact to amenity given the separation distance. Floodlighting is proposed around the boundary of the playing field however public health in their consultation response dated 27th March 2015 have raised no objection in principle subject to condition. It should also be noted that the number of hinged lights to each flood light pole comprises of 3 in comparison to 4 on the originally approved flooding scheme of P/2009/1111/F so light levels may be slightly lowered.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

These proposals are ancillary to the main St Patricks GFC playing fields and community uses, the existing access will be used and Transport NI have raised no concerns in relation to road safety.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

No ancillary buildings or structures are proposed, the development is in keeping with the neighbouring land uses.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

The proposed layout of the playing field has levelled surface areas to accommodate disabled users and as an extension to existing facilities these needs can be adequately met. As the development is situated close to the settlement limits of Cullyhanna there is also opportunity for access to public transport facilities and sufficient means within the site to accommodate other vehicles besides private cars.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

Transport NI in their consultation dated 1st April 2015 have raised no concerns in relation to potential for additional vehicular traffic

All criteria of Policy OS3 has been met

OS7 (The Floodlighting of Sports and Outdoor Recreational Facilities)

i) there is no unacceptable impact on the amenities of people living nearby;

Environmental Health in their consultation response dated 27th March 2015 has raised no objections in relation to impact to amenity. The nearest neighbour to the floodlighting is some 120m and is separated from this area by a large agricultural shed to the rear of this property, impact to amenity is minimal.

ii) there is no adverse impact on the visual amenity or character of the locality; and

The site immediately abuts the existing St Patricks GFC where there is already some floodlighting in place at the site. Additional floodlighting proposed in the application will not have a significant impact over and above what currently exists and therefore will not have an additional adverse impact on the visual amenity or character of the locality.

(iii) public safety is not prejudiced.

No likely impact to public safety

All the criteria of OS7 has been met

PPS21 (CTY 1 - Development in the Countryside):See consideration of PPS8

Neighbour Notification Checked

Yes

Summary of Recommendation:

The site previously benefitted from planning permission for a training field, ball stops, flood lighting and dug-outs under planning reference P/2009/1111/F, the current proposals submitted are generally the same apart from the floodlighting detail. Overall proposals fully met planning policy and there have been no third party representations in relation to proposals. It is therefore recommended to approve the application

Conditions:

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Prior to the commencement of this development the applicant shall submit to Newry, Mourne and Down District Council (Planning) a Light Impact Assessment – Zone E2 for its approval. Such report to be completed by a qualified Lighting Engineer and shall include:

- Character of the area and the surrounding area which may be affected
- Details of the make, size, type and number of lamps fitted within any luminaries or floodlight
- The location, orientation and mounting height of the luminaries/ floodlights specified
- Quantitative information of the proposed lighting (Isolux diagrams/plots, horizontal and vertical illuminance)
- Frequency and length of use in terms of hours of illumination during the summer and winter
- Mitigation of impact

Particular attention should be given to:

- a). Vertical illuminance levels at the nearest sensitive receptor locations in order to consider overspill. Consideration should be given to residential properties taking into account receptors property construction example single storey
- b). Details of how the design will prevent loss of amenity due to glare

Reasons: In the interest of local amenity

3. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development in accordance with the stamped approved drawing 2C which was received on 16th February 2015.

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

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

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

Informatives

1. This decision notice relates to drawing Nos 3A, 6A, 1305-ib, 4A, 2C and 01 which were received on 16th February 2015

2. All fuel stored onsite should be within impermeable containment and all refuelling, if done

on site, be carried out within a hardstanding area with secondary containment in case of a fuel spill.

3. It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

4. All floodlighting shall be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ

5. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

6. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Informatives

Signature(s)

Date:

ANNEX	
Date Valid	16th February 2014
Date First Advertised	25th February 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 24 Tullynavall Road Tullynavall Cullyhanna</p> <p>The Owner/Occupier, 29 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, 30 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35</p> <p>The Owner/Occupier, 33 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, 38 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, 55 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, Creggan Lwr Roman Catholic Church Hall, 2 Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, Cullyhanna Community Centre, Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p> <p>The Owner/Occupier, May's Diner, Tullynavall Road, Tullynavall, Cullyhanna, Armagh, BT35 0PZ,</p>	
Date of Last Neighbour Notification	16th April 2015
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: P/2015/0124/F Proposal: Proposed new training field, ball stops, flood lighting and dug-outs as previously approved under application P/2009/1111/F Address: Immediately south of St Patrick's GFC playing field on the Tullynavall Road, Cullyhanna, Newry, BT35 0PZ, Decision: Decision Date:</p>	
<p>Ref ID: P/2015/0003/F Proposal: Replace existing grass pitch with new 3G multi sports pitch, with new fences. ball stops and flood lighting Address: Within the grounds of St Patricks GFC Tullynavall Road, Cullyhanna, Newry.,</p>	

Decision:
Decision Date:

Ref ID: P/2010/0215/LDP

Proposal: Upgrading of Community Centre. All proposed works are internal. (minor alterations to locate the windows within the proposed office on the front elevation. The existing fire escape door and toilet window openings on the north east elevation will be bricked up and the openings located as in drawing NM064-B-1-06.

Address: Cullyhanna Community Centre, Tullynavall Road, Cullyhanna.

Decision:
Decision Date:

Ref ID: P/1988/1602

Proposal: Proposed community centre

Address: TULLYNAVALLEN ROAD (ADJACENT TO NO33 TULLYNAVALLEN ROAD AND ST PATRICKS G F C) CULLYHANNA

Decision: Approved
Decision Date:

Ref ID: P/2001/1050/F

Proposal: Erection of Club Room

Address: St. Patricks G.F.C., Tullynavall Road, Cullyhanna, Newry

Decision: Approved
Decision Date: 17.08.2001

Ref ID: P/1980/0750

Proposal: PROPOSED PLAYING FIELD

Address: TULLINAVALL, CULLYHANNA

Decision: Approved
Decision Date:

Ref ID: P/2009/0564/F

Proposal: Proposed extension to existing clubrooms, with store at ground level and gym at first floor level

Address: Cullyhanna GFC, Tullynavall Road, Cullyhanna

Decision: Approved
Decision Date: 09.07.2009

Ref ID: P/2009/1111/F

Proposal: Proposed new training field, ball stops, flood lighting and dug-outs.

Address: Immediately South of St Patricks GFC playing field on the Tullinavall Road, Cullyhanna

Decision: Approved
Decision Date: 11.02.2010

Ref ID: P/2005/0098/F

Proposal: Construction of new access with additional car parking

Address: Tullynaval Road, Cullyhanna

Decision: Approved

Decision Date: 06.07.2005

Ref ID: P/1994/0745

Proposal: Change of use from car park to all weather football pitch and provision of new car park

Address: ST PATRICKS G F C TULLYNAVALL ROAD CULLYHANNA

Decision: Approved

Decision Date:

Ref ID: P/1975/0138

Proposal: PROPOSED USE OF LAND FOR PLAYING FIELD AND PAVILION

Address: TULLYNAVALL, CULLYHANNA

Decision: Approved

Decision Date:

Ref ID: P/1986/0208

Proposal: FOOTBALL PAVILION

Address: TULLYNAVEL ROAD, CULLYHANNA, CROSSMAGLEN

Decision: Approved

Decision Date:

Ref ID: P/2003/1587/O

Proposal: Site for dwelling and garage

Address: Opposite and south of 24 Tullynavall Road, Cullyhanna, Newry (within the grounds of St. Patrick's GFC).

Decision: Approved

Decision Date: 22.01.2004

Ref ID: P/2007/0055/RM

Proposal: Erection of one storey and a half dwelling and detached garage

Address: Opposite and south of 24 Tullynavall Road, Cullyhanna, Newry (within the grounds of St Patrick's GFC).

Decision: Approved

Decision Date: 15.05.2008

Ref ID: P/2007/1666/F

Proposal: Welcome Stones on four approach roads to Cullyhanna Village.

Address: Tullynavall Road (adjacent to GAA Pitch), Freeduff Road (inside 30MPH sign), Sheetrim Road (adjacent to Cullyhanna Bridge) and Skerriff Road (opposite bus shelter at junction with Cullyhanna Road).

Decision: Approved

Decision Date: 12.03.2008

Summary of Consultee Responses

Transport NI (1st April 2015) - No objection

Environmental Health (27th March 2015) - Acknowledges that floodlighting is close to residential properties, should planning recommend approval they have no objection in principle subject to a condition requesting a Light Impact Assessment prior to commencement of development.

Sports NI (23rd April 2015) – No objection

Drawing Numbers and Title

Drawing No. 3A

Type: Site Location

Status: Submitted 16th February 2015

Drawing No. 6A

Type: Site Layout at Access for New Playing Field

Status: Submitted 16th February 2015

Drawing No. 1305-1b

Type: Topographical Survey

Status: Submitted 16th February 2015

Drawing No. 4A

Type: Drainage

Status: Submitted 16th February 2015

Drawing No. 2C

Type: Field Layout

Status: Submitted 16th February 2015

Drawing No. Method Statement

Type:

Status: Submitted 16th February 2015

Drawing No. Dugouts

Type:

Status: Submitted 16th February 2015

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Newry, Mourne and Down Council

Applications for Planning Permission

and

Applications deferred from previous meetings

5/13/15

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

Council Newry, Mourne and Down

Date 5/13/15

ITEM NO	1			
APPLIC NO	P/2014/0310/RM	Reserved M:	DATE VALID	3/28/14
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry and Mourne District Council District Council Offices Monaghan Row Newry BT358DT	AGENT	Kennedy Fitzgerald Architects LLP 3 Eglantine Place Belfast BT96EY 02890661632	
LOCATION	Rooney's Meadow Clanrye Avenue Newry incorporating Frank Curran Park and Jennings Park with new access to site taken off Cecil Street Newry			
PROPOSAL	Phase 2 of New Leisure Centre (follow on application to P/2011/0293/RM) comprising new sports halls, fitness suites, cafe, multi-purpose rooms, associated changing facilities and car park			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	2		
APPLIC NO	P/2014/0957/F	Full	DATE VALID 11/20/14
COUNCIL OPINION	APPROVAL		
APPLICANT	Julie McLarnon 48 Drumdreenagh Road Rathfiland BT34 5NG		AGENT Sarah MacAuley Architect 96 Orby Drive Belfast BT5 6AG 07847 344821

LOCATION 12 Seaview Warrenpoint BT34 3NJ

PROPOSAL Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	8	1	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

ITEM NO	3		
APPLIC NO	P/2014/0960/F	Full	DATE VALID 11/21/14
COUNCIL OPINION	APPROVAL		
APPLICANT	Micheal McGuinness 4a Dorans Hill Newry		AGENT Cormac McKay 31 Yellow Road Hilltown BT34 5UD 07834467502

LOCATION 4A Dorans Hill
Newry.

PROPOSAL Proposed change of use of existing shop to chip shop and associated off-licence.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	20	0	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

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

ITEM NO	4			
APPLIC NO	P/2015/0124/F	Full	DATE VALID	2/16/14
COUNCIL OPINION	APPROVAL			
APPLICANT	St Patricks GFC Cullyhanna c/o 4 Forge Road Cullyhanna Newry BT35 0LA		AGENT	Moy Design 26 Clover Hill Moy Dungannon
				07867 536099
LOCATION	Immediately south of St Patrick's GFC playing field on the Tullinavall Road Cullyhanna Newry BT35 0PZ			
PROPOSAL	Proposed new training field, ball stops, flood lighting and dug-outs as previously approved under application P/2009/1111/F			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down

Date 5/13/15

ITEM NO	D1			
APPLIC NO	P/2013/0434/F	Full	DATE VALID	6/14/13
COUNCIL OPINION	APPROVAL			
APPLICANT	Frazer Ferries Ltd	Care of Agent	AGENT	RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ 02890667914

LOCATION Land adjacent to 80 Greencastle Pier Road
Greencastle

PROPOSAL The proposed construction of ferry terminal facilities adjacent to 80 Greencastle Pier Road, Greencastle in Co Down to allow operation of a vehicular ferry across the mouth of Carlingford Lough. The proposed works include the construction of a reinforced concrete suspended pier (58 metres long), supported by vertical tubular piles and a reinforced concrete slipway (70 metres long) to allow vehicular access to the Ferry and 12 berthing piles with fenders and steel gangway to facilitate berthing and tying up of vessels overnight, new access and hardstand for parking and queuing, kiosk for office and ancillary staff facilities, drainage and landscape proposals; Upgrade and widening to parts of the Greencastle Pier Road and provision of passing bays; floating navigational marks anchored to the bed of the Lough and laid at the edges of the navigable channel to delineate appropriate channel boundaries or to mark shallow rock outcrops and provide for safety of navigation. (Amended Pland / Additional Information Received).

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	249	6	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

GUIDANCE ON COSTS AWARDS IN PLANNING AND RELATED APPEALS

February 2015



Contents

	Paragraphs
Introduction	1
The Planning Appeals Commission	2-3
The Scope of Costs Awards	4-8
The Purpose of Costs Awards	9-11
Circumstances in which Costs may be Awarded	12
Unreasonable Behaviour	13-16
Unnecessary or Wasted Expenses	17-19
Making a Claim for Costs	20-22
Responding to a Claim for Costs	23-24
The Commission's Decision	25-29
After a Costs Decision	30-32
Annex 1: Extract from the Planning Act (Northern Ireland) 2011	
Annex 2: Checklist for Claimants	

Introduction

[1] The Planning Act (Northern Ireland) 2011, which comes into operation on 1st April 2015, empowers the Planning Appeals Commission to make orders as to the costs of the parties in planning and related appeals. This guidance explains how the Commission proposes to exercise that power. The guidance has no legal force but is intended to assist those taking part in the appeals process.

The Planning Appeals Commission

[2] The Planning Appeals Commission is a statutory tribunal, independent of any government department or agency. Members of the Commission are public appointees and are called Commissioners. They have varied backgrounds and qualifications including town planning, architecture, environmental science and law. Commissioners study evidence, inspect sites, conduct hearings and take appeal decisions on behalf of the Commission. Administrative staff are responsible for the Commission's day-to-day work. While they are available to deal with queries from the public about procedures, they are unable to comment on the merits of individual appeals or on the likelihood of costs being awarded in particular cases.

[3] This guidance should be read in conjunction with the following publications, which contain flow charts illustrating the stages of the appeal process. The publications can be downloaded from the Commission's website www.pacni.gov.uk and are available on request from the Commission:-

- *Procedures for Planning and Water Appeals*
- *Procedures for Enforcement Notice, Listed Building Enforcement Notice and Submission Notice Appeals*
- *Procedures for Appeals about Lawful Development Certificates*

The Scope of Costs Awards

[4] Sections 205 and 206 of the 2011 Planning Act are reproduced as Annex 1 to this guidance. Section 205 enables the Commission to make costs awards in appeals under the following provisions of the Act:-

Section 58 – planning appeals

Section 60 – appeals against failure to take planning decisions

Section 96 – listed building consent appeals

Section 97 – appeals against failure to take listed building consent decisions

Section 105(6) – appeals concerning conservation area consent

Section 115 – hazardous substances consent appeals

Section 143 – appeals against enforcement notices

Section 159 – appeals against listed building enforcement notices

Section 165 – appeals against notices enforcing replacement of trees

Section 173 – appeals concerning lawful development certificates

Schedules 2 and 3 – appeals concerning reviews of mineral planning permissions

[5] The power to make costs awards is NOT available for:-

- any appeals under the 2011 Planning Act that are not listed in Paragraph [4] above;
- any appeals under subordinate planning legislation;

- any of the Commission's hear-and-report functions under the 2011 Planning Act (in such cases the final decision does not rest with the Commission); or
- any of the Commission's functions under non-planning legislation.

[6] Section 205 of the 2011 Planning Act does not distinguish between appeals where an oral hearing takes place and appeals which are decided solely by exchange of written representations, with or without an accompanied site visit. The power to make a costs award does not depend on the appeal procedure. Section 206 provides for costs awards in circumstances where there is a right of hearing before the Commission and arrangements have been made for a hearing but the hearing does not take place.

[7] Sections 205 and 206 provide that costs awards may be made in favour of, and against, any party to an appeal under the relevant provisions of the Act. The word "party" is taken to mean a person or group with a distinct viewpoint on the matters in dispute in an appeal. The appellant and the planning authority are parties. There may also be a range of third parties – objectors, supporters and other interested parties. A public body which provides evidence in support of the planning authority's case is not a separate party. It cannot make a claim for costs and is not vulnerable to a costs award. The Commission is not a party and is not empowered to recover its own expenses.

[8] The Commission, being a tribunal, bases its conclusions and decisions solely on material presented to it by the parties involved in appeal proceedings. The Commission does not propose to instigate costs awards on its own motion. It will award costs only where a claim for costs has been made by one or more of the parties to the appeal in question. However, where a hearing takes place a Commissioner may ask whether any party wishes to make a claim for costs.

The Purpose of Costs Awards

[9] The 2011 Planning Act does not prescribe the circumstances in which costs awards can be made. However, it is clear from what was said in the Northern Ireland Assembly during the debate on the Planning Bill at Consideration Stage¹, and from the Explanatory and Financial Memorandum to the Bill as subsequently revised, that costs awards are intended to provide redress when one party to an appeal has put another party to unnecessary expense because of unreasonable behaviour. It is on that basis that the Commission proposes to assess claims for costs.

[10] The Commission sees benefit in the new provisions for costs awards. It anticipates that they will encourage all those involved in the appeals process to behave in a responsible, cost-conscious manner and to follow good practice by carefully assessing at the outset whether they have a reasonable prospect of success, reacting in a timely fashion to changing circumstances and presenting credible evidence to support their case.

[11] Disagreement is an expected feature of the appeals process and is not inherently unreasonable. Where all parties behave entirely reasonably, there can be no justification for a costs award and parties can expect to meet their own expenses, as

¹ Official Report (Hansard), Session 2010-2011, Volume 63, No. 2, Page 171 onwards

they do at present. Costs will not be awarded to a party just because the appeal has been decided in favour of that party.

Circumstances in which Costs may be Awarded

[12] The Commission will normally award costs **only** where **all four** of the following conditions are met:-

- a party has made a timely claim (time limits are set out below); **and**
- the claim relates to an appeal of a type listed at Paragraph [4] above; **and**
- the party against whom the award is sought has acted unreasonably; **and**
- the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Unreasonable Behaviour

[13] In deciding whether a party has acted unreasonably, the Commission will in accordance with case law² apply the ordinary, everyday meaning of the word “unreasonable” rather than the narrower concept of perverse or irrational. Unreasonable behaviour can be substantive (relating to the essence of a party’s case) or procedural (relating to how a party pursued its case).

[14] The following are some examples of behaviours which may be found to be unreasonable:-

- Causing an unnecessary appeal. There are various situations in which an appeal may be judged to have been unnecessary. One instance is where the planning authority was unable to produce any credible evidence to substantiate its reasons for refusing permission, or in an enforcement case where it has made a fundamental error of law or fact. Another instance is where the appellant has pursued an appeal which had no reasonable prospect of success. That might be found to have occurred where the proposal was clearly contrary to planning policy and no exceptional circumstances were put forward, or where the Commission had recently dismissed another appeal proposing the same or very similar development on the same land and nothing had changed since. An appeal may also be judged to have been unnecessary where the appellant has submitted information to the Commission which if submitted to the planning authority at application stage would have resulted in a grant of permission.³
- Prolonging proceedings. Where a party fails to attend a hearing or site visit, the proceedings may have to be postponed, extended or adjourned. Where a new reason for refusal, ground of appeal or significant issue, which could have been presented earlier, is introduced late in the process, the proceedings may likewise be prolonged and the Commission may be obliged to allow an additional exchange of written evidence in order to give other parties a fair opportunity to respond.³

² *Manchester City Council v Secretary of State for the Environment and Another* [1988] JPL 774

³ Section 59 of the 2011 Planning Act prohibits the raising at appeal stage of matters that were not before the planning authority, except in specified circumstances. It goes on to say that this does not affect any requirement or entitlement to have regard to the provisions of the local development plan or any other material consideration.

- Abandoning, or not pursuing, part of the case. The withdrawal, unprompted by any change in circumstances, of a reason for refusal, ground of appeal or significant issue at any time after the parties to the appeal have been invited to start preparing their evidence may be judged to be unreasonable. Failure by a party to produce any credible evidence in support of what had earlier appeared to be an important element of its case may also be judged to be unreasonable.
- Withdrawing or conceding an appeal. The withdrawal of an appeal by the appellant or of an enforcement or similar notice by the planning authority, resulting in the entire proceedings being abandoned, may be judged to be unreasonable, unless it was prompted by a significant change in circumstances which was outside the control of the party concerned.

[15] As third parties are not decision makers and cannot cause, withdraw or concede appeals, costs are less likely to be awarded against them than against planning authorities and appellants. They may, however, in some circumstances be found to be responsible for unreasonably prolonging proceedings or unreasonably abandoning or failing to support with credible evidence a significant issue which they had raised and which no other party was pursuing.

[16] The scenarios listed above are examples of **potential** unreasonable behaviour. Whether there has actually been unreasonable behaviour in a particular case will be a matter of judgment for the Commission. It is also important to note that the examples are not exhaustive and costs may be awarded in circumstances which are not covered or anticipated in Paragraph [14]. The Commission will assess every claim for costs on its own facts and the party seeking costs will have to show that it was put to unnecessary or wasted expense.

Unnecessary or Wasted Expenses

[17] Expenses arising in the course of the appeal process typically include:-

- the cost to the appellant of employing an agent to submit the appeal;
- the cost to the planning authority of assembling background documents to assist the Commission and the other parties in their preparations for the appeal;
- the cost of employing a member of staff or agent to prepare written evidence and/or appear at a hearing; and
- the cost of using the services of professional experts (whether from public bodies or the private sector) to provide legal or technical advice, to prepare written submissions or evidence and to attend and/or give evidence at a hearing.

[18] Claiming parties will be expected to identify the nature of the expenses they are seeking to recover. It will not be necessary when making a claim to state the actual amount of the expenses being sought but the expenses must be capable of being quantified in the event that a costs award is made. Expenses unrelated to the appeal in respect of which the costs claim is made are not eligible, nor are expenses incurred in making and dealing with the related planning application. Awards cannot extend to indirect losses, such as those resulting from a delay in obtaining planning permission.

[19] Claiming parties will be expected to explain why they originally incurred the costs they are now seeking to recover and why they believe that the unreasonable behaviour of another party resulted in those particular expenses being unnecessary or wasted. They will be expected to identify the party against whom they are claiming and to give full details of the behaviour on which the claim is based.

Making a Claim for Costs

[20] A claim for costs will not be considered unless it is made by a party to the related appeal and unless it is timely. The following deadlines will be strictly applied, unless a claimant can show compelling reasons for missing a deadline:-

- In the case of an appeal proceeding by exchange of **written representations**, any costs claim must accompany the claiming party's final written submission. The final submission will normally be the party's rebuttal to the evidence submitted by the opposing party or parties. If the Commission invites further written comment on issues which emerge, or occur to the Commissioner, in the course of the appeal process, the final submission will be the party's written response to that invitation.
- In the case of an appeal proceeding by exchange of written representations with an **accompanied site visit**, any costs claim must accompany the claiming party's final written submission, unless the claim relates to behaviour which occurred at the site visit. In that case, the claim must be submitted in writing to reach the Commission no later than five working days after the site visit.
- Where a **hearing** takes place, any costs claim should be made as soon as reasonably practicable after the behaviour that triggered the claim. If, for example, it is being argued that another party was responsible for causing an unnecessary appeal, the costs claim should accompany the claiming party's statement of case. If it is being argued that another party has behaved unreasonably by abandoning, or not pursuing, part of its case, the costs claim may be submitted in writing after the statements of case have been exchanged but no later than the start of the hearing. Claimants for costs should not rely on using surprise as a tactic. All claims must be in writing unless they arise from behaviour that occurred or came to light during the hearing, in which case a claim may be made orally at the end of the hearing.
- Where an appeal is **withdrawn** or a hearing was arranged but **did not take place**, any costs claim must be submitted in writing to reach the Commission no later than 10 working days after the date on which the Commission sent notification to the claiming party that the appeal had been withdrawn or the hearing cancelled.

[21] To ensure that claims for costs submitted in writing are readily identifiable, they should not be incorporated into statements of case or rebuttal statements but should be separate, clearly labelled, documents. There is no fixed format for a written costs claim. However, every claim, regardless of how it is set out, must provide **all** the information set out in Annex 2 to this guidance. It will not be enough to submit a vaguely worded claim or merely state an intention to make a costs claim. A full explanation of the reasons for claiming must also be given when a claim is made orally. Failure to provide essential information may lead to a potentially meritorious claim being rejected.

[22] The claiming party may withdraw its costs claim at any time by notifying the Commission in writing. A claim once withdrawn cannot be reinstated.

Responding to a Claim for Costs

[23] The Commission will ensure that a party against whom a claim for costs is made is afforded a fair opportunity to respond to the claim. The following procedures will apply:-

- Claims for costs submitted in writing will be copied to the party being claimed against and that party will be invited to submit a written response to the Commission within 10 working days (five working days in the case of a claim based on behaviour at an accompanied site visit).
- If a costs claim is submitted in writing at the start of a hearing or orally at the end of a hearing, the party being claimed against will be given an opportunity to respond before the close of the hearing, either orally or in writing. A break in proceedings may be called to allow that party to formulate its response. If the Commissioner is satisfied that the party being claimed against cannot reasonably be expected to respond at the hearing, he or she will set a deadline for the submission of a written response. Normally no more than 10 working days will be allowed.

[24] The deadlines for written responses to costs claims will be strictly applied, unless it is shown that there were compelling reasons why a deadline was not met. The responding party's submission will be copied to the claiming party for information only. No further submissions will be accepted unless the Commission seeks additional information on particular aspects of the claim.

The Commission's Decision

[25] Except in cases where a claim for costs was prompted by the withdrawal of an appeal, the Commission will make separate decisions on the appeal and the related costs claim. As there is a clear distinction between the issues that arise in an appeal and in a costs claim, the outcome of the appeal will not affect the decision on costs or vice versa. The Commission will, however, normally issue both decisions at the same time. The decisions will be taken either by an individual Commissioner or else by a panel of not less than four Commissioners. The Commission's decision making procedures are explained in detail in the publications referred to in Paragraph [3] above.

[26] In dealing with a claim for costs, the Commission will consider all relevant evidence placed before it by the claiming party and the party being claimed against. If there is a dispute over facts, it will make its assessment on the balance of probability. In deciding whether a party's behaviour was unreasonable, it will take account of the level of professional advice which was available to that party. The Commission will set out its reasoning in the decision.

[27] There are three possible outcomes to a claim for costs – a full award of costs, a partial award of costs and no award of costs. A full award of costs covers the claiming party's entire expenses from the beginning to the end of the appeal process, including

the expenses incurred in making the costs claim itself. A full award may be appropriate, for example, where the Commission judges that the appeal was unnecessary.

[28] A partial award of costs may be made where the claiming party has claimed only part of its costs or where a claim for a full award is allowed only in part. The Commission will not award any costs which have not been claimed. A partial award may relate to one issue in the appeal or to the involvement of one particular person. It may also relate to one part of the appeal process. For example, where a hearing was adjourned due to the unreasonable behaviour of one party, the award of costs may be limited to the expenses caused by that adjournment. Where a partial award is made, a proportion of the expenses incurred in making the costs claim may be recoverable.

[29] A costs claim may be rejected for a variety of reasons, including the following:-

- The information to substantiate the claim was insufficient.
- The expenses being claimed were unrelated to the appeal.
- It was not reasonable to have incurred the expenses in the first place.
- The behaviour on which the claim was based was not unreasonable.
- The expenses were not unnecessary or wasted.
- The party being claimed against was not responsible for the unnecessary or wasted expenses.

After a Costs Decision

[30] The Commission has no role, statutory or otherwise, in determining the quantum of costs. A costs decision made by the Commission will not specify a precise monetary sum to be paid. On receipt of a costs order, the party in whose favour the award was made should submit details of its costs to the other party with a view to reaching agreement on the amount. If the parties are unable to agree, the party which was awarded costs can refer the matter to the Taxing Master of the High Court for a detailed assessment. A costs order can be enforced in the courts as a civil debt.

[31] The Commission cannot reconsider or alter a costs decision after it has been issued. However, anyone who was involved in the costs claim and is dissatisfied about the way the Commission handled it can make a formal complaint. Details of the Commission's complaints system are provided on its website www.pacni.gov.uk and a leaflet is available on request.

[32] A costs decision may be challenged on a point of law by applying to the High Court for a judicial review. This must be done promptly or in any event within three months of the decision. Anyone considering such a course will need legal advice.

ANNEX 1**EXTRACT FROM THE PLANNING ACT (NORTHERN IRELAND) 2011****Power to award costs**

205.—(1) The appeals commission may make an order as to the costs of the parties to an appeal under any of the provisions of this Act mentioned in subsection (2) and as to the parties by whom the costs are to be paid.

(2) The provisions are—

- (a) sections 58, 60, 96, 97, 115, 143, 159, 165 and 173;
- (b) sections 96 and 97 (as applied by section 105(6));
- (c) in Schedule 2, paragraph 6(11) and (12) and paragraph 11(1);
- (d) in Schedule 3, paragraph 9.

(3) An order made under this section shall have effect as if it had been made by the High Court.

(4) Without prejudice to the generality of subsection (3), the Master (Taxing Office) shall have the same powers and duties in relation to an order made under this section as the Master has in relation to an order made by the High Court.

(5) Proceedings before the appeals commission shall, for the purposes of the Litigants in Person (Costs and Expenses) Act 1975 (c. 47), be regarded as proceedings to which section 1(1) of that Act applies.

Orders as to costs: supplementary

206.—(1) This section applies where—

- (a) for the purpose of any proceedings under this Act—
 - (i) the appeals commission is required, before a decision is reached, to give any person an opportunity, or ask any person whether that person wishes, to appear before and be heard by it; and
 - (ii) arrangements are made for a hearing to be held;
- (b) the hearing does not take place; and
- (c) if it had taken place, the appeals commission would have had power to make an order under section 205 requiring any party to pay any costs of any other party.

(2) Where this section applies the power to make such an order may be exercised, in relation to costs incurred for the purposes of the hearing, as if the hearing had taken place.

ANNEX 2

CLAIMS FOR AWARD OF APPEAL COSTS: CHECKLIST FOR CLAIMANTS

Every claim for an award of costs submitted in writing should be comprised in a self-contained document and must provide **all** of the following information.

- A. Information to identify the appeal, including the Commission's reference number
- B. Information to identify the claiming party, including the name and contact details of any agent
- C. Status of the claiming party (whether appellant, planning authority or third party)
- D. Identity of the party being claimed against
- E. Status of the party being claimed against (whether appellant, planning authority or third party)
- F. Full details on the allegedly unreasonable behaviour which is believed to have caused the claiming party unnecessary or wasted expense in the appeal
- G. Nature of the expenses incurred by the claiming party which are believed to have been unnecessary or wasted (*it is not necessary to state the amount*)
- H. Reasons why those expenses were originally incurred

Please email the claim and any supporting documents to info@pacni.gov.uk.

Alternatively, you may post or deliver the claim to:-

Planning Appeals Commission
Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
Telephone: (028) 9024 4710

DRAFT GUIDANCE ON COSTS AWARDS: COMMENTS AND RESPONSES

<u>Organisation</u>	<u>Paragraph(s) in Draft Guidance</u>	<u>Comments Received</u>	<u>Commission's Response</u>
Royal Town Planning Institute		The definition of unreasonable behaviour should be expanded to avoid confusion with <i>Wednesbury</i> unreasonableness.	The Commission agrees and has amended the guidance accordingly – see Paragraph 13.
Royal Society for the Protection of Birds		No major concerns	
Community Places	7 12 13 22	<p>It should be possible to make costs awards in favour of or against statutory consultees.</p> <p>A specific time period should be stated or more information provided as to what is meant by “timely”.</p> <p>Pursuing an appeal which had no reasonable prospect of success should not be regarded as unreasonable behaviour. It should be the duty of the Commission to hear an appeal where an application has been made.</p> <p>The decision on a costs award should be taken by an individual Commissioner and in the event of a challenge it should go to a panel of not less than four Commissioners.</p>	<p>The Commission has no power to award costs in favour of or against a public body when it is acting as a consultee to a planning authority, because it is not a separate party – see Paragraph 7 of the guidance.</p> <p>Specific time periods are set out in Paragraphs 20 and 23 of the final guidance. A cross-reference has been introduced in Paragraph 12.</p> <p>The Commission is required to consider all appeals validly made to it. However, pursuing a hopeless case could be judged to be unreasonable if it puts other parties to unnecessary or wasted expense.</p> <p>In accordance with statutory rules, costs claims will be decided <u>either</u> by an individual</p>

			Commissioner <u>or</u> by a panel of Commissioners. There is no statutory provision for costs decisions to be reviewed by the Commission – see Paragraph 31 of the final guidance.
Lisburn and Castlereagh City Council		<p>Further information on appropriate level of costs would be welcome, and an indication of the level at which awards have been given out over the last few years and by which parties.</p> <p>Clear flow diagrams should be included to help those involved understand the process.</p>	<p>The Commission will have no role in determining the quantum of costs and has no information on the sums typically agreed or awarded in other jurisdictions. The Chief Commissioner will comment on emerging trends in decisions on costs claims in her annual report.</p> <p>Flow diagrams are included in the publications referred to in Paragraph 3 of the guidance, which has been amended to refer to their availability.</p>
Armagh, Banbridge and Craigavon District Council	7	<p>The Commission should emphasise in correspondence sent to all those wishing to appeal or make representations that costs may be awarded against them.</p> <p>It should be clearly stipulated, preferably by way of example, persons or bodies who would constitute “parties” in this context.</p>	<p>The Commission will make reference to its power to award costs in its standard letters setting out the arrangements for appeals.</p> <p>Paragraph 7 of the guidance sets out the Commission’s understanding of what is meant by the word “party” in the 2011 Planning Act and provides examples.</p>
	20	<p>A period of 10 days should be given for a response if a costs claim is submitted orally rather than expecting the party claimed against to respond orally. If this is not acceptable, then a rationale for permitting an oral claim and requiring a response then and</p>	<p>The guidance has been amended to provide for a written response within 10 days where the Commissioner is satisfied that the party being claimed against cannot reasonably be expected to respond at the hearing – see Paragraph 23 of the final document.</p>

		there should be given.	
Michael Burroughs Associates	4	There are irrational gaps in the legislation relating to called-in applications and appeals concerning advertisements and trees.	The Commission is bound to operate within the parameters established by statute.

Michael Burroughs Associates (<i>continued</i>)	8	The Commission should be prepared to award costs in exceptional circumstances even if they have not been sought (but not if the relevant parties agree that they should not as this would obstruct negotiation).	It would not be appropriate for the Commission, as an independent and impartial tribunal, to award costs where no party has made a claim.
	12	It would be useful to clarify that costs can be awarded for all appeal procedures and that a partial award of costs can be made.	A sentence has been inserted in Paragraph 6 of the guidance to confirm that costs can be awarded for all procedures. Paragraph 28 covers partial awards.
	13	It should be spelled out that “unreasonable” is intended in the ordinary sense and not in its <i>Wednesbury</i> sense and that unreasonable behaviour can be procedural or substantive.	The Commission agrees and has amended the guidance accordingly – see Paragraph 13.
	13, Bullet 1	It should be made clear that non-determination appeals are reasonable even if the planning authority subsequently decides it would have approved the application or that new material submitted during the appeal process allows it to approve.	It would be wrong to be unduly prescriptive as to which behaviours are likely to be found to be unreasonable. Whether there has been unreasonable behaviour in a particular case will be a matter of judgment for the Commission –

Michael Burroughs Associates (<i>continued</i>)	13, Bullet 1	It should be made clear that where the planning authority has failed to substantiate one or more (but not all) of its refusal reasons, partial costs can be awarded.	see Paragraph 16 of the final guidance. This scenario is covered by the last sentence in Paragraph 14, Bullet 3 of the final guidance. Paragraph 28 covers partial awards.
	13, Bullet 2	It should be acknowledged that costs can be awarded if there is unreasonable refusal by any party of hearing dates, failure to stick to the timetable for exchange of evidence and failure to notify the public of an appeal where this leads to an adjournment.	These scenarios are unlikely to give rise to costs awards. The Commission keeps firm control of hearing dates and returns late evidence. It is responsible for advertising appeals and notifying parties of the arrangements.
	13, Bullet 4	The words “outside the control of the appellant” should be deleted as a similar parallel application may have been approved that makes the appeal unnecessary.	The granting of permission during the appeal process for a similar development proposal would be a change in circumstances outside the control of the appellant.
	18, Bullet 1	The guidance should explain when a claim for costs for a withdrawn appeal should be made and when an inquiry costs claim should be made.	The guidance has been amended to provide more clarity in regard to the timing of costs claims for withdrawn appeals – see Paragraph 20. There is no statutory provision for costs awards when a public inquiry is held – see Paragraph 5.
	21	The claiming party should be afforded an opportunity of responding to the responding party’s submission.	In most cases the requirements of justice will be fully met by allowing each party to have one opportunity to put its case. Where necessary, the Commission will seek additional information from both parties.
Annex 2	Item H should precede Items F and G and should be widened to include the words		

		<p>“which has caused you unnecessary or wasted expense in this appeal”.</p> <p>The Commission may wish to clarify that:-</p> <ul style="list-style-type: none"> • a costs claim can be withdrawn; • a public body acting as a consultee to the planning authority is not vulnerable to a separate costs application; and • failure to settle an award of costs is enforceable in the courts as a civil debt. 	<p>The Annex has been amended broadly as suggested.</p> <p>The Commission agrees and has amended the guidance accordingly – see Paragraphs 22, 7 and 30 respectively.</p>
Fermanagh and Omagh District Council		It should be made clearer on what grounds third parties are likely to have costs awarded against them. As they are not decision makers and cannot appeal, the reasons for subjecting them to costs awards are unclear.	The guidance has been amended to provide more clarity as to the circumstances in which costs might be awarded against third parties – see Paragraph 15..
Fermanagh and Omagh District Council (continued)	15-17	<p>The guidance makes various references to the submission of new information at an appeal, but the Act does not permit this.</p> <p>The Commission should provide guidance on what would be considered a reasonable cost and how to assess likely costs.</p>	<p>The guidance has been amended, by the insertion of Footnote 3, to refer to Section 59 of the Act, which permits the raising of new matters at appeal stage in certain circumstances.</p> <p>The Commission will have no role in determining the quantum of costs – see Paragraph 30 of the final guidance.</p>
Belfast City Council	14 (sic)	<p>The threat of a costs order where parties withdraw or concede appeals, even if only on one aspect, will make them less likely to do so and may result in increased costs.</p> <p>While those who lodge an appeal which</p>	<p>Over time it should become clear to participants that withdrawing or conceding an appeal is likely to be less costly than pursuing a hopeless case.</p> <p>The scenarios in Paragraph 14 of the final</p>

		<p>clearly has no prospect of success should be sanctioned, there are a range of cases where the arguments are not clear cut. It is only when a case progresses that it becomes evident that it is unlikely to succeed.</p> <p>Ordinarily there should be no order for costs where an appeal is withdrawn or conceded due to a significant change of circumstances that was outside the control of <u>either</u> party, not just the party that withdrew or conceded.</p> <p>It should be stated that the costs incurred in making a planning application and determining same are not recoverable.</p>	<p>guidance are examples of <u>potential</u> unreasonable behaviour. Whether there has actually been unreasonable behaviour in a particular case will be a matter of judgment for the Commission – see Paragraph 16.</p> <p>This scenario set out in Paragraph 14, Bullet 4 of the final guidance is illustrative only. The Commission will judge each costs claim on its own facts.</p> <p>The Commission agrees and has amended the guidance accordingly – see Paragraph 18.</p>
--	--	---	--

<p>Northern Ireland Local Government Association [NILGA]</p>	<p>9</p>	<p>Clear flow diagrams should be included.</p> <p>It would be useful to have an indication of the level at which awards are currently made and by which parties.</p> <p>The Commission should outline in any costs award why it determined that a party had</p>	<p>Flow diagrams are included in the publications referred to in Paragraph 3 of the guidance, which has been amended to refer to their availability.</p> <p>The Commission will have no role in determining the quantum of costs and has no information on the sums typically agreed or awarded in other jurisdictions. The Chief Commissioner will comment on emerging trends in decisions on costs claims in her annual report.</p> <p>The Commission will issue a written decision on</p>
--	----------	---	--

	13	engaged in unreasonable behaviour. Abandoning or not pursuing part of a case, or withdrawing or conceding an appeal, should not give rise to a costs award provided it is done early in the process or by agreement of the parties. The draft guidance could lead to unnecessary or protracted hearings where parties are unwilling to withdraw given the financial penalty for doing so.	every costs claim, which will set out the reasons for the decision – see Paragraph 26 of the final guidance. The Commission will judge each costs claim on its own facts and the guidance cannot cover every eventuality. Over time it should become clear to participants that withdrawing or conceding an appeal is likely to be less costly than pursuing a hopeless case.
	13, Bullet 1	The last sentence is at odds with Section 59 of the Planning Act which largely restricts appellants submitting additional information to the Commission except by exception.	The guidance has been amended, by the insertion of Footnote 3, to refer to Section 59 of the Act, which permits the raising of new matters at appeal stage in certain circumstances.
	14 (<i>sic</i>)	While those who lodge an appeal which clearly has no prospect of success should be sanctioned, there are a range of cases where the arguments are not clear cut. It is only when a case progresses that it becomes evident that it is unlikely to succeed.	The scenarios in Paragraph 14 of the final guidance are examples of <u>potential</u> unreasonable behaviour. Whether there has actually been unreasonable behaviour in a particular case will be a matter of judgment for the Commission – see Paragraph 16.
Northern Ireland Local Government Association (<i>continued</i>)	15-17	Ordinarily there should be no order for costs where an appeal is withdrawn or conceded due to a significant change of circumstances that was outside the control of <u>either</u> party, not just the party that withdrew or conceded. It should be stated that the costs incurred in making a planning application and	The scenario in Paragraph 14, Bullet 4 of the final guidance is illustrative only. The Commission will judge each costs claim on its own facts. The Commission agrees and has amended the guidance accordingly – see Paragraph 18.

	27	<p>determining same are not recoverable.</p> <p>The costs order should contain the specific monetary sum awarded to help reduce referrals to the Taxing Master.</p> <p>A panel of Commissioners should meet each quarter to review any costs awards and an annual report should be produced.</p>	<p>The Commission will have no role in determining the quantum of costs. Section 205 of the 2011 Planning Act assigns that task to the Taxing Master.</p> <p>The Chief Commissioner will keep the operation of the costs awards system under regular review and comment on emerging trends in her annual report.</p>
arc21		Fully supports the NILGA response	See above.
Carson McDowell LLP	20, Bullet 3	It should be stated that if the Commissioner is satisfied that the party claimed against cannot reasonably be expected to respond at the hearing, he or she will set a deadline for the submission of a written response; normally no more than 10 working days will be allowed.	The Commission agrees and has amended the guidance accordingly – see Paragraph 23 of the final document.
Antrim and Newtownabbey District Council		<p>Cost awards should be exceptional and apply to vexatious cases or where the conduct of the appeal was manifestly unreasonable.</p> <p>Clear flow diagrams should be included.</p> <p>It would be useful to have an indication of the level at which awards are currently made and</p>	<p>The Commission broadly agrees. It anticipates that the provisions for costs awards will encourage appeal participants to behave in a responsible manner.</p> <p>Flow diagrams are included in the publications referred to in Paragraph 3 of the guidance, which has been amended to refer to their availability.</p> <p>The Commission will have no role in determining</p>
Antrim and			

<p>Newtownabbey District Council (<i>continued</i>)</p>	<p>9</p> <p>13, Bullets 3 & 4</p> <p>13, Bullet 1</p> <p>15-17</p> <p>27</p>	<p>by which parties.</p> <p>The Commission should outline in any costs award why it determined that a party had engaged in unreasonable behaviour.</p> <p>Abandoning or not pursuing part of a case, or withdrawing or conceding an appeal, should not give rise to a costs award provided it is done early in the process or by agreement of the parties. The draft guidance could lead to unnecessary or protracted hearings where parties are unwilling to withdraw given the financial penalty for doing so.</p> <p>The last sentence is at odds with Section 59 of the Planning Act which largely restricts appellants submitting additional information to the Commission except by exception.</p> <p>It may be useful to highlight that the applicant cannot claim expenses incurred during the processing of the application.</p> <p>The costs order should contain the specific monetary sum awarded to help reduce referrals to the Taxing Master.</p>	<p>the quantum of costs and has no information on the sums typically agreed or awarded in other jurisdictions. The Chief Commissioner will comment on emerging trends in decisions on costs claims in her annual report.</p> <p>The Commission will issue a written decision on every costs claim, which will set out the reasons for the decision – see Paragraph 26 of the final guidance.</p> <p>The Commission will judge each costs claim on its own facts and the guidance cannot cover every eventuality. Over time it should become clear to participants that withdrawing or conceding an appeal is likely to be less costly than pursuing a hopeless case.</p> <p>The guidance has been amended, by the insertion of Footnote 3, to refer to Section 59 of the Act, which permits the raising of new matters at appeal stage in certain circumstances.</p> <p>The Commission agrees and has amended the guidance accordingly – see Paragraph 18.</p> <p>The Commission will have no role in determining the quantum of costs. Section 205 of the 2011 Planning Act assigns that task to the Taxing</p>
---	--	--	--

			Master.
Antrim and Newtownabbey District Council (<i>continued</i>)		A panel of Commissioners should meet each quarter to review any costs awards and an annual report should be produced.	The Chief Commissioner will keep the operation of the costs awards system under regular review and comment on emerging trends in her annual report.
Department of the Environment	13, Bullet 1	It may be useful to mention the exceptions set out in Section 59(1)(a) and (b) of the 2011 Planning Act to the ban on raising additional matters at appeal.	The guidance has been amended, by the insertion of Footnote 3, to refer to Section 59, which permits the raising of new matters at appeal stage in certain circumstances.
	26	In the interest of clarity, this paragraph should be rephrased or more consistent terminology used in setting out scenarios.	The guidance has been amended to provide greater clarity – see Paragraph 29 of the final document.

Planning Appeals Commission

25th February 2015