



July 17th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 19th July 2017** at **10:00 am** in **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

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

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

Minutes for Consideration and Adoption

3.0 Minutes of Planning Development Committee Meeting held on Wednesday 21 June 2017. (Attached)

 *Planning Minutes - Wednesday 21 June 2017.pdf*

Page 1

3a. Minutes of Special Planning Committee Meeting held on Thursday 29 June 2017. (Attached).

 *Planning Minutes - 29 June 2017.pdf*

Page 15

For Discussion/Decision

4.0 Addendum list - planning applications with no representations received or no requests for speaking rights. (Attached).

 *Addendum list - 19-07-2017.pdf*

Page 17

Development Management - Planning Applications for determination

5.0 LA07/2016/0691/F - Helm Housing Association - 10 semi detached dwellings and associated road, car parking and landscaping with access from Forde Cross - lands bounding Manse Road and to the west of numbers 1 Forde Close and 7, 9 and 11 Forde Way, Seaforde. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from David Erskine, Radius Housing (formally Helm Housing), in support of the application. **(Submission attached).**

 *LA07-2016-0691-F HELM Housing.pdf*

Page 19

 *Item 5 - submission of support (Helm Housing).pdf*

Page 28

6.0 LA07/2016/0836/F - Kings Castle Nursing Home - proposed

single storey extension to accommodate 5 no single bedrooms at Kings Castle Nursing Home, Ardglass. (Case Officer report attached).

Rec: REFUSAL

- This application is being withdrawn from the schedule on the advice of Senior Planners to consider new information submitted.

[LA07-2016-0836-F - Kings Castle Nursing Home.pdf](#)

Page 29

7.0 LA07/2016/0837/LBC - Kings Castle Nursing Home - listed building consent (LBC) for a single storey extension to accommodate 5 no. single bedrooms at Kings Castle Nursing Home, Ardglass. (Case Officer report attached).

Rec: REFUSAL

- This application is being withdrawn from the schedule on the advice of Senior Planners to consider new information submitted.

[LA07-2016-0837-LBC - Kings Castle Nursing Home.pdf](#)

Page 35

8.0 LA07/2016/0865/F - Mr and Mrs Dean Brown - farm dwelling and domestic garage on lands 60m SE of no. 34 Wood Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2016-0865-F - Dean Brown.pdf](#)

Page 41

9.0 LA07/2016/1403/F - Mr & Mrs D Graham - erection of dwelling and garage on a farm - 20m NE of 44 Raleagh Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-1403-F - D Graham.pdf](#)

Page 48


[Item 9 - submission of support \(Mr & Mrs D Graham\).pdf](#)

Page 53


10.0 LA07/2017/0072/F - D Mahon - car wash on lands 15m south of No. 4 Austin Terrace, Newcastle Road, Seaforde. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2017-0072-F - D McMahon.pdf*

Page 57


 *Item 10 - submission of support (D Mahon).pdf*

Page 63


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

Rec: REFUSAL

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

 *LA07-2017-0078-D - D McMahon.pdf*

Page 72


 *Item 11 - submission of support (D Mahon).pdf*

Page 79

12.0 LA07/2016/1487/0 - David Wilson - proposed housing development (4 no semi-detached and 2 no detached dwellings) - 41 Moss Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

 *LA07-2016-1487-O - David Wilson.pdf*

Page 95

13.0 LA07/2016/1500/RM - Newry, Mourne and Down District Council - household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons, on lands adjacent to No. 40 Flying Horse Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

14.0 LA07/2016/1542/F - Alan Morgan - proposed barn conversion with extension to provide a 3 bedroom dwelling - 50m east of 141 Newcastle Road, Drumee, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Tom Wilson, Planner, in support of the application. **(Submission attached).**

LA07-2016-1542-F - Alan Morgan.pdf

Page 108

Item 14 - submission of support (Alan Morgan).pdf

Page 119

15.0 LA07/2016/1580/F - Owen Miskelly - proposed vehicular entrance - 61 Ballylone Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

LA07-2016-1580-F - Owen Miskelly.pdf

Page 120

16.0 LA07/2016/1612/F - Robert Harte - proposed agricultural shed - approx 110m east of 83 Slievenaboley Road, Dromara, Dromore. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Robert Harte, applicant, in support of the application. **(Submission attached - this submission contains some personal information which has been redacted for public viewing - a full copy of the submission has been forwarded separately to Members of the Planning Committee).**
- **N.B.** - The applicant has provided a video link showing the proposed site. <https://youtu.be/ElfQPQYZung>

LA07-2016-1612-F - Robert Harte.pdf

Page 124

Item 16 - redacted submission of support (Robert Harte).pdf


Page 131

17.0 LA07/2017/0010/0 - Edgewater Ltd. - housing development 5

no. dwellings - lands to the north and south of Moss Road and north of Crossgar Road. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2017-0010-O - Edgewater Ltd.pdf*

Page 157


 *Item 17 - submission of support (Edgewater Ltd).pdf*

Page 167

18.0 LA07/2017/0184/0 - Mr P Stewart - dwelling and garage with associated site works on lands adjacent to 15 Drumkeeragh Road, Guinness, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- Addendum list


 *LA07-2017-0184-O - Paul Stewart.pdf*

Page 171

19.0 LA07/2017/0228/F - Mr & Mrs Tate - dwelling and garage - lands immediately north of 37 Dromore Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- This application is being withdrawn from the schedule, following a request from Councillor Clarke, for Senior Planners to consider new information submitted.

 *LA07-2017-0228-F - Mr and Mrs Tate.pdf*

Page 177

20.0 LA07/2017/0318/F - Telefonica UK Ltd - Proposed 15m telecommunications mast to carry 3No. antennae and 2 No. radio dishes, 3No. equipment cabinets and associated works including site compound. (Additional supporting info received) - On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road Castlewellan. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Hayley Dallas, Ross Planning, in support of the application on the basis that Ross Planning support the recommendation made by the Council and have requested speaking rights if

required to rebut any comments made by objectors or answer any questions from the Committee.

[LA07-2017-0318-F - Telefonica Uk Ltd.pdf](#)

Page 181

21.0 R/2012/0413/RM - Brackhill Ltd - residential development comprising apartments, townhouses, semi-detached and detached dwellings and other associated works, on lands to the rear of 28-54 Ballylough Road, Annsborough. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Alan Bennett, agent and Michael Shields, developer, in support of the application. **(Submission attached).**

[R-2012-0413-RM - Brackhill Ltd.pdf](#)

Page 187

[Item 21 - submission of support \(Brackhill Ltd\).pdf](#)

Page 196

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

Rec: APPROVAL

- A request for speaking rights has been received from Seamus McMullan, who will present on behalf of Ms Rosemary Dudson, in objection to the application. **(Submission attached).**

[R-2014-0657-F - Bluebuild Developments.pdf](#)

Page 197

[Item 22 - objection \(Bluebuild Developments\).pdf](#)

Page 208

23.0 R/2014/0689/F - RGE Developments Ltd - housing development comprising 68 dwellings and garages with associated landscaping, with access from Downpatrick Road through approved Phase 1 housing site under ref: R/2009/1085/F (amended site plan received) - North of no.9, 10, 11 Ashdale Gardens and 21a Downpatrick Road, and 100m north-west of No 17 Crew Hill Gardens, Ardglass. (Case Officer report

attached).

Rec: APPROVAL

- Addendum list

[R-2014-0689-F - RGE Developments.pdf](#)

Page 210

24.0 LA07/2016/0054/0 - Jane Quinn - dwelling and detached garage - 170m west of No. 9 Oldtown Road, Cullyhanna, Co. Armagh. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Jane Quinn, applicant, in support of the application. **(Submission to follow under separate cover).**
- A request for speaking rights has been received from DEA Councillor T Hearty, in support on the application.
- **N.B. This item is deemed to be exempt under paragraph 1 of part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.**

[LA07-2016-0054-O - Jane Quinn.pdf](#)

Page 216

25.0 LA07/2016/0677/F - NI Electricity - 11Kv overhead to facilitate connection to a wind turbine (amended address) - Approx. 40m South East of 35 Ballymoyer Road Co. Armagh and extending South East towards and East of 15 Cold Brae Road, Co. Armagh. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Michael Finnegan, applicant, in support of the application. **(Submission attached).**
- A written submission of objection has been received from Amanda Lindsay, objecting to the planning application. **Submission attached - this submission contains some personal information which has been redacted for public viewing - a full copy of the submission has been forwarded separately to Members of the Planning Committee).**
- A written submission of objection has been received from DEA Councillor Barra O'Muire. **(Submission attached).**

[LA07-2016-0677-F NIE.pdf](#)

Page 220

[Item 25 - submission of support \(NIE line\).pdf](#)

Page 225

[Item 25 - redacted submission of objection \(NIE\).pdf](#)

Page 226

26.0 LA07/2016/1028/0 - Barry Higgins - single storey dwelling - 15m south of 23 Back Road, Annalong. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

LA07-2016-1028-O - Barry Higgins.pdf

Page 236

27.0 LA07/2016/1458/F - Declan Quinn - depot for "End of Life Vehicle Authorised Treatment Facilities" under farm diversification scheme - 61 Annaghmare Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

LA07-2016-1458-F - Declan Quinn.pdf

Page 240

28.0 LA07/2017/0164/F - Patrick McQuillan - dwelling and garage on a farm - 100m NE of 4 Lurgancullenboy Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Seamus Murphy, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor T Hearty, in support on the application. **(Submission attached).**

LA07-2017-0164-F - Patrick McQuillan.pdf

Page 248

Item 28 - submission of support (P McQuillan).pdf

Page 254

Item 28 - submission of support from T Hearty (P McQuillan).pdf

Page 259

29.0 LA07/2016/1483/F - Michael McConville - Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs) - Land approx. 100m NW of 16 Carrickrovaddy Road

Jerrettspass Newry BT34 1SN. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2016-1483-F - Michael McConville.pdf](#)

Page 260

30.0 LA07/2017/0172/F - SCS - renewal of extant planning approval ref: P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St. Clare's Avenue - Lindsay's Hill approx. 60m SE of 53-55 North Street, Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Jim Flynn objecting to the application, **(Submission attached)**.
- A request for speaking rights has been received from Martin Bailie, agent, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor Gary Stokes, objecting to the application. **(Attached)**.
- A request for speaking rights has been received from DEA Councillor Liz Kimmins, objecting to the application. **(Attached)**.

[LA07-2017-0172-F - SCS.pdf](#)

Page 268

[Item 30 - objections from Jim Flynn \(SCS\).pdf](#)

Page 276

[Item 30 - submission of support \(SCS\).pdf](#)

Page 277

[Item 30 - submission of objection Cllr Stokes \(Lindsay Hill\).pdf](#)

Page 278

[Item 30 - submission of objection Cllr Kimmins \(Lindsay Hill\).pdf](#)

Page 279

31.0 LA07/2017/0371/F - Kieran and Briege King - retention of an existing caravan port at rear of dwelling - 56a Drumintee Road, Meigh, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0371-F - Kieran and Briege King.pdf](#)

Page 280

32.0 LA07/2017/0470/F - Frank Clark - erection of two storey granny

flat extension and alterations to existing dwelling including front boundary wall - 40 Flagstaff Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0470-F - Frank Clark.pdf*

Page 284

33.0 LA07/2017/0615/0 - Raymond Rice - infill site for 2 dwellings - lands immediately north of 36 Flagstaff Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0615-O - Raymond Rice.pdf*

Page 288

34.0 LA07/2017/0726/0 - Barry McDonnell - proposed dwelling and associated works - adjacent to and NW of 39 Church Road, Forkhill, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0726-O - Barry McDonnell.pdf*

Page 292

35.0 P/2014/0782/F - Mr and Mrs Shane and Anne Garvey - conversion and reuse of existing building to dwelling with new rear extension (amended description) beside 20 Aghmakane Road, Camlough, Co. Armagh. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Eimear Murphy, Planning Consultant, in support of the application. **(Submission to follow under separate cover).**
- **N.B. This item is deemed to be exempt under paragraph 1 of part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.**

📄 *P-2014-0782-F - Shane and Annette Garvey.pdf*

Page 296

36.0 P/2013/0767/F - Patrick McShane - erection of 2 dwellings with detached garages and re-align existing lane in substitution to approval granted under P/2008/1042/0 - adjacent to and 30m east of No. 21b Warren Hill, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *P-2013-0767-F - Patrick McShane.pdf*

Page 304

For Noting

37.0 Planning Performance Management Framework. (Attached). (For noting - response was tabled at RTS Meeting on 21 June 2017 and approved at Council on 03-07-2017).

 *Planning Performance Management Framework Cover Report.pdf*

Page 310

38.0 June 2017 Planning Committee Performance Report. (Attached).

 *JUNE 2017 Planning Committee Performance Report.pdf*

Page 367

39.0 Record of Meetings between Planning Officers and public representatives April to June 2017. (Attached).).

 *19 July 2017 Committee Report.pdf*

Page 371

40.0 July Committee Report. (Attached).

 *Contact from public representatives - April-June 2017.pdf*

Page 372

41.0 June 2017 Appeals and Decisions. (Attached).

 *June 2017 Appeals and Decisions.pdf*

Page 381

Invitees

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

Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Adam Wilkinson	adam.wilkinson@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 June 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig**Deputy Chairperson:** Councillor K Loughran**In attendance: (Committee Members)**

Cllr W Clarke	Cllr G Hanna
Cllr M Larkin	Cllr L Devlin
Cllr M Ruane	Cllr V Harte
Cllr J Macauley	Cllr M Murnin
Cllr D McAteer	

(Officials)

Mr C O Rourke	Director of Regulatory Technical Services
Mr A Wilkinson	Interim Director of RTS
Mr A McKay	Area Planning Manager
Ms L O Hare	Senior Planning Officer
Mr A Donaldson	Senior Planning Officer
Ms N Lary	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/079/2017: APOLOGIES / CHAIRMAN'S REMARKS

The following apology was received:

Councillor C Casey

P/080/2017: QUORUM**LA07/2015/0714/F – Mr and Mrs Byrne****LA07/2016/0821/F – C Canning****AGREED:** On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to hold a Special Planning Committee Meeting to discuss the following Planning Applications, as these Applications had previously been the subject of site meetings and a quorum was not present to allow these Applications to be considered at today's meeting:

- **Item 5 - LA07/2015/0714/F – Mr & Mrs Byrne – proposed farm dwelling – 180m NW of existing farm buildings adjoining 28 Ballyclander Road Downpatrick.**
- **Item 10 - LA07/2016/0821/F – C Canning – change of house type to that previously approved under R/2012/0323/F (further amended plan received: clarification re finishes and levels) – 24 Ringhaddy Road Killinchy.**

P/081/2017: DECLARATIONS OF INTEREST

Councillor L Devlin declared an interest in Planning Application LA07/2016/1196/F – McGrady Contracts.

**P/082/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 24 MAY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 24 May 2017.
(Copy circulated)

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 May 2017 as a true and accurate record.

P/083/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 24 May 2017. (Copy circulated)

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

- **Item 15 – LA07/2016/1542/F – Alan Morgan - proposed barn conversion with extension to provide a 3 bedroom dwelling (amended plans) – 50m East of 141 Newcastle Road, Drumee, Castlewellan.
REFUSAL
(Removed from the Addendum List at the request of Councillor Clarke for presentation to Committee in due course)**
- **Item 21 – R/2014/0657/F - Bluebuild Developments Ltd – residential development comprising of 11 no. dwellings (10 semi-detached and 1 bungalow) –The Mourne Observer The Roundabout Castlewellan Road Newcastle and lands adjacent to No 10 Burren Park.
APPROVAL
(Removed from the Addendum List at the request of Councillor Devlin for presentation to Committee in due course)**

- **Item 30 – LA07/2017/0172/F – SCS – Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare’s Avenue – Lindsay’s Hill approx.. 60 metres South East of 53-55 North Street, Newry, BT34 1DD.**
APPROVAL
(Removed from the Addendum List for presentation to Committee in due course)
- **Item 31 LA07/2017/0490/F – Sean Matthews – Erection of dwelling and garage due to special circumstances – land to the rear and 25m east of No.20 Letrim Road Hilltown.**
REFUSAL
(Removed from the Addendum List at the request of Councillor J Macauley for presentation to the Planning Committee Meeting to be held in September 2017)

AGREED: It was unanimously agreed to approve the Officer Recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List for Wednesday 21 June 2017:

- **Item 12 – LA07/2016/1196/F – McGrady Contracts – residential development comprising a total of 34 units (30 No semi-detached dwellings (15 No pairs), 1 No detached dwelling, and 1 terrace of 3 dwellings), including associated site works, ancillary developments and landscaping, on lands to the south east of Mountain View (off Burrenwood Road), Castlewellan.**
APPROVAL
- **Item 13 – LA07/2016/1284/F – Michael Braniff – extension to the existing caravan park for static and touring pitches, new shower/amenity building and associated landscaping/amenity areas, at Coney Island Caravan Park, Ardglass.**
APPROVAL
- **Item 17 – LA07/2017/0111/F – Ballynahinch Community Centre – replacement of existing all weather pitch & 3 metre chain link fence to new muga pitch with associate drainage works. The erection of new 3 metre high sports fence, 5 metre high sports fence at roadside, with 2 number access gates. Location: Ballynahinch Community Centre, 55 Windmill Street, Ballynahinch.**
APPROVAL
- **Item 20 – LA07/2017/0634/F – Newry, Mourne and Down District Council – replacement of existing all weather pitch, to new synthetic pitch with associated drainage works, including the erection of new 3 metre high sports fence, 4.2 metre high sports fence behind goals, with 2 number pedestrian gates 1 number vehicular access gages, on lands at Saintfield Hockey Club, Comber Street, Saintfield.**
APPROVAL

- **Item 23 – LA07/2015/0345/F** – Crossmaglen Rangers GAC – proposed terracing for spectators & floodlighting of sports field – rear of 7 Dundalk Road, Crossmaglen.
APPROVAL
- **Item 25 – LA07/2015/1123/LBC** – Quayside Properties Ltd – demolition of remaining parts of buildings for health and safety reasons – 2-3 Sugarhouse Quay Lisdrumgullion Newry.
REFUSAL
(Removed from Schedule as this Application had been withdrawn from the last Planning Committee Meeting – no requests for speaking rights received)
- **Item 28 – LA07/2016/1694/0** – Bernard Hannaway – site for replacement dwelling with detached garage – 90m SE of 53 Ballintemple Road Newry.
REFUSAL
- **Item 32 – P/2011/0802/F** – Mr K Agnew – Erection of wind turbine with a tower height of 40 metres and a rotor diameter of 29 metres (extending to a total height of 56 metres to tip) with a maximum output not exceeding 225kW, associated transformer/control room building (at 230 metres to north-west of turbine, connected by underground cable), site works and access provision. Access via existing agricultural laneway, off Drummond Road, from a point 50 metres west of No.6 Drummond Road with extended section to serve turbine. Revised proposal date received 3 February 2014 showing an amended siting with accompanying Shadow Flicker Assessment and Amended Noise Impact Assessment – Lands approximately 550 metres south-east of No. 9 Drummond Road Newry.
REFUSAL
(Removed from Schedule - no requests for speaking rights received)
- **Item 35 – P/2010/0968/F** – Seamus Donnelly – change of use of building from storage to class A1: shops (to include retention of amendments to building approved under planning ref: P/2005/2425/F) – 236 Dublin Road, Newry.
REFUSAL
- **Item 36 – P/2013/0581/F** – Seamus Donnelly – Day Spa and hair salon – Unit 4 Donnelly's Service Station, 236 Dublin Road, Newry.
REFUSAL
- **Item 38 – P/2012/0921/F** – Bernadette Heaney – 1 No. 100kw wind turbine with a hub height of 30m (amended plans) – 220m SE of 26 Shaughan Road, Newtownhamilton.
REFUSAL

P/084/2017: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following Planning Applications from the Schedule:

- **Item 6 – LA07/2016/0185/F** – Joyce Graham – proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road Saintfield) for a dwelling on a farm under Policy CTY10 – 70m south east of 1 Rowallane Close Saintfield.
REFUSAL
(Removed from Schedule as there have been recent developments on site which require further investigation by Planning)
- **Item 9 – LA07/2017/0131/O** – Mr & Mrs McKeown – dwelling on a farm under PP CTY 10 of PPS 21 – opposite 67 and adjacent to 62 Rocks Chapel Road Crossgar.
REFUSAL
(Removed from Schedule as had been included in error)
- **Item 18 – LA07/2016/0175/F** – Owen Miskelly – proposed change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address) – 250m South East of No. 19 Nutgrove Road Annadorn Downpatrick.
REFUSAL
(Removed from Schedule as Application had been withdrawn prior to the last Planning Committee Meeting, at the request of the Applicant/Agent)
- **Item 19 – LA07/2017/0240/F** – Father B Brown – conversion of stone building to dwelling with extensions – 110m SE of No. 29 Ballymaginthy Road Castlewellan.
REFUSAL
(Removed from Schedule to allow further discussion between Planning and Agent)

The following applications were then determined by the Committee:

(1) LA07/2016/1421/O – Mr M Galloway

Location:

South of No. 80 St Patrick's Road, Raholp, Downpatrick

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2016/1421/O, contrary to Officer recommendation, and that Planning Officers be delegated authority to impose relevant conditions to

restrict the footprint of any proposed dwelling on this site, should this application be considered for full approval at a future stage.

Planning Officers be delegated authority to impose any other necessary conditions.

(2) **LA07/2016/1442/O – Mr & Mrs Joseph Doran**

Location:

64a Tannaghmore Road, Loughinisland

Proposal:

Replacement dwelling and double garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent, presented in support of the application

AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to defer Planning Application LA07/2016/1442/O, to allow for further discussion to take place between the Agent/Applicant and Planning regarding the relocation of the proposed dwelling within the approved curtilage, and to re-examine the scale/size of the proposed dwelling.

Planning Officers to be delegated authority to issue decision thereafter and to impose any necessary conditions.

(3) **LA07/2016/0895/F – Mr & Mrs Barry McCartan**

Location:

Adjacent to and south-east of 72 Bannanstown Road, Castlewellan

Proposal:

Erection of farm dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Marcus Bingham, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2016/0895/F to allow further discussion between Agent and Planning on the basis that the siting now proposed may address the reasons for refusal.

Planning Officers be delegated authority to issue decision thereafter if the decision was an approval; the matter to revert back to Planning Committee to consider should the recommendation be a refusal.

(4) LA07/2016/1537/O – P & T Miskelly

Location:

Site adjacent to 35 Darragh Cross Road, Darragh Cross, Downpatrick

Proposal:

Erection of two detached dwelling houses and associated works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Kieran Dempsey, Architect, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2016/1537/O, for the reasons recommended as per the Development Management Officer Report.

AGREED: It was agreed at the request of Councillor Devlin that in future, the Planning Department indicate on the Management Development Officer Report if an application has been previously tabled at a Planning Committee Meeting, or has been the subject of a site visit.

(5) LA07/2017/0033/O – John Tumelty

Location:

Between 18 and 20 Commons Road and 24 Commons Road Ballykinler.

Proposal:

Erection of a single dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Fred Moore presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2017/0033/O, for the reasons recommended as per the Development Management Officer Report.

(6) LA07/2015/0402/F – O'Hagan Construction Ltd**Location:**

Opposite and 25m East of No. 16 Chancellors Hall, Chancellors Road, Newry

Proposal:

Proposed erection of a dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Richard O'Toole, Planning Consultant, and Mr Glyn Mitchell presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Devlin it was agreed to issue a refusal in respect of Planning Application LA07/2015/0402/F, for the reasons recommended as per the Development Management Officer Report.

(12.30pm – Councillor M Ruane left the meeting)

(12.30pm – Councillor L Devlin left the meeting)

(7) LA07/2015/0144/F – Frank Newell**Location:**

Approximately 130m south/south west of No. 338 Newry Road, Kilkeel

Proposal:

Erection of dwelling for guest house accommodation (with demolition of existing dwelling at No. 338 Newry Road) with access via existing laneway to No. 338 Newry Road

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2015/0144/F to allow for further discussion.

Planning Officers be delegated authority to issue decision thereafter.

(12.50pm – Councillor M Ruane left the meeting)

(12.50pm – Councillor L Devlin left the meeting)

(8) LA07/2016/0325/F - L Jay Properties**Location:**

Site adjacent to and north of number 42 Carquillan, Hilltown, Newry, BT34 5UG

Proposal:

Erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated site works

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Shereen Lyness-Feenan and Andy McGivern, local residents, presented in objection to the application.

Speaking rights:

Colin Stewart, Architect, presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2016/0325/F, subject to conditions 1 – 17 as per the Management Development Officer Report.

(1.30pm – The meeting adjourned)

(2.10pm – The meeting resumed)

(2.10pm – Councillor D McAteer joined the meeting)

(9) LA07/2016/1568/O – David Downey**Location:**

Immediately opposite and west of 75 Foughiletra Road, Meigh, Newry

Proposal:

Site for "off-site" replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Tony Mackle, Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue an approval in respect of Planning Application LA07/2016/1568/O, contrary to Officer recommendation, on the basis that the applicants preferred site provides better siting for a replacement dwelling compared to the site suggested by Planning Department, provides increase in amenity benefits and integrates due to mature vegetation. Planning Officials be delegated authority to impose any necessary conditions.

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

For: 7
 Against: 4
 Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2016/1568/O, contrary to Officer recommendation, on the basis that the applicants preferred site provides better siting for a replacement dwelling compared to the site suggested by Planning Department, provides increase in amenity benefits and integrates due to mature vegetation.

Planning Officials be delegated authority to impose any necessary conditions.

(10) LA07/2017/0117/O – Martin and Christina McCullough

Location:

Approximately 60m SE of No. 29 Convent Road, Cabra

Proposal:

Erection of one and half storey dwelling and detached domestic double garage

Conclusion and Recommendation from Planning Official:

Refusal

Noted:

Letters of support for the application were received from Colin McGrath MLA and Councillor John Trainor

AGREED: On the proposal of Councillor Macaulay seconded by Councillor Murnin it was agreed to exclude the public and press from the Meeting during discussion on the following matters which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating any individual.

Speaking rights:

Mr McKay Agent, presented in support of the application.

Mr & Mrs McCullough presented in support of the application.

AGREED: On the proposal of Councillor Ruane Seconded by Councillor Devlin it was agreed to come out of Closed Session.

When the Committee came out of Closed Session the Chairperson reported the following decision had been taken.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed that given the mitigating circumstances of this case, Planning Application LA07/2017/0117/O be deferred and Planning Officials and Applicant/Agent explore other options for an off-site dwelling to be suitably sited as part of this farm.

Planning Department be delegated authority to issue decision thereafter and impose any necessary conditions.

(11) P/2011/1034/LBC – Ms J Hughes

(12) P/2011/1038/F – Ms Jackie Hughes

(P/2011/1034/LBC

Location:

Lands adjacent to No.42 Dundalk Street Newtownhamilton.

Proposal:

Retention of rear extension and alterations (with internal modifications) to existing listed public house to include off-licence sales (with separate access to rear) and new toilets on ground floor; keg store, kitchen and ancillary storage in basement; conversion of first floor to provide liveable accommodation; external smoking area at ground floor level; internal and external circulation including disabled access provision; and with demolition of existing rear out-shot. Application being considered in conjunction with accompanying application for full planning permission, under File Ref: P/2011/1038/F.

Conclusion and Recommendation from Planning Official:

Refusal

P/2011/1038/F

Location:

Lands adjacent to No.42 Dundalk Street Newtownhamilton.

Proposal:

Retention of rear extension and alterations (with internal modifications) to existing listed Public house to include off-licence sales (with separate access to rear) and new toilets on Ground floor; keg store, kitchen and ancillary storage in basement; conversion of first floor to Provide liveable accommodation; external smoking area at ground floor level; internal and external external circulation including disabled access provision; and with demolition of existing rear out-shot. Application being considered in conjunction with accompanying application for Listed Building Consent, under File Ref: P/2011/1034/F.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barry Owens, Consulting presented in support of the application.

Ms J Hughes Applicant, presented in support of the application.

A request for speaking rights was received from DEA Councillor Barra O'Muirí. (Councillor O Muiri was present at the meeting but did not present)

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application P/2011/1034/LBC and Planning Application P/2011/1038/F, contrary to Officer recommendation, on the basis that it is the view of the Planning Committee that the Applicant has restored the building to its former condition which has brought benefit to both the building and surrounding area.

(13) P/2012/0712/F – Brendan Carragher

Location:

24 New Road, Silverbridge, Newry

Proposal:

Extension to tyre depot

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Seamus Murphy, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application P/2012/0712/F on the basis that the granting of a CLUD (Certificate of Lawful Use Development) would indicate the Planning Department accepts that a substantial business operates on this site; the business is necessary for the rural farming community in this area; the business contributes to employment and economic development in the area; levelling of the site will lessen any impact on the countryside thus providing integration.

Planning Department be delegated authority to impose any necessary conditions.

FOR DISCUSSION/DECISION

P/085/2017: THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NI) 2017

Read: The Planning (Environmental Impact Assessment Regulations) (NI) 2017.
(Copy circulated)

AGREED: It was agreed to note the Planning (Environmental Impact Assessment Regulations) (NI) 2017.

P/086/2017: PLANNING COMMITTEE MEETING PERFORMANCE REPORT

Read: Planning Committee Performance Report. (Copy circulated)

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

P/087/2017: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

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

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

P/088/2017: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – April 2017. (Copy circulated)

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

P/089/2017: NEWRY MOURNE DOWN LOCAL DEVELOPMENT PLAN

Read: Newry, Mourne & Down Local Development Plan – Draft Timetable. (Copy circulated)

AGREED: It was agreed to note the Newry Mourne & Down Local Development Plan Draft Timetable.

P/090/2017: PLANNING APPLICATIONS SPECIAL CIRCUMSTANCES

Discussion took place regarding the tabling of planning applications which involved matters relating to special circumstances and medical grounds.

AGREED: It was unanimously agreed that in future when the Committee are considering Planning Applications involving special circumstances and medical grounds, that applicants must be advised that any such application cannot be presented to Committee without the submission of a detailed medical specialist report.

(4.05pm – Councillor L Devlin left the meeting)

**P/091/2017: NEWRY MOURNE DOWN
LOCAL DEVELOPMENT PLAN
LDP SUSTAINABILITY APPRAISAL**

Read: Newry Mourne & Down Local Development Plan: Options for undertaking the LDP Sustainability Appraisal, incorporating Strategic Environmental Assessment.
(Copy enclosed)

Noted: It was agreed at the Strategic Policy & Resources Committee Meeting held on 15 June 2017 to select Option 3, although Option 5 had been recommended by Officers.

It was noted that Option 3 would involve considerably more in terms of costs than Option 5.

The Minutes of the Strategic Policy & Resources Committee Meeting held on Thursday 15 June 2017 would be tabled for consideration at the Council Meeting to be held on Monday 3 July 2017.

AGREED: It was agreed to note the Newry Mourne & Down Local Development Plan LDP Sustainability Appraisal.

The Chairperson, Councillor Craig, extended his appreciation to Mr Canice O'Rourke Director of Regulatory & Technical Services, for his help and wise counsel and his contribution to the Planning Committee and he wished him well in his retirement.

There being no further business the Meeting concluded at 4.10pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 19 July 2017.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

15

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 29 June 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig**Deputy Chairperson:** Councillor K Loughran**In attendance:** **(Committee Members)**

Cllr M Ruane	Cllr J Macauley
Cllr D McAteer	Cllr C Casey

(Officials)

Mr A McKay	Area Planning Manager
Ms L O Hare	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/092/2017: APOLOGIES / CHAIRMAN'S REMARKS

The following apology was received:

Councillor W Clarke

P/093/2017: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/094/2017: APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:

(1) LA07/2016/0821/F – C Canning**Location:**

24 Ringhaddy Road, Killinchy

Proposal:

Change of house type to that previously approved under R/2012/0323/F (further amended plan received: clarification re: finishes and levels).

Conclusion and Recommendation from Planning Official:

APPROVAL

Speaking rights:

- Mr Andrew Ryan (Tughans) and 2 No. representatives from the Concerned Ringhaddy Area Residents presented in objection to the application.
- Mr Andy Stephens, Agent, (Matrix Planning Consultancy) presented in support of the application.

AGREED: On the proposal of Councillor Ruane, seconded by Councillor McAteer. it was unanimously agreed to issue an approval in respect of Planning Application LA07/2016/0821/F, subject to conditions as per the Management Development Officer Report (conditions to include: substitution of previous approval, removal of permitted development rights, planting, height of retaining wall, NIEA comments, while also having account of the conditions attached to the previous approval (R/12/0323).

Planning Officers also be delegated authority to impose any other conditions that are deemed necessary.

(2) LA07/2015/0714/F – Mr & Mrs Byrne

Location:

180m north west of existing farm buildings and adjoining 28 Ballyclander Road, Downpatrick.

Proposal:

Proposed farm dwelling and garage

Conclusion and Recommendation from Planning Official:

REFUSAL

Speaking rights:

Brigin Byrne agent/applicant, presented in support of the application

AGREED: On the proposal of Councillor Ruane, seconded by Councillor McAteer, it was unanimously agreed to issue a refusal in respect of Planning Application LA07/201/0714/F, for the reasons recommended in the Development Management Officer Report.

There being no further business the Meeting concluded at 11.00 am.

For adoption at the Planning Committee Meeting to be held on Wednesday 19 July 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 19 July 2017

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

- **Item 8** – LA07/2016/0865/F – Mr and Mrs Dan Brown – farm dwelling and domestic garage on lands 60m SE of 34 Wood Road, Castlewellan. **REFUSAL**
- **Item 12** - LA07/2016/1487/0 - David Wilson - proposed housing development (4 no semi-detached and 2 no detached dwellings) - 41 Moss Road, Ballynahinch. **REFUSAL**
- **Item 13** - LA07/2016/1500/RM - Newry, Mourne and Down District Council - household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons, on lands adjacent to No. 40 Flying Horse Road, Downpatrick. **APPROVAL**
- **Item 15** - LA07/2016/1580/F - Owen Miskelly - proposed vehicular entrance - 61 Ballylone Road, Ballynahinch. **REFUSAL**
- **Item 18** - LA07/2017/0184/0 - Mr P Stewart - dwelling and garage with associated site works on lands adjacent to 15 Drumkeeragh Road, Guinness, Ballynahinch. **REFUSAL**
- **Item 23** - R/2014/0689/F - RGE Developments Ltd - housing development comprising 68 dwellings and garages with associated landscaping, with access from Downpatrick Road through approved Phase 1 housing site under ref: R/2009/1085/F (amended site plan received) - North of no.9, 10, 11 Ashdale Gardens and 21a Downpatrick Road, and 100m north-west of No 17 Crew Hill Gardens, Ardglass. **APPROVAL**
- **Item 26** - LA07/2016/1028/0 - Barry Higgins - single storey dwelling - 15m south of 23 Back Road, Annalong. **REFUSAL**
- **Item 27** - LA07/2016/1458/F - Declan Quinn - depot for "End of Life Vehicle Authorised Treatment Facilities" under farm diversification scheme - 61 Annaghmare Road, Crossmaglen. **REFUSAL**
- **Item 29** - LA07/2016/1483/F - Michael McConville - Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs) - Land approx. 100m NW of 16 Carrickrovaddy Road Jerrettspass Newry BT34 1SN. **REFUSAL**
- **Item 31** - LA07/2017/0371/F - Kieran and Briega King - retention of an existing caravan port at rear of dwelling - 56a Drumintee Road, Meigh, Newry. **REFUSAL**

- **Item 32** - LA07/2017/0470/F - Frank Clark - erection of two storey granny flat extension and alterations to existing dwelling including front boundary wall - 40 Flagstaff Road, Newry. **REFUSAL**
- **Item 33** - LA07/2017/0615/0 - Raymond Rice - infill site for 2 dwellings - lands immediately north of 36 Flagstaff Road, Newry. **REFUSAL**
- **Item 34** - LA07/2017/0726/0 - Barry McDonnell - proposed dwelling and associated works - adjacent to and NW of 39 Church Road, Forkhill, Newry. **REFUSAL**
- **Item 36** - P/2013/0767/F - Patrick McShane - erection of 2 dwellings with detached garages and re-align existing lane in substitution to approval granted under P/2008/1042/0 - adjacent to and 30m east of No. 21b Warren Hill, Newry. **APPROVAL**

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

ITEM NO	3				
APPLIC NO	LA07/2016/0691/F	Full	DATE VALID	26/05/2016	
COUNCIL OPINION	APPROVAL				
APPLICANT	Helm Housing Association Helm Housing 38-52 Lisburn Road Belfast BT9 6AA		AGENT	CEP Planning Ltd 2a Wallace Avenue Lisburn BT27 4AA 028 92669668	
LOCATION	Lands bounding Manse Road and to the west of numbers 1 Forde Close and 7 9 and 11 Forde Way Seaforde				
PROPOSAL	10 semi-detached dwellings and associated road, car parking and landscaping with access from Forde Close				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	11	0	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0691/F

Date Received: 26th May 2016

Proposal: 10 semi-detached dwellings and associated road, car parking and landscaping with access from Forde Close

Location: Lands bounding Manse Road and to the west of numbers 1 Forde Close and 7, 9 and 11 Forde Way, Seaforde
This site is within Seaforde.



Site Location (red line is not correct and provided for visual reference, see file for accurate site area)

Site Characteristics & Area Characteristics

The site is within Seaforde and shares its western boundary with the settlement limits defining the village. It is a rectangular plot and has an agricultural access, within the northern boundary onto the Manse Road. This boundary is defined by mature trees and a hedge. The proposal seeks access through Forde Close which is a well-established housing development immediately east of the site. Forde Close and Forde Way are accessed from Main Street Seaforde through a central access. The eastern boundary of the site varies from conifer hedge along the boundary of No 1 Forde Close, to a fence along No 7 and 9 and mature trees along No 11 Forde Way. The southern boundary is shared with an agricultural field and is defined with mature vegetation. During site inspection the boundary to the west is undefined and

shared with an agricultural field. The topography of the site is relatively flat and unprofiled.



View of the site from the NE corner (internal view)

This should be kept brief and to the point, including all material information..



View from Manse Road



View from Forde Close (proposed access)



Views of the boundary shared with Forde Close and Forde Way

Site History:

LA07/2015/0506/PAD (Concluded)

8 2 storey dwellings and associated car parking and amenity space, access to be from Forde close

Lands to the west of no's 1, 9 and 11 Forde Close, Seaforde

R/2008/0394/F GRANTED 16.02.2010

Seven number housing units-consisting of one number detached unit and three number semi-detached units, accessed off Forde Close.

Lands bounding Manse Road and adjacent to numbers 1 & 11 Forde Close, Main Street, Seaforde, BT30 8NG.

To the south and west of the site:

R/2015/0062/F Rice Building Contracts Ltd

Private housing development of 41 units Off Forde Way, Main street and to the rear of 199-207 Newcastle Road, Seaforde

GRANTED 03.02.2017

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 7 (PPS7): Quality Residential Environments and PPS7: Addendum Safeguarding the Character of Established Residential Areas, PPS3: Access, Movement and Parking, PPS12: Housing in Settlements, PPS15: Planning and Flood Risk.

Department guides such as Parking Standards, Creating Places, Living Spaces and DCAN 15 Vehicular Access Standards will also be considered.

Consultations:*Ni Water*

General response received with information included for the applicant to consider.

The comments relating to the WWTW refers to the applicant and development encroachment to the WWTW at Clough.

It must be noted no issued regarding noise or nuisance from WWTW were raised by Environmental Health Unit when consulted and the comments relate to the onus being on the applicant. Therefore Council is content that no additional information would be required.

Transport NI

Required several amended plans through the processing of the planning application, all of which are detailed on the file. The layout received on 27th of January has been agreed and the applicant submitted plans for Private Streets Determination associated with the site layout and Council is awaiting their response with recommended conditions/informatives.

Newry Mourne and Down Environmental Health Unit

No objection to the proposal subject to connection to the main sewer with NI Water approval.

DAERA – Water Management Unit

Concerns about the additional load to Clough WWTW and recommend consultation with NI Water Ltd.

Council would note there was no concern expressed by NI Water Ltd regarding the additional load from the 10 units proposed.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 15th June 2016.

A total of 11 neighbouring dwellings were notified.

8 Objections to the proposal have been received. The objections are summarised as follows:

- The proposal fails to respect the character of the area in terms of density, design, materials and finishes
- The lack of parking associated with the development as units have only 1 space each
- The lack of local services to support the proposal ie village shop, Doctors Office, chemist, school or playpark etc
- impact of increased traffic through Forde Way due to the access arrangement, concerns regarding the width of the access and road safety
- Impact on existing properties in terms

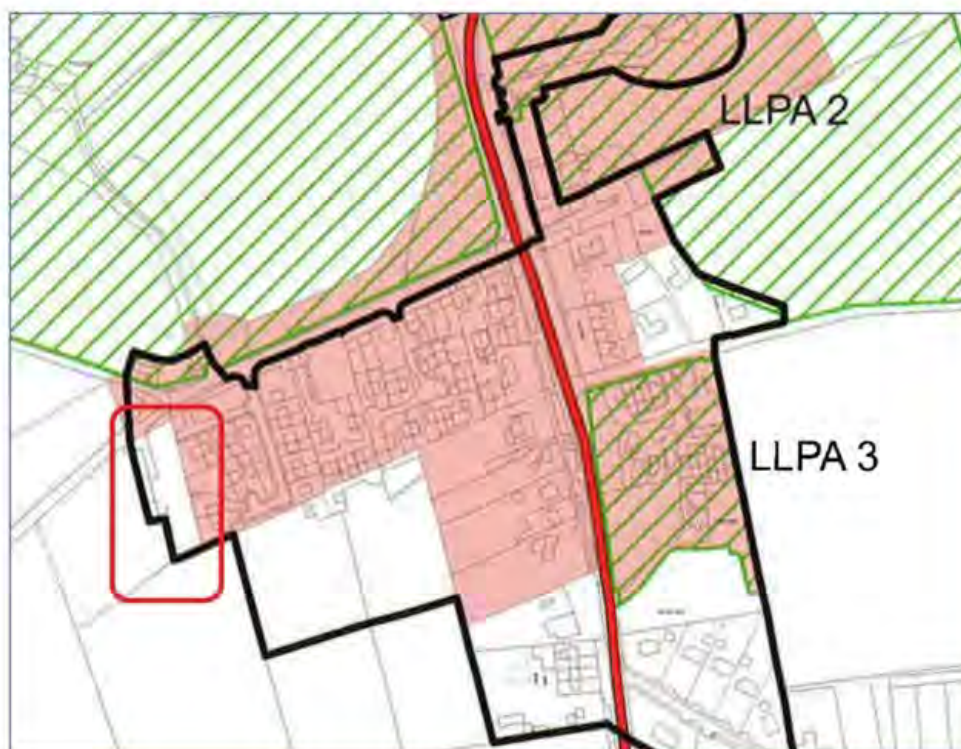
Consideration and Assessment:

The proposal is a full application for 10 dwellings. The dwellings are divided into 5 pairs of semidetached dwellings with in curtilage car parking and private rear amenity space. The proposal will access Main Street via Forde Close the neighbouring residential development.



The proposal details a mix of house types with a central theme of materials and finishes creating a casual uniformity to the scheme. With black blue ridge tiles and concrete tiles for the roof, rendered clockwork and slate cladded bays.

Site highlighted in image below (extract from Area Plan 2015) to illustrate the site within the settlement limits of Seaforde. Seaforde is detailed as a small settlement within the Area Plan. The site is adjacent to and not within the Area of Townscape Character (ATC) as designated within the Ards and Down Area Plan 2015. The site shares its northern boundary with Manse Road and eastern boundary with Forde Close and Forde Way which are within the ATC.



PPS7 requires housing proposals within established residential areas, such as this proposal to have a design and layout that is based on an overall concept that draws from the positive aspects of the character and appearance of the surrounding area. This site has previous planning permission granted in February 2010 for 7 units. Development of this approval, R/2008/0394/F appears to have commenced on site. This is visible in the photographs detailed within this report as the foundations of the dwelling granted adjacent to 1 Forde Close, are present. This comment relates to the condition of the site and does not provide confirmation that the development relation to planning approval R/2008/0394/F, now expired, has commenced on site and is keeping with approved plans.

PPS7 does not permit residential development that would result in unacceptable damage to the local character of the area, environmental quality or residential amenity of the area.

The Council has received objections in relation to the planning application. The applicant is detailed as HELM Housing which is a Registered Housing Association that provides affordable housing and associated support services, as detailed within

their website (www.helmhousing.org). The Council must determine the proposal in relation current planning policy considering planning issues, site constraints and any planning concerns as raised by consultees and 3rd parties i.e. objectors. The comments relating to the proposal being for people with complex needs is not a planning matter.

The proposed development, presents a layout that includes a double frontage corner unit at the entrance, will be of a form that respects the context of the neighbouring Forde Close and Forde Way Development. The plot sizes are slightly smaller however they accommodate a suitable level of rear private amenity space and the set back from Main Street and Manse Road, facilitated by the access being from the neighbouring development rather than direct from the Manse Road, will ensure the site integrates with the existing development. The density can be accommodated by the site. The proposal includes buffer planting along the western boundary with additional planting along the mature northern boundary shared with the manse Road/Main Street. The western boundary also defines the boundary of Seaforde's settlement limits and Council will consider a condition to ensure this buffer is completed prior to occupation of any dwellings detailed within the proposal and would aid with visual integration.

While I have stated that there is a suitable level of private rear amenity space I must highlight that the dwelling on the corner, entry plot, identified as 1C on the site layout, shares its northern boundary, which is its side rear boundary, with the internal road. In order to ensure privacy for the rear amenity space a 1.8m high stone wall is proposed. This wall has a set back from the internal road which will ensure this feature will not dominate the street scene and the materials and finishes would present a more attractive feature than the alternative close board fence.

The private rear amenity space of units 1-6 ensure a separation distance between the existing and proposed units is suitable and reflects that which is recommended within the Departments Creating Places guidance document. Unit on plot 7 shares its side boundary with the rear boundary of No 11 Forde Way. There are no recommendations relating to a side and rear boundary separation distance however I would be satisfied that the proposed layout, separation distance lack of 1st floor windows and the retention with additional planting along the established hedge will ensure the amenity of No 11 Forde Way and the proposed unit on plot 7 will be adequately protected.

The proposal would not result in any loss of light, cause overlooking or have an adverse impact on the residential amenity of the neighbouring dwellings.

PPS7 requires adequate provision to be made for parking within residential development. While the application is unable to provide 2 car parking spaces in the curtilage of each dwelling proposed. Units 1-6 provide 1 space each while units 7-10 detail 2 spaces each. Helm Housing has submitted justification for this advising that as the proposal is to accommodate social housing. The Transportation Assessment Form submitted with the application highlights that 20% of tenants use car (low car usage), the Council is mindful of the details produced on behalf of the applicant and as the proposal will provide for social housing there would be no objection to reduced car parking standards noting the site is within the settlement limits of Seaforde. The applicants conceptual design report indicates that the Housing

Association will encourage residents to make use of public transport by providing welcome packs with information on local transport modes, timetables, public transport provisions.

The site is adjacent to the Area of Townscape Character, and while it is not within it, as the neighbouring Forde Close and Forde Way are, I am satisfied that the materials, finishes, design and scale of the proposal would not detract from the character of the area or have an adverse impact on the designated ATC.

Considering the objections raised querying the lack of available local resources such as Doctors Office, chemist etc, It must be highlighted that the site is within settlement limits of Seaforde which has accessible transport links to neighbouring villages. However the availability of such services is not a criteria for planning policy.

Recommendation:

Approval – the proposal is in keeping with planning policy. No concerns relating to additional load for the WWTW was expressed by NI Water, Environmental Health Unit did not raise any concerns for the Clough WWTW and impact noise/smell would have on the residents. The proposal is recommended for approval subject to conditions and pending Transport NI response to the Private Streets Determination which has been outstanding for a considerable amount of time.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

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

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

All hard and soft landscape works associated with each unit shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of the associated unit it serves.

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

The buffer planting, which form the boundary of the settlement limit and planting as indicated on site layout LA07/2016/0691/02 stamp received 27 JAN 2017, shall be carried out in its entirety prior to the occupation of any dwelling hereby approved.

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

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.

Reasons as recommended by NI Water Ltd:

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

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

All services within the development should be laid underground.

REASON: In the interests of visual amenity.

Conditions recommended by WMU

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

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

Council will also consider Private Streets Conditions received from Transport NI if applicable.

Case Officer DATE

Appointed Officer DATE

RE: 19th July - Committee Speaking Rights - LA07/2016/0691/F - Helm Housing (Item 5)

Colette,

The speaker will be David Erskine of Radius Housing (formally Helm Housing). David is on leave until the 17th July so will not be able to provide a detailed written statement before Friday 14th July. However he has advised me that he is satisfied with Planning's assessment of the site and recommendation and at the committee meeting wants to speak about the high housing need in this area, difficulty in finding sites for social housing and also be available to answer any questions the committee may have in relation to how social housing is developed and managed.

I hope you find this satisfactory.

Regards

Lee Hannigan MRTPI

Town Planner

ITEM NO	4		
APPLIC NO	LA07/2016/0836/F	Full	DATE VALID 22/06/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Kings Castle Nursing Home Kildare Street Ardglass BT30 7TR	AGENT	MB Architectural Design Services 42 Crew Road Ardglass BT30 7TF NA
LOCATION	Kings Castle Nursing Home Kildare Street Ardglass		
PROPOSAL	Proposed single storey extension to accommodate 5no single bedrooms		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	11	2	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- 2 The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.
- 3 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, result in the loss of a protected tree which contributes to the character and appearance of this area, which is identified as a Conservation Area.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0836/F

Date Received: July 2016

Proposal:

Full permission is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

Location:

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).

There is also an associated Listed Building Consent under consideration (LA07/16/0837/LBC), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

Representations

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

Consultees

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6.

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted as part of the associated application who have advised the proposal is unacceptable being contrary to policy BH8 and BH11 of

PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building.

In light of the comments from HED, it is considered Refusal must also be recommended for this Full application.

Recommendation: Refusal

Refusal Reasons:

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**

- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

NOTE FOR FILE:**LA07/2016/0836 AND 0837- KINGS CASTLE, ARDGLASS**

These applications were presented to the Planning Committee in Dec 2016 with a recommendation of Refusal, at which time they were Deferred for a site visit.

Following a site visit, an office meeting was facilitated with the agent and applicant in May 2017, whereby the concerns of the Planning Authority/Historic Environment Division were discussed, and alternatives explored.

The Planning Authority advised it would be necessary to reduce the footprint, thus removing a room from the scheme and pulling the development away from the protected trees. A minor increase in the width (approx. 1m) of the scheme in to the existing tarmacked area to the front was also discussed as an option.

The agent/applicant agreed to discuss the proposals further following the meeting and submit amended proposals.

Amended plans were received on 19th June showing an amendment to the footprint.

5 additional bedrooms remain the basis of this proposal.

The amended plans received do not reflect what was discussed at the office meeting.

The proposed amendments have been discussed whereby it is considered they do not resolve the areas of concern/refusal reason, and remain contrary to PPS6.

The amended plans continue to impact on the protected trees, while it is noted the height has also now increased approx 1m, as well as the width further increasing beyond that what was discussed.

As such an opinion to Refuse remains, based on the original scheme.

(As the amended scheme does not address the concerns expressed and refusal reason these drawings have not been accepted).

Recommendation: Refusal**Reasons:**

- The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.
- The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, result in the loss of a protected tree which contributes to the character and appearance of this area, which is identified as a Conservation Area.

ITEM NO	5		
APPLIC NO	LA07/2016/0837/LBC	Listed Buildi	DATE VALID 20/06/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Kings Castle Nursing Home Kildare Street Ardglass BT30 7TR	AGENT	MB Architectural Desing Services 42 Crew Road Ardglass BT30 7TF NA
LOCATION	Kings Castle Private Nursing Home Kildare Street Ardglass		
PROPOSAL	Proposed single storey extension to provide 5no single bedrooms		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	11	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- 2 The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0837/LBC

Date Received: July 2016

Proposal:

Listed Building Consent (LBC) is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

Location:

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).

There is also an associated Full application under consideration (LA07/16/0836/F), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

Representations

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

Consultees

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6 and supplementary guidance.

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted who have advised the proposal is unacceptable being

contrary to policy BH8 and BH11 of PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

Policy's BH8 and BH11 of PPS6 outline a number of criteria that are required to be met if planning permission will be granted, whereby HED are of the opinion the proposal is contrary to these policies.

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building. It should be noted the proposals did not change.

In light of the comments from HED, Refusal is recommended.

Recommendation: Refusal

Refusal Reasons:

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**
- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

NOTE FOR FILE:**LA07/2016/0836 AND 0837- KINGS CASTLE, ARDGLASS**

These applications were presented to the Planning Committee in Dec 2016 with a recommendation of Refusal, at which time they were Deferred for a site visit.

Following a site visit, an office meeting was facilitated with the agent and applicant in May 2017, whereby the concerns of the Planning Authority/Historic Environment Division were discussed, and alternatives explored.

The Planning Authority advised it would be necessary to reduce the footprint, thus removing a room from the scheme and pulling the development away from the protected trees. A minor increase in the width (approx. 1m) of the scheme in to the existing tarmacked area to the front was also discussed as an option.

The agent/applicant agreed to discuss the proposals further following the meeting and submit amended proposals.

Amended plans were received on 19th June showing an amendment to the footprint.

5 additional bedrooms remain the basis of this proposal.

The amended plans received do not reflect what was discussed at the office meeting.

The proposed amendments have been discussed whereby it is considered they do not resolve the areas of concern/refusal reason, and remain contrary to PPS6.

The amended plans continue to impact on the protected trees, while it is noted the height has also now increased approx 1m, as well as the width further increasing beyond that what was discussed.

As such an opinion to Refuse remains, based on the original scheme.

(As the amended scheme does not address the concerns expressed and refusal reason these drawings have not been accepted).

Recommendation: Refusal**Reasons:**

- The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.
- The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, result in the loss of a protected tree which contributes to the character and appearance of this area, which is identified as a Conservation Area.

ITEM NO	6			
APPLIC NO	LA07/2016/0865/F	Full	DATE VALID	21/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mr Dean Brown 34 Wood Road Castlewellan	AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA	
LOCATION	60m SE of No. 34 Wood Road Castlewellan County Down BT31 9LR			
PROPOSAL	Proposed farm dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that insufficient information has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of six years, or that the farm business is currently active and has been established for at least six years
- 2 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0865/F

Date Received: June 2016

Proposal:

Full permission is sought for a farm dwelling and garage on lands 60m SE of no.34 Wood Road, Castlewellan.

Applicant: Mr Brown

Location:

This site is located in the countryside between Clonvaraghan and Castlewellan, in an AONB and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015. It is noted there is also a Scheduled site/monument in the vicinity of the site. This area is pre-dominantly rural in character, comprising a minor rural road whereby the lands undulate. There are also several dwellings/holdings in the vicinity of the site, while the site is also located adjacent to a forest.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a portion of a field, adjacent to the dwelling and farm buildings of no.34 Wood Road. It is noted the application site and this existing holding are low lying below road level, whereby the field comprising the application is bounded and enclosed by a mix of the gable of a farm building, post and wire fencing, natural stone wall and planting.

The existing dwelling, farm buildings and field comprising the application site are all accessed via one entrance which slopes downhill from the road. The farm dwelling is 2 storey, while the holding also includes several farm buildings.

Site history

A history search has been carried out for the site and surrounds including land registry maps provided, whereby no relevant history was observed.

Representations

An email in support of the application has been received from Cllr P Clarke.

No other representations have been received to date (19-06-17).

Having account the extent of the red line no neighbour notification has been carried out as part of this application, however the application was advertised in the local press in July 2016.

Consultations-

Having account the nature of this proposal and location and constraints of the site, consultations have been carried out with Transport NI, NI Water, NIEA, Shared Environmental Services and DARD, who offer no objections in principle. DARD comments will be outlined below.

Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS11, PPS21 and supplementary guidance.

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

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

With regards to individual dwelling houses, planning permission will be granted in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

The proposal appears to fall within the last criteria- a dwelling on a farm, and therefore Policy CTY10 applies.

Based on the information submitted, this proposal seeks Full permission for a farm dwelling.

As part of this application a P1, P1C form (No farm maps have been provided), land registry maps, supporting information including invoices, design and access statement, site location plan, site plan and detailed plans have been submitted.

Assessment

The P1C form states that the owner of the farm is Mr Samuel Brown whos current residence is listed as no.34 Wood Road, (the applicants are Mr and Mrs Dean Wood whos current residence is also listed as 34 Wood Road), the farm business was established in 1970, a single farm payment is not claimed for, and they have a DARD Agricultural Business Number (630033), and that the date of allocation was 2005.

DARD were consulted with this information, who have confirmed the farm business id identified has been in existence for more than 6years, although a single farm payment is not claimed.

Based on the information submitted with this application it is considered this application seeks planning permission under policy CTY10 of PPS21 on the grounds of a stud farm.

Policy CTY10 of PPS21 does include provision for a dwelling for equine businesses, which are afforded the same benefits as an established and active farm. Having account the requirements of Policy CTY10 of PPS21, it is considered insufficient information/evidence has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of 6 years.

Following internal discussion of the case a letter was issued to the agent on 13th Oct 2016 advising of the above position, and that the application is likely to be recommended for Refusal in its present form, and afforded an opportunity to submit further supporting information.

Further supporting information was received in Nov 2016 including a covering letter, reference to a web-site, bank information, invoices/receipts, and herd record. A further letter was issued to the agent in Jan 2017 seeking clarity regarding the information previously submitted, while also referring to the policy CTY10 of PPS21 and what level of info is required to comply with policy requirements. Some further information was then received in Feb 2017 following which the Planning Authority issued a letter in March advising the application remains to be considered unacceptable as insufficient/incomplete information/evidence has been submitted to demonstrate compliance with policy for the required 6 year period.

Following telephone discussion with the applicants in April a meeting request was made by Colin McGrath MLA to discuss the case.

An office meeting was facilitated with the applicants and MLA (took place on 9th May) whereby the Planning Authority reiterated its position that further evidence was required to satisfy the requirements of policy.

The agent then submitted a passport for 1 additional horse and letter from Mick Devlin Farriery who has advised he has been providing blacksmith services to Samuel Brown, at Wood Road Stud Farm for the past 25 years, and that these services have included the shoeing and hoof care of stallions and mares owned by Samuel Brown, and that he regularly attends the farm, at least twice a month providing these services for the past 6 years in question.

A summary of the information submitted from Oct 2016 to May 2017 includes:

- Limited information regarding horses by the name of Cyrano, Greenan Fort, Harriet, but no completed records for the last 6 years,
- Letter from British Horse Society confirming membership for 2016-2017 only,
- Irish field directory confirming there's a stud at Wood Road,
- letter from single farm payment dated 2005,
- accounts for 2009-2014,
- 2 undated newspaper clippings referring to horses at S D Brown, Wood Road, including Bally Cove, Friesian Cob, Cyrano Bay, Cheyenne Clover, Rne-Shore)
- Correspondence from Northern Bank confirming overdraft facility,
- intermittent invoices from F S Heron (Animal Feeds) from 2010, 2015, 2016 (8 in total)
- 1 invoice from Joseph Walls (Animal feed) 2016,
- 1 invoice from Frazer animal feeds 2011,
- satellite sowing services invoices for 2010-2016 (1 for each year)
- herd record for bovine animals- no names provided
- cattle identification form for 2012, 2013, 2016 (total of 8 cattle moved for these records)
- farm week advertisement invoices for 2009-2016,
- completed Records of Service for King of Mourne and Indian Red for 2010-2016,
- 4 page document providing list of names that Mr Brown has and still owns, but with no details for the last 6 years
- letter from Mick Devlin farriery,

The additional supporting information submitted from Oct 2016 to May 2017 has been considered and while it is acknowledged there has been some level of activity at this address, and there is a registered stud at this location, it is considered there is no active and established business as per the requirements of the policy.

With regards to the equine business element, the justification and amplification of Policy CTY10 of PPS21 outlines the information that should be supplied to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years, including a statement of rateable history for the business, appropriate insurances, and horse passports, and any other relevant information.

As outlined above the agent has been afforded opportunity to provide further information and evidence in support of the case, however it is considered insufficient evidence including rates and insurances as suggested by policy, have not been provided demonstrating the activity of this site.

Completed records of service for the last 6 years have only been supplied for 2 horses, while the remaining information/evidence is incomplete. The onus is on the applicant to provide the relevant information, however despite a number of opportunities being afforded, it is considered the level of information/evidence provided does not meet the requirements of policy.

The level of farming activity for the last 6 years has also been considered as part of this application, whereby it is again considered insufficient information/evidence has been submitted demonstrating how the farm business has been active and established for the required 6 year period.

The case cannot continue to be held indefinitely, and in light of the above, it is considered the application should proceed on the basis of the information submitted to date, and as such is hereby recommended for refusal due to insufficient information/evidence being received and being contrary to policy CTY10 of PPS21.

A history search was carried out for the site and surrounding lands outlined in blue which corresponds with the land registry maps provided, whereby no relevant history was observed regards lands owned/controlled by the applicant.

With regards to the siting, it is noted the siting indicated is located in a low lying field set back from the road at a lower level, and is immediately adjacent to the existing farm buildings.

As such it is considered the proposal complies with Point C of Policy CTY10, however as outlined above, fails Point A.

It is also noted this proposed dwelling will be served via the existing entrance serving no.34.

As stated above the site indicated is low level and is below road level, thus no concerns are expressed regarding undue prominence. The field comprising the application site is also bounded by a mix of a wall, post and wire fencing and planting, which is to be supplemented, thus no concerns are expressed regarding integration. Accordingly it is considered the proposal complies with policies CTY13 and 14 of PPS21.

The dwelling proposed will largely be single storey, although the lower portion is split level, whereby no concerns are expressed regarding the design, materials and finishes. A detached split level garage is also proposed.

It is also considered this dwelling is sited a sufficient distance from any other existing/approved dwelling to prevent any unacceptable impact.

It is noted a septic tank will serve this dwelling whereby it is considered the applicant owns/controls sufficient lands to accommodate this tank and associated soak-aways. In addition it is considered sufficient provision has been made for parking, turning and amenity space within the site.

However as outlined above the principle of a farm dwelling has not been accepted in this instance thus Refusal is recommended.

Recommendation: Refusal

Reasons:

- **The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- **The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that insufficient information has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of six years, or that the farm business is currently active and has been established for at least six years**

ITEM NO 8
APPLIC NO LA07/2016/1403/F Full **DATE VALID** 20/10/2016
COUNCIL OPINION REFUSAL
APPLICANT Mr & Mrs D Graham 48 Raleagh Road
 Crossgar
 Downpatrick
 BT30 9JG
AGENT Ewart Davis 14
 Killynure Avenue
 Carryduff
 Belfast
 BT8 8ED
 07969919145

LOCATION 20m North East of 44 Raleagh Road
 Crossgar
 BT30 9JG

PROPOSAL Dwelling and garage on a farm

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in further erosion the rural character of the countryside.
- 3 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Raleagh Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1403/F

Date Received: 20th October 2016

Proposal: Erection of Dwelling and Garage on a farm

Location: 20m North East of 44 Raleagh Road, Crossgar.

Site Characteristics & Area Characteristics:

The site is comprised of a portion of land cut out of a larger agricultural field and a agricultural laneway immediately adjacent to and north of No 44 Raleagh Road, Crossgar. The site is positioned slightly below road level and its boundaries are comprised of a partial roadside hedge, with, the remaining boundaries undefined.

No 44 Raleagh Road is single storey dwelling which fronts immediately onto the public road, which has a number of associated outbuildings immediately adjacent

The topography of the area is typically undulating and predominantly used for agriculture, there are however, a number of single dwellings dispersed throughout the surrounding area.

Site History:

There is no previous history on this site for this type of application. However, it is noted that the dwelling existing to the north of the site, which sits gable end onto the road has been recently approved for replacement under LA07/2015/1059/O.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside

- Building on Tradition

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

Consultations:

Transport NI – No objections

NI Water - No objections

DARDNI – Confirmed 6 years active business and payments claimed

NIEA – No objections

Objections & Representations

The following neighbouring properties were notified on 11th October 2016:

- 40, 44, 48 and 52 Raleagh Road, Crossgar

The application was advertised in the local press on 9th November 2016.

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

Consideration and Assessment:

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

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

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

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

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

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has revealed that the applicant has gained planning permission for an infill dwelling under planning reference LA07/2016/0007/O at lands between 16a and 22 Raleagh Road, Crossgar and for a replacement dwelling under reference LA07/2015/1059/O No 40 Raleagh Road.

The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b)

The proposed site is located directly to the north of the existing farm dwelling and surrounding farm buildings. The agricultural buildings are visible from the site, despite the limited visual linkage due to the intervening vegetation, it is considered, however, that the dwelling would cluster and visually link with the established group of buildings on the farm - criteria (c) has been met.

CTY13

It has already been established that the site would cluster and visually link with the farm buildings. The design of the proposed dwelling, a modest single dwelling as shown below, is proposed, which is considered to be acceptable.



CTY14

When viewed with the existing buildings along Raleagh Road, it is considered that this dwelling would create ribbon development, given that when travelling in both directions along Raleagh Road as it can be read with Nos 40, 44, 48 and 52. The proposal is therefore contrary to CTY 14 and therefore CTY 8.

Recommendation: Refusal

Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in further erosion the rural character of the countryside.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Raleagh Road.

Signed

Date

Signed

Date

Ref LA07/2016/1403/F – DWELLING & GARAGE ON FARM 20m NORTH EAST OF 44, RALEAGH ROAD, CROSSGAR FOR MR DAVID GRAHAM

1. This proposal has been scheduled to the 19th JULY 2017 Council meeting as a refusal. I wish to submit the following additional information for Council's consideration.

- Mr Graham has been a fulltime farmer since 1975. As the Case Officer's Report details:-
- He meets the CTY10 Criteria in that his business has been in existence for more than six years and he claims Single Farm Payments
- There is no evidence that to suggest that any dwellings or building opportunities have been sold off since 25th November 2008
- The site would cluster and visually link with the farm buildings and the dwelling is modest and considered acceptable
- Access is via an existing farm lane

The concerns raised are that *"this dwelling would create ribbon development when travelling in both directions along Raleagh Road as it can be read with Nos.44, 48 & 52. The proposal is therefore contrary to CTY14 & CTY8."*

2. REBUTTAL

Raleagh Road is a 3 ½ m wide minor road with tall mature frontage hedging on either side. Travelling south from No.42 there is a sweeping turn to the right as Photos 1 & 2 show the existing hedges obscure views to the site.



Photo 1 – View travelling south



Photo 2 – View travelling south

Travelling northwards No.48 is well integrated being set back from the road behind a cluster of trees. (See attached Google Photo 1) There is a line of tall conifer trees between No.48 & No.44 (See Photo 3), indeed No.44 is surrounded by mature conifers. (See Photo 4) Consequently there are no views to the proposal until the site entrance.



Photo 3 – Tall conifers between No.48 & No.44



Photo 4 – Conifers to side and rear of No.44

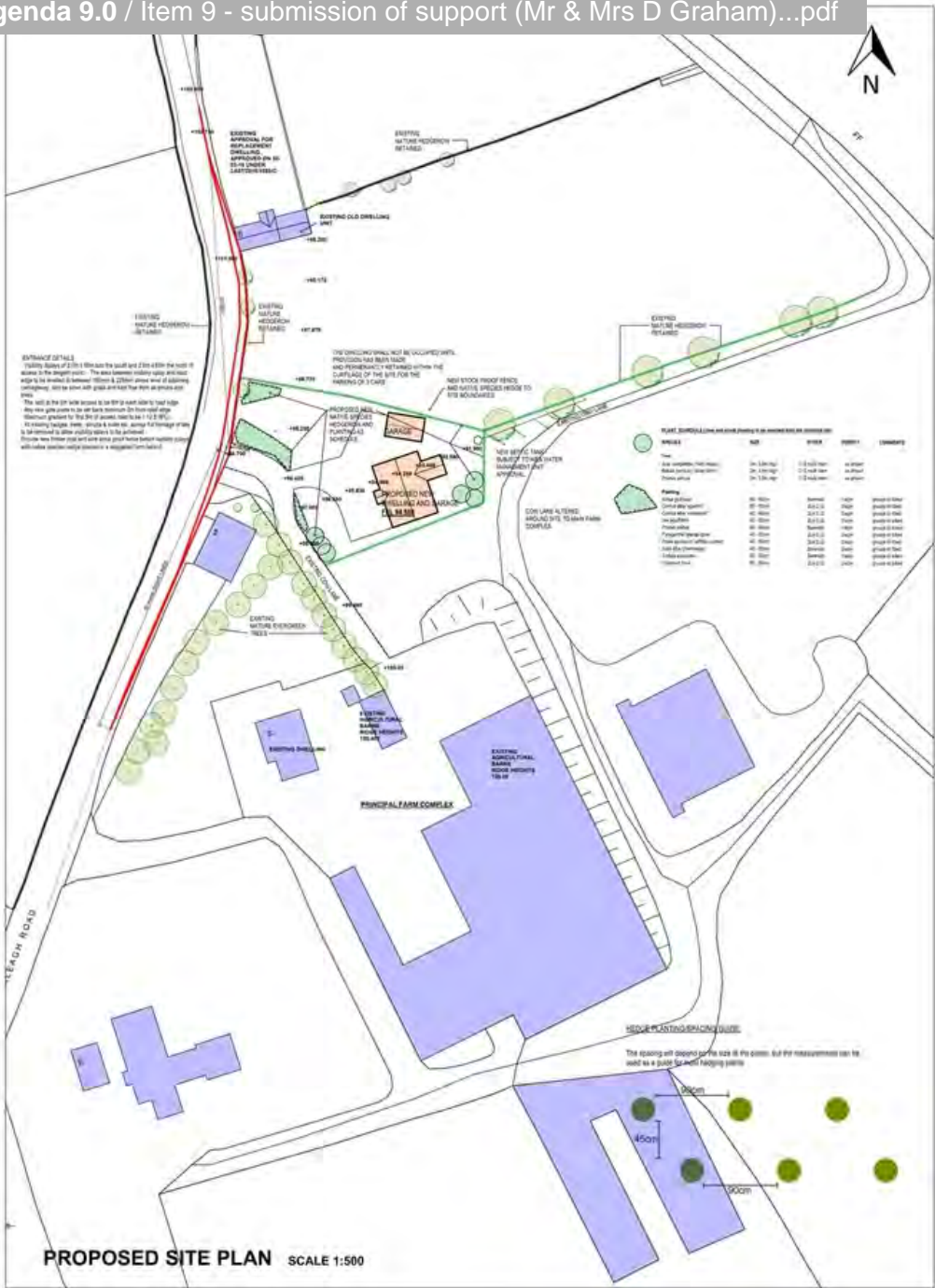
The application site slopes quite sharply down below Raleagh Road. The access point level remains 98.7m but by moving the house siting some 9m further back (east) from the road and 14m south the new dwelling's Finished Floor Level is reduced from 96.8m to 94.5m i.e. 4.2m below the road level. (See amended Site Layout Plan) In the interests of greater integration additional native species tree planting is proposed at the frontage.

In the applicant's view the proposal will be very well integrated when travelling in both directions along Raleagh Road. Further with the additional setback it could not be considered ribboning beyond No.44.

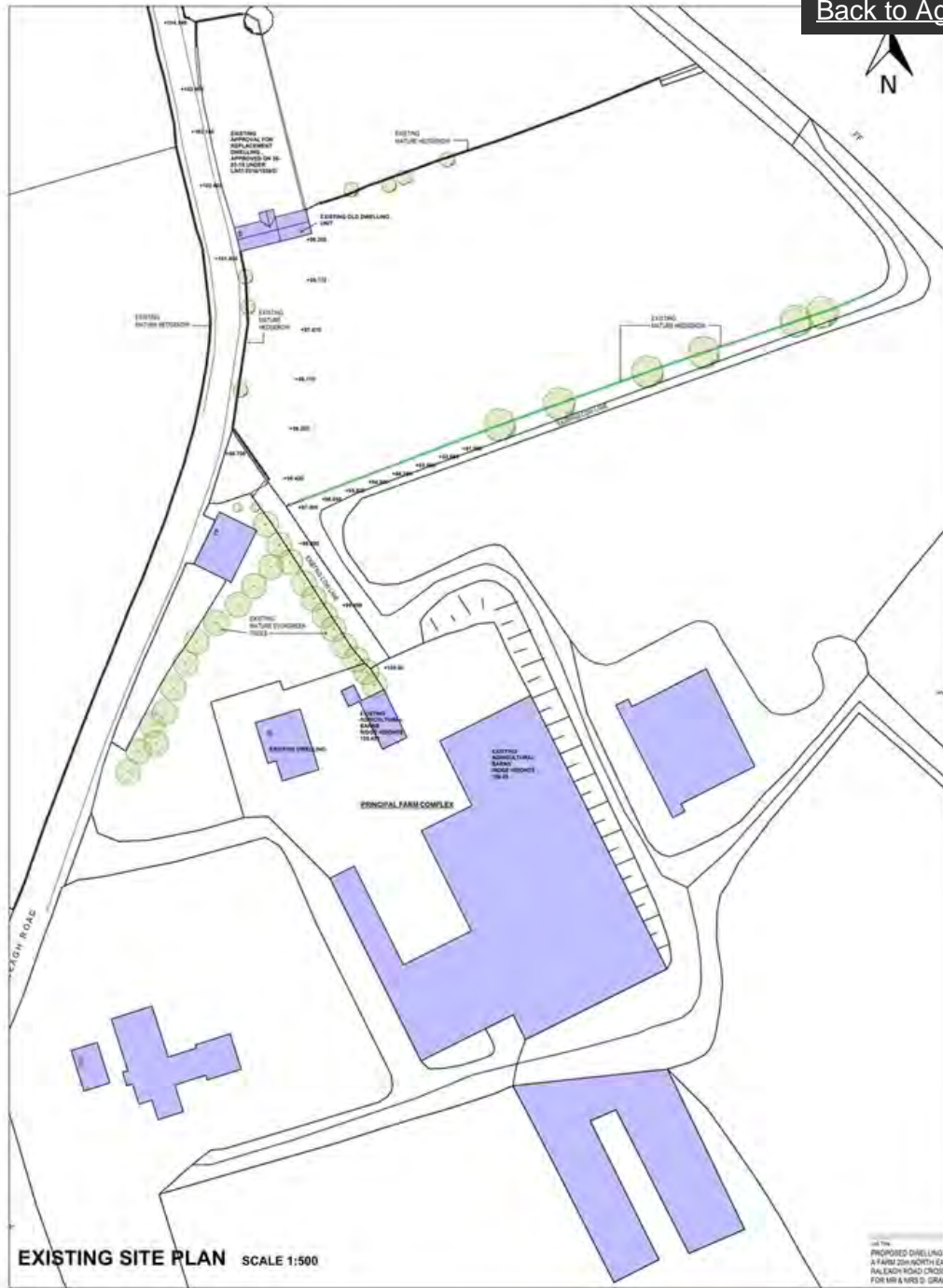
I trust Council will take account of this additional information when assessing this proposal.

Ewart Davis

10th July 2017



PROPOSED SITE PLAN SCALE 1:500



EXISTING SITE PLAN SCALE 1:500

REV A - TRANSPORT ARRANGEMENTS 1:40:17
 REV B - ADDITIONAL LEVELS AND REPOSITIONING OF DWELLING 1:05:17

Site Name:
 PROPOSED DWELLING AND GARAGE ON A FARM 20m NORTH EAST OF AN ALLEYS ROAD CROSSING RT161 ETC FOR MR & MRS D GRAHAM

Client:
 MR & MRS D GRAHAM

Date:
 OCTOBER 2018

Scale:
 1:300

https://www.google.co.uk/maps/@54.3877291,-5.8241603,3a,75y,90t/data=!3m6!1e1!3m... 10/07/2017



Northern Ireland
Street View - Oct 2010

Image capture: Oct 2010 © 2017 Google



Google Maps 44 Raleagh Rd

Google Photo 1.

ITEM NO	17				
APPLIC NO	LA07/2017/0072/F	Full	DATE VALID	18/01/2017	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr D Mahon 8a Manse Road Seaforde BT30 8PD	AGENT	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED 07969919145		
LOCATION	15m South 4 Austin Terrace Newcastle Road Seaforde				
PROPOSAL	Car wash (Additional supporting info received)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	7	0		0	0
				Addresses	Signatures
				0	0 0 0

- The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses, and will harm the amenity of nearby residents.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0072/F

Date Received: Jan 2017.

Proposal: Full permission is sought for a car wash, on lands 15m south of No.4 Austin Terrace, Newcastle Road, Seaforde.

Applicant: Mr D Mahon

Location:

The site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015. It is noted the site is on land regarded as white-land, and is outside the ATC of Seaforde, while it is also noted the Newcastle Road is a Protected Route (within the development limit). The site is located to the southern edge of this small settlement whereby the southern boundary of the site forms the boundary and edge of the development limit. The lands beyond to the south are rural in character, while the lands adjoining the remaining boundaries including to the far side of the Newcastle Road are largely residential in character with the exception of a commercial yard which is located to the rear of 1-4 Austin Terrace.

It is also noted there are scheduled monuments and listed buildings in the vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include a roughly square shaped plot of land off Newcastle Road, although the red line also extends to include part of a concrete access laneway and also extends down to adjoin the Newcastle Road.

This site includes the ruins of a former structure, which appears to have possibly have included 2 floors of accommodation, although which is now heavily overgrown and in poor state of repair, with no roof while part of the walls have also collapsed. The site is bounded by a field to the south and the dwelling (side gable), driveway and boundary wall of No.4 Austin Terrace to the north of the site. No.4 comprises a 2 storey end terrace dwelling whereby the boundary comprises a wall which is approx 1m high to the front of this dwelling which steps up and is approx 2m high to the rear. The Newcastle Road forms the boundary to the east while the area of hard-standing and small single storey structure listed as no.223 (within the blue line) adjoin the western boundary.

The dwelling and curtilage of no.223a and commercial yard area (digger hire) are located further west of the site beyond no.223 which are accessed via the existing concrete yard area which is within the red line.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in the vicinity of the site, the most relevant of which observed includes:

LA07/2017/0078- Lands east of 223s Newcastle Road, Erection of 3 light industrial units, Full, Pending, Applicant: Mr D Mahon

R/2007/0376- Lands to the rear of 223 Newcastle Road, Housing development of nine townhouses and one detached dwelling, Full, withdrawn, 2008, Applicant: Mr N Killen

Objections & Representations

7 representations in opposition to the proposal have been received to date (20-06-17) from the owner/occupiers of no.2, 3, and 4 Austin Terrace, 233a Newcastle Road (which is 223a as confirmed by the owner of this property) 219 Newcastle Road, 1a Kennel Road, and Seaforde and District Community Association (c/o 186 Newcastle Road), whereby the main issues/concerns raised include:

- the plans/information submitted are inaccurate,
- the lands is not vacant, as there is a house on the site,
- increased traffic volume from the proposal and impact it will have on area
- the entrance to the site is used as a bus stop,
- the site is close to the edge of Seaforde where there is a hidden dip where traffic will be travelling at speed in to this small settlement and passed the site entrance, site lines at the entrance are very poor,
- approving this development will deprive properties of a safe environment, and will have a negative impact on adjacent residents
- the site is accessed via a right of way and yard area,
- ownership challenges,
- there are bats in the vicinity of the site,
- existing sewers cannot cope with surface water and this proposal will make the situation worse,
- the industrial nature of the proposal is not in keeping with the character of this small settlement and is contrary to PPS4,
- there are no commercial properties that line the main road in Seaforde. Seaforde has retained its traditional character, and is not over-developed which is one of its best features. Seaforde has no industrial sites in evidence, and to change the use of this site from residential to industrial is not in keeping with the character of the village,
- there is no street lighting in this stretch of Seaforde, which causes hazards,
- the entrance to the site is close to the junction with Kennel Road, while there is also an agricultural gate entrance adjoining the site,
- the industrial use will cause noise, light and emissions pollution, vapour and water pollution, and fire hazard affecting residents and wildlife,

- there is a lack of information regarding hours of business in this residential area,

See file for full content of reps received as the above is only a summary of the main issues raised which are considered in the assessment below.

The above summary is only intended to grasp the main issues raised, and does not seek to provide an exhaustive list of each and every representation received, whereby similar issues have often been raised by more than 1 person.

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Newcastle Road, Austin Terrace and Kennel Road, as part of this application in Jan 2017, while it was also advertised in the local press in Feb 2017.

Following receipt of further information a further round of NN was undertaken in April 2017.

Consultations:

Having account the nature of this proposal, and constraints and zonings of the site and area, and representations received consultation was undertaken with a number of bodies including Transport NI, Historic Environment Division (HED), NI Water and Environmental Health as part of this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS11 and supplementary guidance

As outlined above the site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015, on land regarded as white-land,

Assessment

It is proposed to demolish the existing derelict and overgrown structure, and change the use of the lands to a car wash and erect a small secure store and WC building. (It is noted the site is not vacant as indicated on the P1 form).

Having account the nature of this proposal it is considered the provisions of the recently published SPPS, and also PPS3 and PPS4 apply.

The SPPS has retained policies PPS3 and PPS4, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS3 and PPS4.

As such it is considered PPS3 and PPS4 remain the applicable policy context to consider the proposed development under

This Newcastle Road is a busy road which carries a large volume of traffic each day. The development of Seaforde is identified as a small settlement in the Area Plan, whereby the frontage to Newcastle Road is considered to have largely retained its

historical character comprising low density development, which is largely residential in character.

It is noted there is a hall within this small settlement, while there was also formerly a PSNI station in this settlement, although which has since been converted to residential use. The remainder of this development is largely residential in character, although it is also noted there is a yard area with digger hire available, although which is located to the rear of no.1-4 Austin Terrace, which is associated with no.223a.

Newcastle Road is the main road through the small settlement of Seaforde, whereby the development fronting this road including mature trees has largely been preserved and unaltered thereby retaining and protecting the distinctive character of this small settlement, which includes an ATC.

It is noted a car wash is classified as 'sui generis' and has no specific use class. This car wash facility will be accessed via the existing concrete laneway serving no.223a and digger hire yard, and will include separate In/Out points. This concrete laneway then accesses onto the Newcastle Road. New fencing is to be erected around this new car wash facility with annotation that this will be 1.8m high comprising high wire fencing (coloured green).

With regards to PPS4 it is considered the applicable policy provisions include PED1 and PED9.

It is considered the introduction of such a use in this small settlement of Seaforde which has largely retained its historical character and frontage to Newcastle Road, is not compatible with the surrounding land uses. In addition it is considered the use of this site as a car wash in such close proximity to a number of residential properties will have an adverse impact on the amenity of these nearby residents from vehicles, persons and equipment on site.

Following initial consideration of the case a letter was issued to the agent in March advising that the principle of development is not acceptable and is likely to be recommended for refusal. Reference was also made to the comments from the consultees and representations received.

In response to this a letter and Transport Assessment were submitted from the agent, whereby TNI and Environmental Health are now content, subject to conditions from Environmental Health (hours of operation, floodlighting and power supply restrictions, and erection of 6 foot high close boarded fencing) and on the understanding no.223 is to be demolished. In the event the development is considered acceptable, the above recommendations from Environmental Health will require to be included as conditions.

It is noted the building of no.223 is partly located within the red line and is not shown on the proposed site plan, thus it is understood it is being removed to accommodate this development and can be conditioned as such, along with the other suggestions put forward by Environmental Health.

It is also noted from the information submitted the water supply and foul sewage will be sourced from/disposed off to the mains, while surface water will be disposed off to storm sewers. The proposals include a concrete base and centred gully for cars to park at while being washed.

As outlined above the site accesses on to the existing concrete laneway serving no.223a, and then accesses onto the Newcastle Road, which is a Protected Route Policy AMP3 of PPS3 makes provision for a development proposal involving direct access, or the intensification of the use of an existing access where access cannot reasonably be taken from any adjacent minor road.

It is noted there is no existing minor road to access from, whereby the development will access on to a laneway. As such it is considered the proposal does not offend PPS3.

While it is noted several concerns have been expressed regarding roads related matters, TNI have been consulted as part of this application, who provide professional advice and have offered no objections to this proposal.

The Planning Authority raised the ownership issue with the agent, who has advised there is an ongoing legal dispute regarding the precise dimensions of the applicants ownership and any ROW which exists, and this is currently with solicitors.

Current experience indicates there are no known sewerage capacity issues in this Seaforde area at present, whereby consultation has also been undertaken with NI Water.

However taking into account the above, the principle of development is not acceptable whereby the use is not considered compatible or appropriate to the character of the settlement of Seaforde. While it is noted Environmental Health have no concerns the Planning Authority continues to have concerns regarding the impact the development will have on the amenity of nearby residents.

As such refusal is recommended.

Recommendation: Refusal

Reason:

- The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses, and will harm the amenity of nearby residents.

Re: LA07/2017/0072/F – CAR WASH 15M SOUTH OF 4, AUSTIN TERRACE, NEWCASTLE ROAD SEAFORDE FOR MR DAN MAHON

This proposal has been scheduled to the 19th July 2017 Council Meeting with an opinion to refuse on the grounds that it is incompatible with the surrounding land uses and will harm the amenity of nearby residents.

1. The Ards Down Area Plan 2015 zones the northern two-thirds of Seaforde Village as lying within an Area of Townscape Character. (See Settlement Map) This zoning was awarded due to the cohesiveness of scale, massing, materials and detailing of the buildings. (See enclosed Google Photos 1 & 2)

However in the southern third of the village the buildings are of lesser quality in terms of design, materials and detailing. (See enclosed Google Photo 3 and Photo 2 Young Farmers Hall) Consequently they were excluded from the ATC zoning even though they lie within the Seaforde Development Limit. The proposed site is zoned as White Land within the Development Limit which means there is a presumption in favour of development subject to acceptable impact on its surrounds.

2. ADJOINING DEVELOPMENT

2. 1 The application site lies at the southern boundary of Seaforde which is formed by a thick mature 5m high hedge. The northern boundary of the site is a 5m wide concrete lane running off Newcastle Road and giving access to a large gated commercial yard. This builders yard has been in existence for several decades. As Photo 1 shows, on the gate there are signs saying “diggers for hire”. Through the gate lorries, diggers, low-loaders and two large corrugated sheds where the vehicles are maintained can be clearly seen.



Photo 1 – Commercial Yard with sheds lorries etc

2. 2 150m north of the application site, in May 2013, the Department accepted a mobile chip van beside the Young Farmers Hall. (See letter in Appendix 1) This van is stationed there from Monday to Saturday from 8am to 9pm and is accompanied by an advertising sign. (See Photos 2 & 3)



Photo 2 – Mobile Chip Van beside Young Farmers Hall



Photo 3 – Advertising Sign

2. 3 On the opposite side of Newcastle Road, in Nathan Lodge, Council granted permission December 2016 (Ref LA07/2016/0845/F) to County Down Stoves for a showroom, sales and stores for heating stoves. This site lies inside the Area of Townscape Character and also inside Local Landscape Policy Area 3. As Photos 4 & 5 show there are now 5 advertising signs along the Newcastle Road frontage.



Photo 4 – Advertising Signs



Photo 5 – Advertising Sign mounted on tree

3. CONSULTATION REPLIES – Raised no objections of principle

Transport NI – No Objections

Environmental Health – No objections in principle subject to:-

- Hours of operation Monday to Saturday 9am to 5pm
- Fixed power source – no generators
- Any floodlighting only to be used during hours of operation
- Erect 6 foot high close boarded fence along boundary with laneway

4. CONCLUSION

The Environmental Health reply clarified that the proposal will not negatively impact on adjoining residents in terms of noise, air pollution and air quality. The Transport NI reply clarifies that there will be no access, parking or manoeuvring problems for nearby residents. The nearest residence, No.4 Austin Terrace has a blank gable to the proposal and also has a wall abutting the access lane. The application proposes retaining and augmenting the southern boundary hedge.







The proposal lies outside the Area of Townscape Character on White Land inside the Seaforde Development Limit, where there is a presumption in favour of development. The Consultation Replies confirm the proposal will not harm the amenities of nearby residents nor raise any roads or parking issues. As such it fully meets the requirements of Policy PED9.

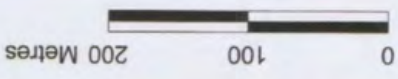
I trust Council will take account of the above when re-assessing this proposal.

Ewart Davis

12th July 2017

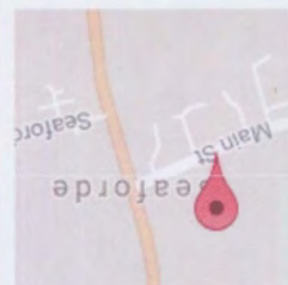
Ards and Down Area Plan 2015 Map No. 3/040a - Seaforde

-  Local Landscape Policy Area (see Map No. 3/040b)
-  Area of Townscape Character (see Map No. 1/138 in Appendix 7)
-  Settlement Limit
-  Protected Route
-  Archaeological Site and Monument
-  Site of Local Nature Conservation Importance (see Map No. 1/104 in Appendix 5)



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Street View - Jun 2016

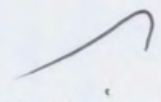
Northern Ireland

Image capture: Jun 2016 © 2017 Google United Kingdom



Google Maps 200 A24
Google Photo 1

https://www.google.co.uk/maps/@54.3066564,-5.8433166,3a,75y,180h,91.76t/data=!3m... 12/07/2017



Northern Ireland
Street View - May 2016

Image capture: May 2016 © 2017 Google United Kingdom



Google Maps
Main St
Google Photo 2

https://www.google.co.uk/maps/@54.3041046,-5.8406148,3a,75y,270h,90.68t/data=!3m... 12/07/2017



Street View - Jun 2016

Northern Ireland

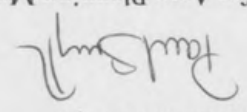
Image capture: Jun 2016 © 2017 Google United Kingdom



Google Maps 241 A24

Google Photo 3

for Area Planning Manager



Yours sincerely,

Accordingly the Department does not intend to pursue this matter any further.

I can confirm the Department has now completed its investigation of this case and I can advise that no breach of planning control has occurred as the situation is not covered by Planning Legislation.

I refer to previous communication concerning the above.

Location: Young Farmers Hall, Newcastle Road, Seaforde.

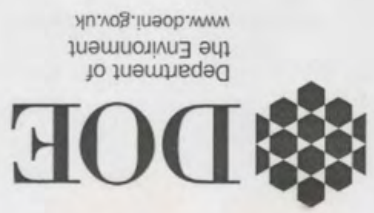
Nature: Alleged unauthorised mobile hot food unit

Dear Sir/Madam

Please contact: Mrs Emma Mathers
Direct Line: 028 4461 8174

Southern Area Planning Office
Local Planning Division
Department of the Environment
Rathkeltair House
Market Street
Demesne of Down Acre
Downpatrick
BT30 6EA

Mr & Mrs Daniel Mahon
8A Manse Road
Seaforde
Downpatrick
BT30 8PD



Date: 15th May 2013
Our Reference: R/2008/0195CA
(Please quote at all times)

ITEM NO 18
APPLIC NO LA07/2017/0078/F Full **DATE VALID** 18/01/2017
COUNCIL OPINION REFUSAL
APPLICANT Mr D Mahon 8a Manse Road **AGENT** Ewart Davis 14
 Seaforde Killynure Avenue
 BT30 8PD Carryduff
 Belfast
 BT8 8ED
 07969919145

LOCATION 20m East of 223a Newcastle Road
 Seaforde
 BT30 8NP

PROPOSAL Erection of 3 light industrial units
 (Additional supporting info received)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	Addresses	Signatures	Addresses	Signatures
	7	0		0	0	0	0	0

- 1 The proposal is contrary to Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses.
- 2 Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Bio Diversity checklist) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
- 3 The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents, and will create noise nuisance.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0078/F

Date Received: Jan 2017.

Proposal: Full permission is sought the erection of 3 light industrial units, on lands 20m east of 223a Newcastle Road, Seaforde.

Applicant: Mr D Mahon

Location:

The site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015. It is noted the site is on land regarded as white-land, and is outside the ATC of Seaforde, while it is also noted the Newcastle Road is a Protected Route (within the development limit). The site is located to the southern edge of this small settlement whereby the southern boundary of the site forms the boundary and edge of the development limit. The lands beyond to the south are rural in character, while the lands adjoining the remaining boundaries including to the far side of the Newcastle Road are largely residential in character with the exception of a commercial yard which is located to the rear of 1-4 Austin Terrace.

It is also noted there are scheduled monuments and listed buildings in the vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include a roughly square shaped plot of land off Newcastle Road, located between the ruins of a former structure to the east and the dwelling and curtilage of no.223a to the west, whereby the red line also extends down to adjoin the Newcastle Road. This site includes a small solid/permanent single storey structure at present, with concrete yard area, and overgrown area of hard-standing and mounding. It is not clear what this small structure is or was last used as.

The dwelling (side gable), driveway and boundary wall of No.4 Austin Terrace and also commercial yard form the northern boundary of the site. No.4 comprises a 2 storey end terrace dwelling whereby the boundary comprises a wall which is approx 1m high to the front of this dwelling which steps up and is approx 2m high to the rear. The dwelling and curtilage of no.223a adjoin the western boundary of the site, whereby this boundary includes a wall which is approx 2m high. This dwelling at

no.223a is also 2 storey high. The commercial yard, although closed during the date of the site visit in Feb 2017, advertises digger hire and refers to heavy plant.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in the vicinity of the site, the most relevant of which observed includes:

LA07/2017/0072- Lands 15m south of 4 Austin Terrace, Car wash, Full, Pending, Applicant: Mr D Mahon

R/2007/0376- Lands to the rear of 223 Newcastle Road, Housing development of nine townhouses and one detached dwelling, Full, Withdrawn, 2008, Applicant: Mr N Killen

Objections & Representations

7 representations in opposition to the proposal have been received to date (20-06-17) from the owner/occupiers of no.2, 3, and 4 Austin Terrace, 233a Newcastle Road (which is 223a as confirmed by the owner of this property) 219 Newcastle Road, 1a Kennel Road, and Seaforde and District Community Association (c/o 186 Newcastle Road), whereby the main issues/concerns raised include:

- the plans/information submitted are inaccurate,
- the lands is not vacant, as there is a house on the site,
- increased traffic volume from the proposal and impact it will have on area
- the entrance to the site is used as a bus stop,
- the site is close to the edge of Seaforde where there is a hidden dip where traffic will be travelling at speed in to this small settlement and passed the site entrance, site lines at the entrance are very poor,
- approving this development will deprive properties of a safe environment, and will have a negative impact on adjacent residents
- the site is accessed via a right of way and yard area,
- ownership challenges,
- there are bats in the vicinity of the site,
- existing sewers cannot cope with surface water and this proposal will make the situation worse,
- the industrial nature of the proposal is not in keeping with the character of this small settlement and is contrary to PPS4,
- there are no commercial properties that line the main road in Seaforde. Seaforde has retained its traditional character, and is not over-developed which is one of its best features. Seaforde has no industrial sites in evidence, and to change the use of this site from residential to industrial is not in keeping with the character of the village,
- there is no street lighting in this stretch of Seaforde, which causes hazards,
- the entrance to the site is close to the junction with Kennel Road, while there is also an agricultural gate entrance adjoining the site,
- the industrial use will cause noise, light and emissions pollution, vapour and water pollution, and fire hazard affecting residents and wildlife,
- there is a lack of information regarding hours of business in this residential area,

See file for full content of reps received as the above is only a summary of the main issues raised which are considered in the assessment below.

The above summary is only intended to grasp the main issues raised, and does not seek to provide an exhaustive list of each and every representation received, whereby similar issues have often been raised by more than 1 person.

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Newcastle Road, Austin Terrace and Kennel Road as part of this application in Jan 2017, while it was also advertised in the local press in Feb 2017. Following receipt of further information a further round of NN was undertaken in April 2017.

Consultations:

Having account the nature of this proposal, and constraints and zonings of the site and area, and representations received consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Historic Environment Division (HED) and Environmental Health as part of this application.

NI Water and HED offer no objections, while the remaining consultees have requested further information.

Further information was requested from the agent in May, whereby a detailed letter and Transport Assessment were then received in April. No other surveys/bio diversity checklist or information has been received to date (20-06-17). A Bio Diversity checklist is required to fully assess and consider any potential impacts arising from the proposal. As such it is considered insufficient information has been submitted to fully assess the proposal. It is noted concerns were expressed from interested parties regarding bio diversity related matters.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS11 and supplementary guidance

As outlined above the site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015, on land regarded as white-land,

Assessment

It is proposed to erect a row of 3 industrial units on this site, which will front towards the Newcastle Road, and will back towards No.223a. the existing building on site is to be demolished with parking to the front. (It is noted the site is not vacant as indicated on the P1 form).

Having account the nature of this proposal it is considered the provisions of the recently published SPPS, and also PPS3 and PPS4 apply.

The SPPS has retained policies PPS3 and PPS4, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS3 and PPS4.

As such it is considered PPS3 and PPS4 remain the applicable policy context to consider the proposed development under

These units will be sited close to the boundary with no.223a (approx 1m from the boundary), and will be set back approx 40m from the road.

This Newcastle Road is a busy road which carries a large volume of traffic each day. The development of Seaforde is identified as a small settlement in the Area Plan, whereby the frontage to Newcastle Road is considered to have largely retained its historical character comprising low density development, which is largely residential in character.

It is noted there is a hall within this small settlement, while there was also formerly a PSNI station in this settlement, although which has since been converted to residential use. The remainder of this development fronting Newcastle Road is largely residential in character, although it is also noted there is a yard area with digger hire available, although which is located beyond the rear of no.1-4 Austin Terrace, which is associated with no.223a.

Newcastle Road is the main road through the small settlement of Seaforde, whereby the development fronting this road including mature trees has largely been preserved and unaltered thereby retaining and protecting the distinctive character of this small settlement, which includes an ATC.

It is noted light industrial units fall with Use Class B2 of The Planning (Use Classes) Order (NI) 2015.

This development of 3 light industrial units will be sited to the south side of Austin Terrace and in front of the dwelling of no.223a Newcastle Road, and will be accessed via the existing concrete laneway serving no.223a and digger hire yard. The current application for the car wash is located between the site and the Newcastle Road.

These units will be located in 1 row, each measuring approx 11.5m by 6m, with office and WC. These units will be constructed in blockwork walls with green profiled sheeting and roller doors, and will include a mono pitch roof being 5m high to the front and 3.5m high to the rear.

With regards to PPS4 it is considered the applicable policy provisions include PED1 and PED9.

It is considered the introduction of such a use in this small settlement of Seaforde which has largely retained its historical character and frontage to Newcastle Road, is not compatible with the surrounding land uses, and is not appropriate to the character of this area.

In addition it is considered the use of this site for 3 industrial units in such close proximity to a number of residential properties will have an adverse impact on the amenity of these nearby residents from vehicles, persons and equipment on site.

Following initial consideration of the case a letter was issued to the agent in March advising that the principle of development is not acceptable and is likely to be

recommended for refusal. Reference was also made to the comments from the consultees and representations received.

In response to this a letter and Transport Assessment were submitted from the agent, whereby TNI are now content, however Environmental Health continue to object as the proposal may adversely impact on the amenity of nearby residential properties. (No other supporting information was supplied by the agent.

Environmental Health have also advised the applicant may wish to submit a Noise Impact Assessment to support their case, however as the principle of this use is not considered acceptable, it is considered there is no merit in requesting this additional information at some cost to the applicant).

It is noted the building of no.223 is partly located within the red line and is not shown on the proposed site plan, thus it is understood it is being removed to accommodate this development and can be conditioned as such.

It is also noted from the information submitted the water supply and foul sewage will be sourced from/disposed off to the mains, while surface water will be disposed off to storm drains.

As outlined above the site accesses on to the existing concrete laneway serving no.223a, and then accesses onto the Newcastle Road, which is a Protected Route Policy AMP3 of PPS3 makes provision for a development proposal involving direct access, or the intensification of the use of an existing access where access cannot reasonably be taken from any adjacent minor road.

It is noted there is no existing minor road to access from, whereby the development will access on to a laneway. As such it is considered the proposal does not offend PPS3.

While it is noted several concerns have been expressed regarding roads related matters, TNI have been consulted as part of this application, who provide professional advice and have offered no objections to this proposal.

The Planning Authority raised the ownership issue with the agent, who has advised there is an ongoing legal dispute regarding the precise dimensions of the applicants ownership and any ROW which exists, and this is currently with solicitors.

Current experience indicates there are no known sewerage capacity issues in this Seaforde area at present, whereby consultation has also been undertaken with NI Water.

However taking into account the above, the principle of development is not acceptable whereby the use is not considered compatible or appropriate to the character of the settlement of Seaforde. In addition it is considered the proposal will adversely impact on the amenity of nearby residents.

As such refusal is recommended.

Recommendation: Refusal

Reason:

- The proposal is contrary to Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses.

- The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents, and will create noise nuisance.

- Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Bio Diversity checklist) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Re: LA07/2017/0078/F – ERECTION OF 3 LIGHT INDUSTRIAL UNITS ON LANDS 20M EAST OF 223A, NEWCASTLE ROAD, SEAFORDE FOR MR DAN MAHON

This proposal has been scheduled to the 19th July 2017 Council Meeting with an opinion to refuse as contrary to Policies PED1 & 9 of PPS4 and that a Bio Diversity Checklist has not been submitted

1. PLANNING FRAMEWORK

The Ards Down Area Plan 2015 zones the northern two-thirds of Seaforde Village as lying within an Area of Townscape Character. (See Settlement Map) This zoning was awarded due to the cohesiveness of scale, massing, materials and detailing of the buildings. (See enclosed Google Photos 1 & 2)

However in the southern third of the village the buildings are of lesser quality in terms of design, materials and detailing. (See enclosed Google Photo 3 and Photo 2 Young Farmers Hall) Consequently they were excluded from the ATC zoning even though they lie within the Seaforde Development Limit. The proposed site is zoned as White Land within the Development Limit which means there is a presumption in favour of development subject to acceptable impact on its surrounds.

2. ADJOINING DEVELOPMENT







2. 1 The application site lies at the southern boundary of Seaforde which is formed by a thick mature 5m high hedge. The northern boundary of the site is a 5m wide concrete lane running off Newcastle Road and giving access to a large gated commercial yard. This builders yard has been in existence for several decades. As Photo 1 shows, on the gate there are signs saying "diggers for hire". Through the gate lorries, diggers, low-loaders and two large corrugated sheds where the vehicles are maintained can be clearly seen.

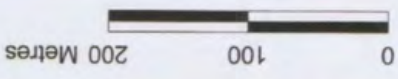


Photo 1 -Commercial Yard with sheds, lorries etc

2. 2 150m north of the application site, in May 2013, the Department accepted a mobile chip van beside the Young Farmers Hall. (See letter in Appendix 1) This van is stationed there from Monday to Saturday from 8am to 9pm and is accompanied by an advertising sign. (See Photos 2 & 3)

Ards and Down Area Plan 2015 Map No. 3/040a - Seaforde

-  Local Landscape Policy Area (see Map No. 3/040b)
-  Area of Townscape Character (see Map No. 1/138 in Appendix 7)
-  Settlement Limit
-  Site of Local Nature Conservation Importance (see Map No. 1/104 in Appendix 5)
-  Protected Route
-  Archaeological Site and Monument



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Street View - Jun 2016

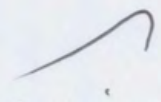
Northern Ireland

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https://www.google.co.uk/maps/@54.3066564,-5.8433166,3a,75y,180h,91.76t/data=!3m... 12/07/2017



Street View - May 2016

Northern Ireland

Image capture: May 2016 © 2017 Google United Kingdom



Google Maps Main St

Google Photo 2

https://www.google.co.uk/maps/@54.3041046,-5.8406148,3a,75y,270h,90.68t/data=!3m... 12/07/2017



Street View - Jun 2016

Northern Ireland

Image capture: Jun 2016 © 2017 Google United Kingdom



Google Maps 241 A24

Google Photo 3

Date: 15th May 2013
Our Reference: R/2008/0195CA
(Please quote at all times)



Southern Area Planning Office
Local Planning Division
Department of the Environment
Rathkeltair House
Market Street
Demesne of Down Acre
Downpatrick
BT30 6EA

Please contact: Mrs Emma Mathers
Direct Line: 028 4461 8174

Mr & Mrs Daniel Mahon
8A Manse Road
Seaford
Downpatrick
BT30 8PD

Dear Sir/Madam

Nature: Alleged unauthorised mobile hot food unit

Location: Young Farmers Hall, Newcastle Road, Seaford.

I refer to previous communication concerning the above.

I can confirm the Department has now completed its investigation of this case and I can advise that no breach of planning control has occurred as the situation is not covered by Planning Legislation.

Accordingly the Department does not intend to pursue this matter any further.

Yours sincerely,

For Area Planning Manager



Photo 2 – Mobile Chip Van beside Young Farmers Hall



Photo 3 Advertising Sign

2. 3 On the opposite side of Newcastle Road, in Nathan Lodge, Council granted permission December 2016 (Ref LA07/2016/0845/F) to County Down Stoves for a showroom, sales and stores for heating stoves. This site lies inside the Area of Townscape Character and also inside Local Landscape Policy Area 3. As Photos 3, 4 & 5 show there are now 5 advertising signs along the Newcastle Road frontage.



Photo 4 – Advertising Signs



Photo 5 – Advertising Sign on tree

3. CONSULTATION REPLIES

Transport NI – No Objections

N. Ireland Water – Water and Foul Sewer within 20m. Developer to consult with NIW re surface water sewer

Natural Heritage & Conservation Areas – Have undertaken a desk top study only. They erroneously noted hedging on site which in fact was removed in summer 2016 i.e. 6 months prior to the application. They also note opportunities for benefit as the proposal will retain existing hedging and augment it with new planting. They were not in a position to make a substantive response.

Environmental Health – Have concerns that there may be noise impacts on nearby residential properties and state *“the applicant may wish to submit a noise impact assessment”*.

REBUTTAL

1. Location of Proposal

This 0.1ha site lies within White Land inside Seaforde’s Development Limit. It is located at the southern end of Seaforde which has been excluded from the Area of Townscape Character due to the lesser quality of the building stock.

The site is set 34m back from the Newcastle Road and is accessed via a 5m wide concrete lane. This lane already affords access to a long established builders yard which hires diggers, loaders and lorries and has skips of topsoil and sand. The yard contains 2 large corrugated steel sheds which are used to maintain and service the contractor’s equipment. This Class B3 General Industry use is not compatible with residential yet it is set immediately to the rear (within 1m) of the 4 dwellings in Austin Terrace. The subject proposal lies 15m from the blank gable of the end of terrace No.4. As Photo 6 shows No.4 is also protected by a some 2-2 ½ m high wall fronting onto the access lane.



Photo 6 – Wall and Blank gable of No.4 Austin Terrace

2. Applicant’s Intentions

The applicant is a local businessman who has inherited this vacant site and hopes to turn it to economic use. His application is for 3 x 62m² light industrial units which he would hope to let. The units would also be suitable to store his mobile chip vans. To date the only interest has been from a picture framer and Mr Mahon feels it might be suitable for a hairdressing salon. Such uses would not impact negatively on the amenity of nearby residents.

3. Environmental Health Concerns

Mr Mahon specifically applied for Class B2 Light Industrial Units. The planning (Use Classes) Order (N. Ireland) 2015 defines Class B2 uses as ***“any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”*** Due to this definition Class B2 uses are normally acceptable in residential areas.

Environmental Health note that the light industrial units are to be accessed through roller shutter doors to the front. They have concerns that the noise from activities inside may impact adversely on nearby residential properties. They request *“the applicant **MAY** wish to submit supporting evidence in the form of a noise impact assessment.”* Unfortunately Mr Mahon has no idea of the future occupants of the units. Indeed they may be used to garage his 3 chip vans, as a hairdressers, or for picture framing. He would be happy to accept stringent conditions which would cover all eventualities.

4. Natural Heritage and Conservation Issues

In Spring 2016 Mr Mahon removed unsightly scrub vegetation from the 0.1ha plot in preparation for a planning application which he submitted 18/1/2017. NIEA’s consultation of 1/2/2017 raised concerns that he was going to remove trees from the front of his 0.1ha site, but commended him for the additional planting shown on his 18th January 2016 plans. Possibly this confusion over dates occurred because NIEA did not inspect the site but simply “googled” it. NIEA stated in their consultation reply that they had developed a Biodiversity Checklist but did not say that they required one to be completed.

Mr Mahon is actually proposing to carry out additional planting on his 0.1ha site. Although a Biodiversity Checklist seems superfluous he has completed one. (See copy attached) He has also provisionally engaged a NIEA recognised ecologist Dr Jayne Preston to undertake an Environmental Assessment Study if required. (This normally costs around £570)

5. Contrary to PED 1 & 9







This application is for Class B2 Light Industrial Units which, by definition, can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash or grit. The Transport NI reply clarifies that there are no concerns re traffic, parking or manoeuvring. Thus I would submit that this light industrial proposal is compatible with the surrounding land uses, one of which is the adjoining Class B3 General Industrial builders yard. Further that it would not harm the amenities of adjoining residents.

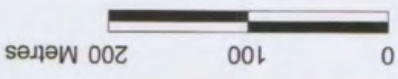
I trust Council will reassess the proposal taking full account of the points raised.

Ewart Davis

13th July 2017

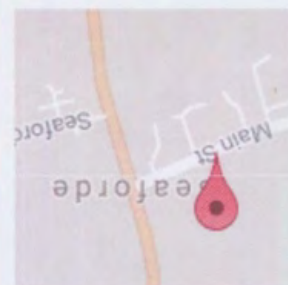
Ards and Down Area Plan 2015 Map No. 3/040a - Seaforde

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-  Area of Townscape Character (see Map No. 1/138 in Appendix 7)
-  Settlement Limit
-  Protected Route
-  Archaeological Site and Monument
-  Site of Local Nature Conservation Importance (see Map No. 1/104 in Appendix 5)



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https://www.google.co.uk/maps/@54.3067665,-5.841419,3a,75y,270h,91.76t/data=!3m6!... 12/07/2017



Street View - Jun 2016

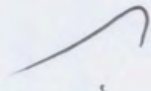
Northern Ireland

Image capture: Jun 2016 © 2017 Google United Kingdom



Google Maps 200 A24
Google Photo 1

https://www.google.co.uk/maps/@54.3066564,-5.8433166,3a,75y,180h,91.76t/data=!3m... 12/07/2017



Street View - May 2016

Northern Ireland

Image capture: May 2016 © 2017 Google United Kingdom



Google Maps Main St

Google Photo 2

https://www.google.co.uk/maps/@54.3041046,-5.8406148,3a,75y,270h,90.68t/data=!3m... 12/07/2017



Street View - Jun 2016

Northern Ireland

Image capture: Jun 2016 © 2017 Google United Kingdom



Google Maps 241 A24

Google Photo 3

Yours sincerely,
Paul Smyth
for Area Planning Manager

Accordingly the Department does not intend to pursue this matter any further.
I can confirm the Department has now completed its investigation of this case and I can advise that no breach of planning control has occurred as the situation is not covered by Planning Legislation.
I refer to previous communication concerning the above.

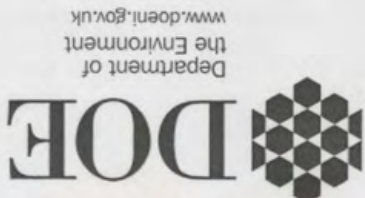
Nature: Alleged unauthorised mobile hot food unit
Location: Young Farmers Hall, Newcastle Road, Seaforde.

Dear Sir/Madam

Please contact: Mrs Emma Mathers
Direct Line: 028 4461 8174

Southern Area Planning Office
Local Planning Division
Department of the Environment
Rathkeltair House
Market Street
Demesne of Down Acre
Downpatrick
BT30 6EA

Mr & Mrs Daniel Mahon
8A Manse Road
Seaforde
Downpatrick
BT30 8PD



Date: 15th May 2013
Our Reference: R/2008/0195CA
(Please quote at all times)

ITEM NO	11			
APPLIC NO	LA07/2016/1487/O	Outline	DATE VALID	07/11/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr David Wilson 41 Ballynure Road Newtownabbey BT36 5SL		AGENT	S W Marcus Architectural Services 48 Sand Road Galgorm Ballymena BT42 1DL 02825656780
LOCATION	41 Moss Road Ballynahinch BT24 8EG			
PROPOSAL	Proposed Housing Development (4no semi-detached and 2no detached dwellings)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width/gradient/visibility/other) of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1487/O

Date Received: 07.11.2016

Proposal: Proposed Housing Development (4no semi-detached and 2no detached dwellings)

Location: 41 Moss Road, Ballynahinch, BT24 8EG.



SITE LOCATION



This site is within the settlement of Ballynahinch.

Site Characteristics & Area Characteristics

The site is accessed from the Moss road through a steep lane that serves detached dwellings of No 37 and 39 Moss Road as well as the site. The site is to the rear of No 39 Moss Road, it contains a concrete yard, agricultural outbuildings and a open sided barn. The western boundary is defined by mature trees and vegetation that provide the boundary definition between the site and farmlands to the west. To the south the site provides a field gate to the farmland beyond and to the east the boundary is defined by a retaining wall which includes the eastern facades of the agricultural buildings. To the east is a steep slope which increases in levels moving from the shared boundary to the east where the tip of the drumlin is located.



Access from Moss Road



Site History:

R/2002/1293/O

Site ADJ to 39 Moss Road, Ballynahinch

5 dwellings and garages

GRANTED 2.6.2003

R/2006/0511/O

Site ADJ to 39 Moss Road, Ballynahinch

Proposed housing development of 5 dwellings (renewal of R/2002/1293/O)

GRANTED 9.11.2006

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning PoS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking, PPS12 Housing in Settlements, PPS15 Planning and Flood Risk as well as guides to include Parking Standards, Creating Places, Living Spaces and DCAN 15 Vehicular Access Standards. The site is within the settlement limits of Annsborough village however it is also within the AONB and therefore PPS2 Natural Heritage will also be considered.

Consultations:

Ni Water Ltd

Standard response detailing information for the applicant and noting that the WWTW have available capacity.

NIEA

- *Drainage and Water*

No specific comment and provided advice for applicant regarding Multiple Dwellings

- *Land, Soil and Air*

Industrial Pollution and Radiochemical Inspectorate (IPRI) advised the proposal is located approx. 250m from the boundary of this PPC Part B Permitted site and there is potential for occupants to suffer periodic loss of amenity due to noise, dust etc

- *Natural heritage and Conservation Areas*

The site has a hedgerow habitat and has the potential to support a variety of species including but not limited to bats and wild birds, the NIEA developed Biodiversity Checklist would assist in the consideration of this issue.

Comments received from NIEA were forwarded to the planning agent for consideration in letter dated 24.11.2016, however due to history on site for approval of 5 dwellings at outline under reference R/2002/1293/O and R/2006/0511/O and the numerous dwellings located between the PPC licenced site, it was not considered necessary to request additional information and comments from Environmental Health Unit within the Council have been sought.

The applicant supplied a completed biodiversity checklist which raised no area of concern and additional information is not considered necessary.

Environmental Health Unit

The proposal is in close proximity to farm buildings. A separation distance of 75m is recommended to prevent odour and noise annoyance.

The comments were attached to letter sent to agent on 24.11.2016 for their consideration.

Transport NI –

Recommended refusal as the proposal is contrary to policy and detailing the following refusal reason;

'The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width/gradient/visibility/other) of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.'

Objections & Representations

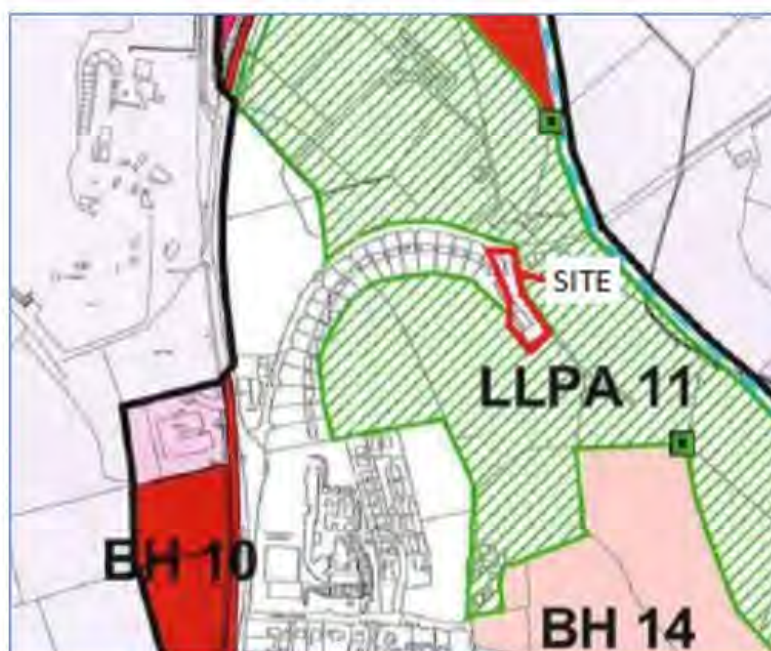
The site was advertised in Mourne Observer and Down Recorder on 23rd November 2016.

A total of 7 neighbouring dwellings were notified.

Objection received from neighbouring dwelling that raises concerns that the proposal may affect their access to and from the Moss Road as well as from the shared lane to their own property. This dwelling shares the access and the proposal has served notice as detailed within the P1 form.

Consideration and Assessment:

The site is within the settlement of Ballynahinch. It abuts the LLPA but is not within the LLPA.



There is previous approval outline approval granted for 5 dwellings under R/2002/1293/O and R/2006/0511/O which has expired. This application is for a total of 6 dwellings consisting of 4 semi-detached dwellings and 2 detached dwellings. The indicative site layout details the following:



Current proposal

Previously approved concept R/2006/0511/O
Which reflects the same concept approved
R/2002/1293/O

The site is an elevated site. It would be visible on approach from the North, outside the settlement limits, approaching the town, when travelling on Moss Road. The current access is steep and the indicative layout details new access arrangements and internal arrangements which will be considered.

It must be noted that previous planning approvals R/2002/1293/O was granted in June 2003 while R/2006/0511/O was granted in November 2006. Both proposals were considered in relation to Policy QD1 of PPS7, however the PPS7 Addendum Safeguarding the Character of Established Residential Areas was published in August 2010 and therefore must be considered. This policy provides additional policies to safeguard the character of established residential areas. Within this document Policy LC1 provides criteria for consideration which includes the existing pattern of development as well as consideration of the density within the area and that of the development proposed. Density of site proposed is 25 units per Hectare ie 6 units within 0.24HA.

The previous outline approvals of both R/2002/1293/O and R/2006/0511 detailed 5 units within the same site area resulting in a density of 20.8 units per Hectare. The established dwellings which neighbour the site ie NO 29,31,33,35,37 and 39 Moss Road have a density 11.53 units per hectare ie 6 units on 0.52 HA. Considering the previous approvals accepted precedent for increasing the density of development within the site to double that of the established properties which neighbour the site, 20.8 units per Hectare set a limit. Increasing the density further, to 25 units per Hectare would be a small increase from 21 to 25 units per hectare. Due to the history on site on balance as the character of the site has been altered through the historical approval of 21 units per hectare, an additional unit would not be a significant increase.

The concept layout highlights that each unit can achieve in-curtilage car parking for 2 cars which maintaining a private rear amenity space. The back garden depth of the proposed 3rd unit would fall short of the 10m guidance as detailed within Creating Places. The units on the site would require their amenity space to be supported through the use of a rear retaining wall potentially softened through the use of landscaping.

The proposal would respect the pattern of development in that it would front onto the internal road. However the introduction of semi-detached units on the site would not reflect the character of the immediate area however the backdrop of the drumlin to the rear and the existing planting could easily facilitate 2 storey semi-detached dwellings on site.

Transport NI has expressed serious concerns relating to the proposal. While Council must consider the previous approvals on site, they were able to accommodate a 5m wide access for 1st 10m, a gradient of 1:25 for the first 10 m and visibility plays of 2.4m by 60 were conditioned. The proposal cannot accommodate the required visibility splays as previous, however the width can only accommodate 4.8m wide and Transport NI has recommended refusal of the scheme due to the proposed access details. The Council has also received representation relating to the access and the potential this development may have on No 39 Moss Road. The proposal is an outline application and therefore the details provided are only a conceptual layout and not the potential final layout details however notice has been served on No 39.

The site neighbours a farm and farmlands. It is also within proximity of a PCC site. However I would not consider either adjacent and nearby land uses to have a detrimental impact on the amenity of the proposed residents.

The concept details semi-detached units with a limited size. Each semidetached unit measures at 5.5m by 8.5m with a potential floorspace of 46.75sqm. PPS7 Addendum Policy LC1 also requires new dwellings to provide a floor area equal to or more than that set out in Annex A. Annex A refers to Space Standards as set out in DSD's Housing Association Guide 2009: Design Standards and is detailed below;

Annex A: Space Standards

Space Standards ³			
Type	Single Storey / Flat (m ²)	Two Storey (m ²)	Three Storey (m ²)
1-Person / Bedsit	30/35	-	-
1-Person / 1-Bedroom	35/40	-	-
2-Person / 1-Bedroom	50/55	-	-
3-Person / 2-Bedroom	60/65	70/75	-
4-Person / 2-Bedroom	70/75	75/80	-
4-Person / 3-Bedroom	75/80	80/85	-
5-Person / 3-Bedroom	80/85	90/95	95/100
6-Person / 3-Bedroom	85/90	95/100	100/105
6-Person / 4-Bedroom	90/95	100/105	105/110
7-Person / 4-Bedroom	105/110	115/120	115/120

(Extract from DSD's Housing Association Guide 2009: Design Standards)

Applying the space standards to the concept the proposal, if single storey, would not be able to accommodate units to suit more than 1 person bedsit's or 1 person/1bedroom units unless 2 storey dwellings were proposed. The site may be

able to accommodate 2 storey dwellings due to the backdrop provided by the drumlin to the rear, however this site is elevated and the dwellings would be visible from the Moss Road when approaching the Town from the Countryside.

Considering the concept in relation to the neighbouring dwellings, particularly No 39 Moss Road, the proposal would not result in overlooking of private amenity. There are buildings on site at present which include a 2 storey office building which has fallen into a state of disrepair. The proposal would not result in any loss of light beyond that which the current building has on No 39 Moss Road.

The site has no features of archaeological or built heritage and the current tree-hedge line to the west could be conditioned to be retained if considered necessary.

The applicant supplied information detailing the history of the site by way of a document from DOE Town and Country Planning Service which states that the established use on the premises for workshop stores and offices was accepted and providing advise that change of use to retail would be a breach of planning control regulations. While Council Notes the use associated with the buildings on site, they also appear to include sheds which are used for agriculture. During site inspection the open gable shed contained cattle. However the previous use on site, coupled with the lapsed planning history would not set aside road safety concerns expressed by Transport NI.

Recommendation:

Refusal.

The proposal fails to accommodate a safe access to satisfy PPS3 as referenced by Transport NI within their consultation response.

Refusal Reasons/ Conditions:

Reasons for refusal as recommended by planning officer and Transport NI, may be subject to change;

AS RECOMMENDED BY TRANSPORT NI:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width/gradient/visibility/other) of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer DATE

Appointed Officer DATE

ITEM NO	12			
APPLIC NO	LA07/2016/1500/RM	Reserved M	DATE VALID	09/11/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Joe Parkes Newry Mourne & Down District Council Ardglass Road Downpatrick BT30 6GQ	AGENT	Violeta Morosan RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ 02890667914	
LOCATION	Adjacent to 40 Flying Horse Road Downpatrick Co Down BT30 6QW			
PROPOSAL	Household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1500/RM

Date Received: Nov 2016

Proposal:

Reserved Matters approval is sought for a household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons, on lands adjacent to no.40 Flying Horse Road, Downpatrick

Applicant: Newry, Mourne and Down Council.

Location:

The site is located within the development limits of Downpatrick on land zoned for Industry (DK15) as identified in the Ards and Down Area Plan 2015. The site comprises a low lying forested area at present which extends to adjoin both the Flying Horse Road and Killough Road.

This area includes a mix of uses with the lands to the south side of the Flying Horse Road comprising industrial uses, with commercial and residential properties to the northern side of this road. There do not appear to be any other zonings affecting the site.

Site Characteristics & Area Characteristics:

The site comprises a portion of land which extends to adjoin the Flying Horse Road and Killough Road. This land appears generally low lying although does rise to the southern boundary and comprises an overgrown forested area at present of semi-mature trees. The site is bounded by Crane Tyre Centre and several other industrial uses to the eastern boundary while the Killough Road forms the western boundary. A wide grass verge and footpath runs along the site frontage along Flying Horse Road, and a narrow grass verge along the boundary with Killough Road. There is also a bank along the eastern boundary with the adjoining industrial units.

Site History

A history search has been carried out for the site and surrounds, whereby it is noted there have been a number of previous applications in this area for a range of uses and development, including telecommunications apparatus, change of uses, warehousing, industrial units.

There is also an associated Outline permission on the application site, namely:

R/2014/0632/O- Adjacent to 40 Flying Horse Road, Downpatrick, Household recycling centre, Outline, Approval, 25-02-15, Applicant: Down District Council. As part of this permission the site location plan and indicative site plan were stamped granted while 7 conditions were also attached. These conditions included related to the time limit, access details, levels, planting, and that the RM submission shall be broadly in line with the indicative site plan.

Consultations

Having account the location, zonings and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, NI Water, Rivers Agency, Environmental Health, and Shared Environmental Health, whereby it is considered no objections are offered in principle.

Rivers Agency and NIEA had initially requested further information and clarification and are now content.

A Drainage Assessment and HRA screening exercise was also undertaken, while a Bio Diversity checklist was also submitted as part of this application due to the nature of the site.

No further information is required, while it is not considered necessary to carry out any further consultation to fully assess or determine this application.

Representations -

None received to date (14-06-17).

As part of the processing of this application, neighbour notification and advertising was undertaken in Nov 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Brannish Road, Flying Horse Road, and Killough Road).

Policy: RDS, SPPS, PPS2, PPS3, PPS4, PPS6, PPS11, Ards and Down Area Plan 2015 and supplementary guidance.

As stated above the site is located within the development limits of Downpatrick on land zoned for Industry (DK15) as identified in the Ards and Down Area Plan 2015. The site comprises a low lying forested area at present which extends to adjoin both the Flying Horse Road and Killough Road.

This area includes a mix of uses with the lands to the south side of the Flying Horse Road comprising industrial uses, with commercial and residential properties to the northern side of this road. There do not appear to be any other zonings affecting the site.

Zoning DK15- 11.8 hectares of Industrial Lands at Cloonagh Road and Brannish Road.

There are 3 Key Design Considerations (KDC) for this zoning.

Consideration

As stated above the site boundary extends to adjoin both the Killough Road and Flying Horse Roads, and is readily visible from a stretch of both of these roads at present. It is noted the site comprises a treed area at present which provides a buffer and screens the existing zoned industrial lands from the Killough Road.

The lands along this stretch and south side of the Flying Horse Road are low lying and largely industrial in character.

It is proposed to erect a new household recycling centre within part of this site. As part of this RM submission a P1 form, site location plan and detailed plans have been submitted.

It is clear from the history outlined above there is a previous extant Outline permission for a household recycling centre on this site (R/14/0632/O). This Outline application was approved in Feb 2015, while this associated RM application was received in Nov 2016 (within 3 years), thus is valid.

This Outline application included some 7 conditions as outlined above, whereby the site location plan and indicative site plan were stamp granted as part of this Outline permission. (Conditions are summarised above).

In light of the above the principle of a household recycling centre has already been established and accepted for this site, subject to conditions.

It is noted the red line of this RM submission is the same as that approved at Outline stage.

This proposed household recycling centre will be accessed from the Flying Horse Road with an entrance drive of approx 100m leading to the new recycling centre. The entrance road will have a 2-way system, while the recycling area will operate a one way system with drop off/set down areas around the central recycling pits. Levels and sections have been provided which show how those proposed will largely respect existing whereby the site will be low lying with the recycling pits and containers sunk below the access road. It is noted the existing planted area to the front and rear of the new centre will be retained while a belt of buffer planting is also being retained and supplemented along the boundary with the Killough Road adjacent to the location of the new centre. It is also noted new fencing is proposed to enclose and secure the site. A small single storey office building is also being proposed in the corner of the site. Drainage, manhole and gully details have also been submitted.

Having account the location of the site and associated zonings, and nature of this proposal, no objections are offered in principle, whereby it is considered this is an appropriate location for such a use, which is within the development limits. Types of waste to be recycled include bottles, dry recyclables, green waste, non-recyclable household waste, cardboard, oil, batteries, scrap metal. It is noted a license will be required from NIEA Waste

It is noted the general layout of this recycling centre will be similar to the existing Council recycling centre in operation outside Castlewellan.

It is considered the proposal complies with the conditions of the Outline approval, and does not offend the applicable policy context.

Accordingly Approval is recommended subject to conditions.

Recommendation: Approval

ITEM NO 13
APPLIC NO LA07/2016/1542/F Full **DATE VALID** 14/11/2016
COUNCIL OPINION REFUSAL
APPLICANT Alan Morgan 2 Clanfort Hill **AGENT** Design RTH Ltd
 Castlewellan BT31 9FB 45 Halfpenny Gate
 Road
 Moira
 BT67 0HW
 07931855841

LOCATION 50m East of 141 Newcastle Road
 Drumee
 Castlewellan
 BT31 9HF

PROPOSAL Proposed barn conversion with extension to provide a dwelling (amended plans)

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	3	0	0	0	0	0	0	0
	Addresses		Signatures		Addresses		Signatures	
	0	0	0	0	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building proposed is not a locally important building suitable for conversion.
- 2 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that;
 - the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character and appearance of the locality;
 - access to the public road will prejudice road safety.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
 The A50 is a PROTECTED TRAFFIC ROUTE and Planning must be satisfied that this application falls within the exceptions listed in the policy relating to intensification of accesses onto protected routes. If this application does not fall within the exceptions listed then it should be REFUSED.
- 4 The proposal is contrary to Planning Policy Statement 3, Policy AMP3 Access to Protected Routes (Consequential Revision) in that the proposal fails to meet the criteria for development in the countryside and would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.
- 5 The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 2 'Natural Heritage' Policy NH5 Habitats, Species or Features of Natural Heritage Importance in that it has not been demonstrated that proposal is not likely to result in the unacceptable adverse impact on, or damage to the trees afforded protection by the Tree Preservations Order which affects the site.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

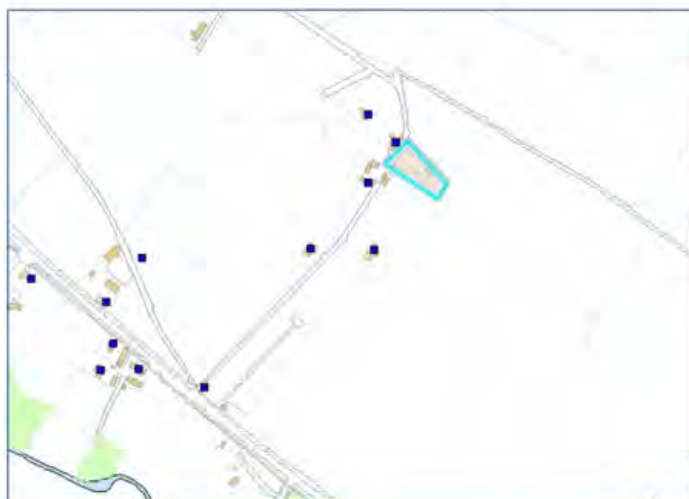
Application Reference: LA07/2016/1542/F

Date Received: 14th November 2016

Proposal: Proposed barn conversion with extension to provide a 3 bedroom dwelling

Location: 50m East of 141 Newcastle Road, Drumee, Castlewellan.

The site is within the countryside between Newcastle and Castlewellan. The site is approx. 1.7miles south-east of Castlewellan and 2.3 miles from Newcastle. The site is also located within the Tollymore Ward of the District.



Site Characteristics & Area Characteristics

The site is accessed from the Newcastle Road by a long narrow stone lane. It is a large rectangular site with a tree lined northern boundary.



Elevations facing NE



Smaller portion of the building and internal wall shared between the smaller and larger building



Internal wall of smaller portion of building, no fireplace corresponds with the chimney



SW facing gable wall and internal wall



South-East facing gable wall (rear) and closer photo of window detail



Internal wall, window and door of rear gable wall

The site is accessed from the road through an established narrow access which serves several detached dwellings, farm buildings and agricultural lands. The site abuts the lane with a stone wall and vegetation that provides boundary definition of the site. The north-east boundary is lined, internally, with mature trees. The site is an agricultural field which has a slight rise in level towards the eastern boundary. There is a stone structure which is divided into 2 portions, a larger roofed structure and an attached smaller structure with a chimney and no roof. The building is stone. To the south, east and north the site shares its boundary with agricultural lands to the west the boundary is shared with the lane with outbuildings opposite and to the south.

Site History:

R/1979/1019

Bungalow Drumee Road, Castlwellan

Refused 21.03.1980

Neighbouring Site

There is a pending application to the south and west of the site at 141 Newcastle Road for a replacement dwelling LA07/2017/0122/F.

R/2013/0536/O Granted 03.11.2014

LA07/2016/1358/RM Granted 24.11.2016

Replacement dwelling at 145 Newcastle Road, Drumee

LA07/2016/0451/O GRANTED 02.09.2016

Proposed development of 2no semi-detached dwellings and 1no detached dwelling with associated site works

31 Fishermans Row, Killough, BT30 7QR

R/2009/0176/O GRANTED 30.09.2010

Demolition of existing dwelling and development of 3 no dwellings (holiday homes) with associated parking & landscaping (amended proposal)

No 31 Fishermans Row, Killough, Downpatrick, Co Down, BT30 7QP.

LA07/2015/0055/F Granted 03.10.2016

Extension to Existing Cemetery at Drumee Cemetery 151 Newcastle Road

R/2010/0534/F Granted 17.09.2010

Retention of existing cottage in noncompliance with condition 2 of Planning Approval Ref. R/2004/0788/F.(amended) Existing building within the curtilage of 145 Newcastle Road, Castlewellan.

R/2004/0788/F Granted 15.03.2005

Conversion of outbuildings for use as accommodation for tourists at 145 Newcastle Road, Drumee, Castlewellan

Planning Policies & Material Considerations:

The proposal is a full application for a conversion of a building to a dwelling within the countryside. The application must be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning

Policy Statement for Northern Ireland, Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside, PPS2 Natural Heritage Department guides such as Building on Tradition Design Guide, Parking Standards, Development Control Advice Note (DCAN) 15 Vehicular Access Standards, will also be considered.

Consultations:

Ni Water Ltd

Response received 2.12.2016 providing information for the applicant.

Transport NI

1.5.2017 required the plan details on epic to be amended as they were illegible. The plans were rescanned and Transport Ni was reconsulted
Response received 25.1.2017 highlighted the proposal would be contrary to PPS3 Policy AMP 2 in that it would prejudice the safety and convenience of road uses since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the vehicular standards of Development Control Advice Note 15. Transport Ni also state that the A50 is a protected route and Council must be satisfied that the proposal falls within the exceptions listed in the policy relating to intensification of access onto protected route and if this is not the case then the proposal should be refused.

Department of Agriculture, Environment and Rural Affairs

Drainage and water – no specific objection to the proposal.

Natural Heritage and Conservation Areas – Natural Environment Division requires more information as building and mature trees have the potential to be used by roosting bats, a European protected species under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) such as a Bat Roost Potential survey and may require follow up activity surveys.

Objections & Representations

The site was advertised in Mourne Observer on 9th December 2016.

A total of 6 Neighbours were notified.

The Council has received 3 representations which have been summaries as follows:-

- Removal of trees that are protected through TPO, the impact on the remaining trees, the character of the area
- Loss of habitat through removal of mature trees which serve bats and birds
- Impact of an additional property on the water supply for the neighbouring dwellings
- Concern relating to localised flooding which runs into the site
- Use of the existing structure is disputed as site is locally known as a lean-to for cattle and photographic evidence supplied and reference to renting the site for agricultural use whereby the structure was not in a suitable state to support livestock rather than a dwelling as detailed within the design and access statement submitted by the applicant
- Safety of access to and from the Newcastle Road as the lane is narrow and not suitable for intensification of use

- Ownership of the lane is shared with existing residents have a right of way which may not extend to new residents/dwelling and parties with an interest in the lane have not been served with notice as applicant completed Certificate A.
- The inaccuracy of the plans on Planning Portal (this has since been rectified by the Council)
- Photos supplied with objection



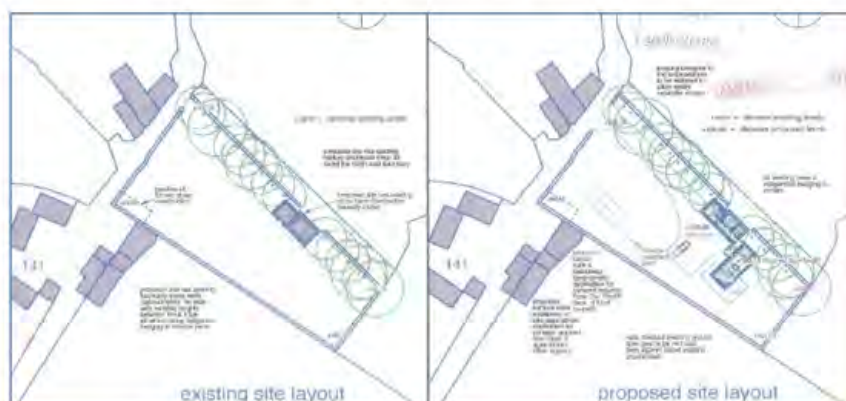
Council requested clarification of ownership of the lane in letter dated 16th January 2017.

Transport NI have been consulted with regards to the access. Their comments are detailed within the report.

Please note having checked the NI Flood Maps via the department for Infrastructure there is no issue of flooding highlighted within the vicinity of the site.

Consideration and Assessment:

The proposal is a full application for the conversion with extension to provide a detached dwelling. The proposal details 2 bedrooms within the single storey stone structure and a single storey new build extension finished with white render and slates which will be linked to the existing structure through a flat roof glazed link. The extension would provide the kitchen and living space, while the flat roofed link provides a hallway. The proposal would result in an L-shaped dwelling within the site. The proposal details use of the established access land onto the Newcastle Road and will create a new internal drive from the proposed dwelling to the shared lane.



Policy CTY1 of PPS21 identifies a range of different types of development which in principle are considered acceptable in the countryside and will contribute to the aims of sustainable development. One such avenue is the conversion of a non-residential building to a dwelling in accordance with CTY4.

Policy CTY4 provides permission for the sympathetic conversion and reuse of existing buildings (with adaptation if necessary) of a suitable building to a range of uses such as a dwelling, where it would secure its upkeep and retention. The Strategic Planning Policy Statement for Northern Ireland (SPPS) provided further clarification in relation to a suitable building. The SPPS identifies a suitable building as a locally important building providing examples such as a former school house, churches, and older traditional barns and outbuildings. While this list is not exhaustive, PAC decision 2015/A0150 clarified that the SPPS reference to locally important refers to buildings that 'generally having some design, architectural or historic merit'. The proposal is for the conversion, adaptation and extension of a building to provide a 2 bedroom dwelling. The policy test is if the building proposed is locally important.

Upon site inspection it is clear that the building has had extensive building works. This includes 3 new stone walls within the smaller portion of the building that is attached to the older stone walls of the main, larger building. The new build includes a chimney with no corresponding fireplace, the creation of a doorway and window, a new tin roof to the larger building with a timber frame canopy structure attached to the building and the neighbouring trees to the rear (east). The larger portion of the building has a tin roof which is supported by a significant amount of cement block underneath providing a buffer from the stone walls and increasing the height of the walls. The walls of the older structure are substantial intact however the level of intervention in the build has caused the original structure to be overwhelmed by the new build and renovation works which have been completed on site. The doorway on the north-east facing gable wall is supported by timber frame which would suggest that the doorway is not an original feature of the building. Access to the larger stone building is from the eastern gable wall at the rear. This elevation has a wood framed window and door. They do not appear to be original to the build; the level of repointing is extensive from this elevation. The internal inspection revealed the level of works which have been undertaken internally to the stone walls. The south west facing gable window is supported by a new plinth and new ivy growth is underway.

The images supplied by a neighbour vary from the images gained by the case officer during site inspection. No dates are detailed on the photographs and it must be noted that the details have been passed to the Council's enforcement team for consideration. The appearance of the building with the photographs provided by the third party detail a single building, as 1 structure not a smaller portion and a larger portion as it appears on site at present. The works to the structure have had a considerable impact on the building and have been extensive. This is clear from site inspection.

Considering the building in terms of the SPPS, the building offers no architectural merit. The historic information provided by the applicant through email dated 22nd of

March 2017 refers to the stone barn being part of a larger farmstead of Mr John Boden in 1865 and a map was provided. Considering this detail I am not convinced that the current building has a historic link to the site and it must also be noted the site context would not support the building having historic links as all other buildings have since been lost. The building is not a locally important building and therefore is contrary to planning policy.

While the proposal is for a building that is not considered to be locally important, the details of the conversion must also be considered in relation to policy.

The building is a stone structure that has had extensive works and is a permanent construction.

Policy requires the conversion/re-use of the building to maintain the form, character and architectural features, design and setting of the building. Considering the level of works which have taken place on site which appear to be rebuilding work, it would not be possible to consider that the proposal would maintain the form, character or features of the building. The setting of the building also a consideration within the policy.

There is a Tree Preservation Order TPO/2011/001. This TPO is established and was placed on the locality which includes this site. This has a direct impact on the proposal as it refers to the trees along the north-eastern boundary of the site. The original site layout detailed removal of several trees however the applicant has since amended the site layout to illustrate the retention of the trees in site layout dated 28 MAR 2017. Considering the amended layout the proposal would still have an impact on the health and survival of the protected trees. This is due to the details of the proposal which include the proposed internal driveway and access onto the lane, the link and the extension are all, like the structure itself, within the tree canopy of the protected trees. Works within the tree canopy would have the potential to damage the root systems of the mature trees. Therefore the proposal would have a detrimental impact on the setting of the building and the trees which are afforded protection by the Tree Preservation Order which affects the site. No tree survey has been provided to consider the impacts the proposal would have on the protected trees.

The proposal details an extension in the form of a separate single storey building linked by a flat roof glazed element. The new extension would be sympathetic to the scale, massing and architectural style of the existing building. The wall finishes would be render, not stone as the existing, and the roof would be finished in natural slates to both the existing and proposed building. The proposal is in keeping with this aspect of the planning policy.

Considering the details of the proposal it would not result in overlooking, loss of light or impact the amenities of the neighbouring properties. The proposal would also not adversely affect the continued agricultural use of the adjacent lands. The nature of the proposed use as a 2 bedroom dwelling would be appropriate to the rural location. The site would have a large curtilage which reflects the existing walled boundary. Therefore it can supply a suitable level of amenity space and a sewage treatment plant is proposed.

Transport NI have raised significant objections to the proposal. While queries were raised with the applicant following representations received regarding ownership of the lane, it must be noted that this would be a civil matter and clarification by the Council had been sought. The access to the public road ie A50 would be through an existing narrow lane which serves several properties and access to agricultural lands. An additional dwelling, in the form of a conversion would be contrary to policy as it would be intensification of use rather than like for like ie a replacement dwelling. Policy AMP3 of PPS3 has a consequential revision detailed within Annex 1 of PPS21 which refer to development proposals involving access to a Protected Route, such as this planning application requires onto the A50. This policy identifies replacement dwelling, farm dwellings, dwelling relating to an established commercial or industrial enterprise as an exception which facilitates access onto the protected routes. It also identifies other categories of development stating that approval may be justified in particular cases for developments which meet the criteria for development in the countryside. However as the principle of the development has not been established the proposal therefore fails to satisfy this policy.

Natural Environment Division were consulted on the proposal and highlighted the mature trees on site would necessitate a Bat Roost Potential Survey. The Council also requested the applicant provide a completed biodiversity checklist for the site. This was highlighted to the applicant however as the principle of a conversion is unacceptable this additional information has not been submitted. Planning Policy Statement 2 (PPS2) Natural Heritage considers development impacts on protected spaces species and habitats. The proposal would have a detrimental impact on the protected trees and may have an impact on the local bat species contrary to policy NH5 in terms of the TPO. The amended site layout details the retention of all trees therefore the proposal would not necessarily have an impact on roosting bats.

The site is located within the Mourne Area of Outstanding Natural beauty. PPS2 Natural Heritage considered new development within AONB within Policy NH6. This policy requires new development, such as the conversion with extension, to be of an appropriate design, size and scale for the locality and respect features of importance to the character, appearance or heritage of the landscape. The policy also refers to traditional boundary details. The site has a traditional boundary detail that is referred to within the site layout as unchanged from that of the existing. This would respect the character of the locality, however the principle of the conversion has not been accepted and the concern over the potential for the development to have a detrimental impact on the protected trees would be contrary to planning policy.

Recommendation:

Refusal – the building is not locally important, the re-use/conversion would not maintain or enhance the form, character and would have an adverse impact on the character and appearance of the locality, access to the public road would prejudice public safety, the width of the lane is a concern as is the intensification of use.

Refusal Reasons/ Conditions:

Refusal Reasons as recommended by planning officer and can be subject to change:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building proposed is not a locally important building suitable for conversion.

The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that;

- the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character and appearance of the locality;
- access to the public road will prejudice road safety.

Transport NI

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Planning Policy Statement 3, Policy AMP3 Access to Protected Routes (Consequential Revision) in that the proposal fails to meet the criteria for development in the countryside and would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

TPO

The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 2 'Natural Heritage' Policy NH5 Habitats, Species or Features of Natural Heritage Importance in that it has not been demonstrated that proposal is not likely to result in the unacceptable adverse impact on, or damage to the trees afforded protection by the Tree Preservations Order which affects the site.

Case Officer DATE

Appointed Officer DATE

LA07/2016/1542/F for John Morgan - item 14

It is my intention to speak to the planning committee on the main planning policy issue and the recent appeal decisions arising from refusals of planning permission. I will be demonstrating that the PAC position is that the SPPS policy should be interpreted to allow approval for conversion for buildings which are historic features in the landscape, regardless of their visibility, prominence or position.

Kind regards,
Tom

Tom Wilson BSc DipTP MRTPI

tom wilson planning
chartered town planner

25 Carn Road, Carn Industrial Estate, CRAIGAVON, BT63 5WG
tel: 028 38390373 mob: 07818086107 email: info@tomwilsonplanning.com

ITEM NO	14				
APPLIC NO	LA07/2016/1580/F	Full	DATE VALID	29/11/2016	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Owen Miskelly	AGENT	Surveying & Architectural Mgmt Mullowen Cottage Drumsnade Road Ballynahinch BT24 8NG 07855012221		
LOCATION	61 Ballylone Road Ballynahinch Co Down BT24 8XX				
PROPOSAL	Change to vehicular access onto Ballylone Road from dwelling previously approved for replacement Ref: LA07/2015/0729/O				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
			Addresses	Signatures	Addresses
			0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would not, if permitted, visually integrate into the surroundings landscape.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1580/F

Date Received: 29th November 2016

Proposal: Proposed vehicular entrance

Location: 61 Ballylone Road, Ballynahinch

Site Characteristics & Area Characteristics:

The site is located along the minor Ballylone Road, Ballynahinch. It is comprised of a portion of land cut out of a number of agricultural fields, to provide a vehicular access to a dwelling at No 61 Ballylone Road, Ballynahinch.

The land within which the site is located is low lying at the roadside and immediately adjacent an undesignated watercourse. The land then rises steadily in an easterly direction to a crest from where the site will follow an existing hedgerow boundary continuing in a south and easterly direction until it reaches No 61 Ballylone Road.



Site History:

There is no previous history on the site, however, it is noted that permission has been granted for the replacement of No 61 Ballylone Road under planning reference LA07/2015/0729/O. The permission granted access via the existing laneway.

Planning Policies & Material Considerations:

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

The application was advertised initially in the local press on 14.12.2016

The following neighbours were notified of the proposal on 06.12.2016

- 59, 59a, 63 & 69 Ballylone Road, Ballynahinch

Consultations:

In assessment of the proposal consultations were carried out with Transport NI and Rivers, both requested additional information which will be discussed below.

Objections & Representations

No objections or representations have been received

Consideration and Assessment:

The proposal seeks full planning permission for the installation of a new vehicular access to a dwelling at No 61 Ballylone Road. This dwelling is currently accessed via an existing laneway which serves a number of dwellings and a business.

Policy CTY 13 of PPS 21 provides the policy context and requires proposals to visually integrate into the surrounding landscape. The Justification and Amplification section of this policy deals specifically with accesses and states in paragraph 5.72 that wherever possible access to a new building should be taken from an existing lane-way. It is noted that the applicant has not provided any supporting information to demonstrate why this new access is necessary.

Paragraph 5.72 goes on to state that new accesses should run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures. The application proposes to cut through an open field before following the field boundaries to the east of the public road. It is noted that there are no landscaping measures shown on the plan which would aid integration of the access. It is therefore considered that the proposal is contrary to Policy CTY13.

In consideration of the consultation responses from Rivers and Transport NI, it is noted that Rivers Agency have stated that the access is proposed to be within 1m of the 100 year Strategic Fluvial flood plain, consequently the applicant has two options - either move the access a further 5m north of the adjacent watercourse or submit a Flood Risk Assessment. In consideration of this information, it is my opinion that moving the access further north from its originally proposed position would only further highlight the lack of integration of the site and this approach would not be recommended. As the proposal is deemed contrary to policy, it is my opinion that a flood risk assessment would not be expedient at this time.

Transport NI have requested the submission of a 1:500 scale plan showing cross sections for proposed side filling every 10m along full length of visibility splays. This information has not been requested from the applicant given that the proposal is contrary to policy as submitted.

On the basis of the above the application will be recommended for refusal.

Recommendation: Refusal

Refusal Reason:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would not, if permitted, visually integrate into the surroundings landscape.

Signed

Date

Signed

Date

ITEM NO	15			
APPLIC NO	LA07/2016/1612/F	Full	DATE VALID	06/12/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Robert Harte 308 Rathfriland Road Dromara Dromore BT25 2EW		AGENT	
				NA
LOCATION	Approximately 110m east of 83 Slievenaboley Road Dromara Dromore BT25 2EW			
PROPOSAL	Proposed agricultural shed			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that;
 - the proposal is sited beside existing farm or forestry buildings;
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1612/F

Date Received: 06.12.2016

Proposal: Approximately 110m east of 83 Slievenaboley Road, Dromara, Dromore.
Location: Proposed agricultural shed



The site is within the countryside. It is a rural area just within the boundary of the Councils Ballyward District.

Site Characteristics & Area Characteristics

The site is accessed through an established agricultural lane. The area has a high drumlin topography with rocky outcrops. The site is set below the level of the Slievenaboley Road with the south-western boundary the highest point with the site

which falls towards the north and east. Along the eastern boundary is a small river. The site is defined by a post and wire fence along the lane, a stone ditch to the north east which continues along the river boundary with addition of a post and wire fence. The site is currently an agricultural field.

Site History:

There is no site history on the proposed site.

History of the farm

The farm lands as detailed on DAERA issued farm maps with applicants farm business ID (616556) have been checked.

Filed 36/A immediately south west of the site and sharing its boundary with the site has history:

Q/2000/0479/O WITHDRAWN 27.05.2002

Mr John Harte

Site for retirement cottage adjacent to 83 Slievenaboley Road, Dromara, Dromore, Co. Down.

History associated with the registered farm business address:

Q/2003/1158/F

308 Rathfriland Road, Dromara

Extension to dwelling

Granted 1.12.2003

Planning Policies & Material Considerations:

The proposal is for an agricultural building within the countryside. It will be assessed having consideration of the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement²¹ Sustainable development in the Countryside, PPS3 Access, Movement and Parking.

Planning guides such as Building on Tradition Design Guide, DCAN 15 Vehicular Access Standards will also be considered.

Consultations:

NI Water Ltd

No objection with information provided for the applicant.

Transport NI

No objections to the proposal on the basis that the shed is for agricultural use and if this is not the case, reconsultation would be required.

DAREA

Advising applicants farm business Id (616556) has been in existence for more than 6 years and the farm makes a return to DAERA for Single Farm Payment, AGri-Environment Scheme or Areas of Natural Constraint Payment.

Objections & Representations

The site was advertised in Mourn Observer and Down Recorder on the 21st December 2016.

A total of 1 Neighbours were notified.

No representations from third parties have been received.

Consideration and Assessment:

The proposal is a full application for an agricultural building within the countryside. The building is a 5.8m high agricultural shed that has a typical design and will be finished with block and cladded in corrugated steel painted green. The building will be positioned within the north east section of the field.

The SPPS and Policy CTY12 of PPS21 consider agriculture and forestry development.

The policy requires the farm to be active and established for a minimum of 6 years and meet specific criteria.

Considering the applicants farm business DAERA have confirmed the farm business is active and established for the required time. The farm is registered to the applicants address at 308 Rathfriland Road, Dromara.



The farm lands associated with the farm business ID 616556 have also been checked.

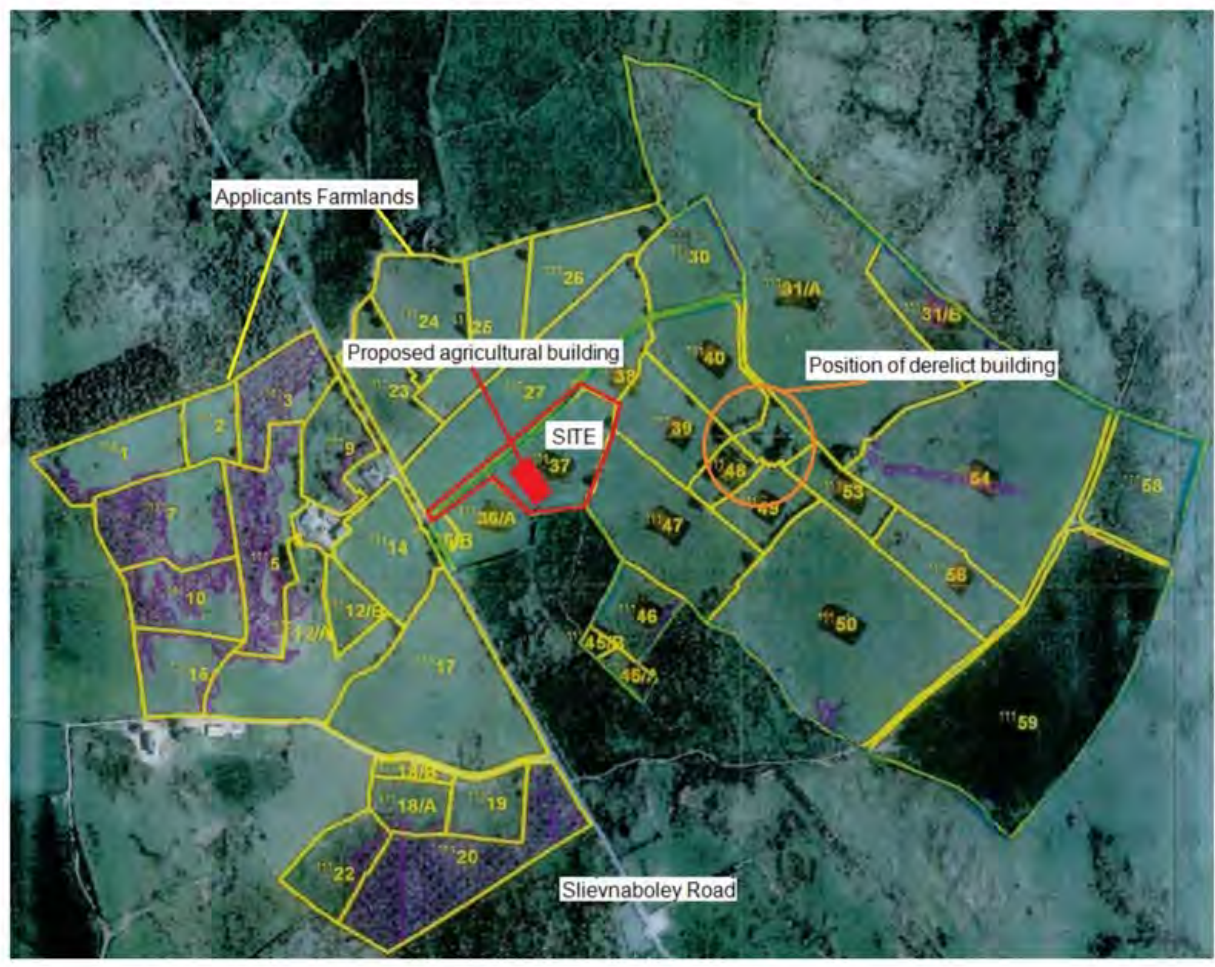
The applicant has submitted supporting information with the proposal and through the processing of the application to highlight that there are currently no buildings on the holding, however the applicant identified a derelict dwelling which is located some 250m north-east of the site. The applicant states within the P1C form that he farms sheep, and until last year had use of the farm buildings and yard associated

with No 83 Slievnaboley Road, the farm buildings at this address are not owned by the applicant but by his brother. He no longer has use of these buildings

The applicant has highlighted the distance his property is from the farm lands which create difficulty for completing any farming tasks and storage of machinery and winter fodder for the animals on the farm.

The applicant lives 2miles from his farm lands at 308 Rathfriland Road, Dromara. He advises within the information stated that to attend his farm is a 4mile round trip and he can only take one machine at a time and requires to be collected to return should he require the use of 2 machines to tend to his lands and animals. The farm maps supplied do not detail any farm lands within applicants ownership/ taken in conacre at the farm business address and there are no agricultural buildings at this address however there are buildings associated with the farm business.

The proposed farm shed would provide shelter sheep during the difficult winder months associated with this highland area of Slieve Croob. The applicants dwelling has no scope for an agricultural building as his farm lands are located at Slievenaboley Road and not adjacent to the registered farm business address.



The applicant has detailed the history of the farm holding. The applicants farm lands were previously part of a larger agricultural farm business/holding farmed by the applicant with his father and brother. After the applicant's father passed away in

2008 the farm was split between the applicant and his brother. The applicant's portion of the farm did not include any farm buildings. The farm lands include a derelict house between fields 40 and 53, identified in the above figure within the orange circle. This has been highlighted by the applicant. There are former outbuildings within the immediate vicinity of the dwelling that are also derelict. There is no history associated with the property and it does not appear to be capable of being used as an agricultural building due to size and the current state of the building and structures within the immediate vicinity. However it must be noted that this would constitute existing buildings on the holding even if they are not suitable for use to suit the applicants current needs for storage of mainly animal feed and machinery. The Strategic Planning Policy Statement for Northern Ireland (SPPS) requires new agricultural buildings to be sited beside existing farm or forestry building on the holding. This reflects policy CTY12 of PPS21. The agricultural building proposed is located some 250m south west of the derelict buildings and some distance from the farm buildings at 308 Rathfriland Road.

Both the SPPS and policy CTY 12 provides exception to this requirement for consideration of an alternative site away from existing farm buildings, such as this proposal. The exception within the SPPS states that an alternative site away from existing buildings will only be acceptable in exceptional circumstances. Policy CTY12 provides an exception where it the proposed site is essential for the efficient functioning of the business OR there are demonstrable health and safety reasons.

The applicants Design and Access Statement considered 3 options for the position of the proposed shed that include. The options included a site adjacent to the derelict building. The applicant ruled this out as the lane has become overgrown, would need to be re-established and this would disturb the character of the Souterrain and potential wildlife and mature trees within the vicinity of the site. All 3 options considered by the applicant are located within the Souterrain. The site chosen by the applicant was considered within the Design and Access Statement, applicant selected this site for the farm building as it is located within the holding and has access through an established lane to the Slievenaboley Road. While the options were assessed by the applicant they were not formally submitted to the Council for consideration ie planning application.

This does not provide supporting evidence to state that the site, as proposed, is essential for the efficient functioning of the business or provide demonstrable health and safety reasons to justify this site away from the established building on the holding. The proposal is therefore contrary to the SPPS and policy CTY12 of PPS21.

The site proposed is located within Slieve Croob and is an Area of Outstanding Natural Beauty. The site is set back from the Slievenaboley Road and also benefits from a lower ground level than the public road with a backdrop beyond. This will facilitate integration and additional landscaping could be conditioned along the south-west and eastern boundary to further aid integration. However it must be noted that the area is associated with agricultural use and a dispersed rural community of detached dwellings and agricultural buildings therefore the proposal would not be out of keeping with the character of the area. The proposal would not have an adverse impact on the AONB.

The proposal would have no impact on neighbouring residential dwellings. Repositioning the proposed agricultural building beside the derelict building is possible as the applicant's holding includes the lands surrounding this unit. This would ensure the proposal satisfies planning policy, would make use of the existing agricultural access to the applicants lands. It must be noted that re-positioning the building beside the existing buildings on the holding would require a new planning application.

Considering the details of the application, consultation responses and supporting information supplied by the applicant I do not consider the proposal to be in keeping with policy CTY12 and the SPPS.

Recommendation:

Refusal –the proposal is contrary to the SPPS and policy CTY12 of PPS21.

Refusal Reasons/ Conditions:

Refusal reasons as recommended by planning officer and can be subject to change;

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that;

- the proposal is sited beside existing farm or forestry buildings;
- health and safety reasons exist to justify an alternative site away from the existing farm buildings;
- the alternative site away is essential for the efficient functioning of the business.

Case Officer DATE

Appointed Officer DATE

LA07/2016/1612/F

Proposed agricultural shed

**Approximately 110m east of 83 Slievenaboley Road
Dromara Dromore BT25 2EW**

By: Robert Harte

1. Background



1.1 Having farmed my fathers lands in Slievenaboley for practically all of my adult life, I discovered after his passing in 2008 that the farm was to be divided between my brother and I in equal share, this however wasn't to happen until the death of our mother. Mother passed away in early 2014.

Left ; the original farm with farmyard surrounded by fields 9, 14, 12B, 12A and 5



1.2 After mothers passing the idea of farming the lands in partnership had little appeal for my brother; his interest lay with selling the farm, he had no interest in working the land. An inevitable and expensive fall out seen the farm eventually split into two units. In short he took ownership of the land around his home, which included the farmyard, I took ownership of a larger portion of land, which I continue to farm, and improve. There are no farm buildings on my farm.

Left; my farm after the farm split, without a farmyard or farm buildings.

1.3 My planning application sets out clearly my need for a farm shed. I believe my commitment to farming is not in question.

The proposed site is within the confines of field 37.

1.4 It should be noted that this submission is being prepared on the Greek Island of Kos, using an iPad and mobile phone. Based on the deadline imposed; access to supporting evidence is extremely difficult to obtain. I trust this will be taken into consideration.

2. Need for planning permission

2.1 Research with the department of agriculture suggested that if I chose to put up a shed within a specified distance of an existing farmyard, permission would not be required, however when the DAERA official measured the distance to my nearest land (field 36A) from my brothers yard, the distance was greater than that specified.

2.2 The principals of the Daera guidance are set out below

The erection, extension or alteration of a building on agricultural land as long as the building:

- Is not on agricultural land less than 0.5 hectares in area.
- Does not consists of or include the erection, extension or alteration of a dwelling.
- Is for the purposes of agriculture.
- Is not the first agricultural building on the unit.
- Is not more than 75 metres from the nearest part of a group of principal farm buildings.
- Is not less than 75 metres from a neighbouring house.
- Does not exceeds 500 square metres or 12 metres in height.
- Is more than 9 metres from the middle of a road.

Derelict buildings

2.3 I then moved to look at the remains of 2 houses on my land, these houses are situated at the end of a long lane, part of which is grown over. The derelict buildings are situated between fields 40, 48, 49, 53, and 31a of the farm map. (scaled maps are included with the planning application)

2.4 The buildings had been abandoned in the mid 1950s, my initial question was would this area qualify as a farmyard. If it did, again I could reluctantly erect a shed without planning permission

2.5 Based on the councils commitment to pre application discussions (PAD/C) I sought a meeting with the duty planner in Downpatrick, in preparation for that meeting I took photographs of the derelict site, and brought the said images (below) and a farm map (as above) to the meeting.





2.6 The meeting took place in early October 2016. We discussed the background to my need, my dilemma regarding the derelict buildings and the need for/not for planning permission. I shared the images with the duty planner; she in return made it very clear that these were not farm buildings and I therefore would need to apply for permission.

2.7 She was very encouraging in suggesting that if I could prove the need for a shed, my farming activity etc, then permission could be attained. In that meeting I explained where best it suited to build the shed, but in doing so made it clear that I wouldn't want to place it on a spot that would detract from the beauty of the countryside.

2.8 I came away from that meeting feeling confident that no further reference would be made to the derelict buildings in regard to the location of the proposed new build.

2.9 It is therefore very disappointing that the current refusal is based on the proposed location not being place beside existing "farm buildings" especially when the only buildings on the farm are the derelict ones as discussed with the duty planner. If at that pre planning meeting, the duty planner had suggested that the derelict buildings were farm buildings, I would have not made an application, instead I would have reluctantly put the fee towards the extensive work needed to access the said area with trucks etc as required for a new shed build.

3. PPS21 CYT12

3.1 CYT 12 refers to placing any new build beside existing farm buildings. While i have completed extensive research (under the current council lead system) i cannot come up with a definition as to what constitutes a farm building.

3.2 To that end i spoke (June 2017) with the planner involved, Ms Cunningham; she remains adamant that the derelict buildings aren't farm buildings, but regardless of them not being farm buildings insists that any new farm building should be placed in this area, this was not suggested at the pre planning consultation. I have raised that point with her, but sadly she has discarded that meeting as being general. If I'd thought the advice received at the pre planning consultation was general, I would not have placed my trust in the detail agreed at that meeting.

I find this post event attitude to pre planning consultation to be contrary to what amounts to the spirit of the Planning Authorities initiative regarding best practice and openness.

3.3 My research into the definition of a farm building in regard to CYT 12 has lead me to the interpretation taken by the now dissolved DOE. Their interpretation states that a farm building is one "For the purpose of farming within that farm holding", which the derelict buildings would struggle to satisfy.

3.4 Ms Cunningham in a telephone conversation during June 2017 referred to buildings, not necessarily farm buildings, suggesting that the buildings don't need to be farm buildings. This I find difficult to accept, the term farm or forestry buildings is repeated consistently within CYT 12, and regardless of that, these are un inhabitable shells that are a long way from being buildings of any kind.

3.5 The only reference that I can see to buildings, without the word farm/ forest attached, is in the exceptional section of CYT 12. However the term building is referred to in solitude within CYT 10, which my application is clear not covered by.

ITEM NO	15		
APPLIC NO	LA07/2016/1612/F	Full	DATE VALID 00/12/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Robert Hare 308 Ralshland Road Dronore Dronore BT25 2EW	AGENT	NA
LOCATION	Approximately 110m east of B5 Slavenatzelley Road Dronore Dronore BT25 2EW		
PROPOSAL	Proposed agricultural shed		
REPRESENTATIONS	OBJ Letters 0	SUP Letters 0	OBJ Petitions 0 Addressed Signatures 0
			SUP Petitions 0 Addressed Signatures 0

3.6 On the exceptional aspect, it was not made clear by the duty planner at the pre application stage nor has this point been referenced in the published reasons for refusal; *left*.

The proposals contravene the Strategic Planning Policy Statement and Policy CYT 12 of Planning Policy Statement 21 Sustainable Development in the Countryside in their current form. These are summarised as follows:

- The proposal is a shed located within farm & forestry buildings.
- The shed is not a primary residence & is not a justly an appropriate use away from the existing farm buildings.
- The shed is not a shed & is not a shed in the efficient location of the business.

3.7 Based on the published refusal (left), all 3 points refer to existing farm buildings, when all evidence and consultation to date suggests that no farm buildings exist

3.8 Further to the published refusal, I have also read the councils Professional Planning Report (PPR) relating to my case, I take note that it contradicts the points covered in the published refusal by referring to my selection of site as not being beside buildings on holding not farm buildings, and indeed to the fact that I have not made a strong enough case to prove my need for a building as essential for the efficient functioning of my business.

3.9 I would also like it noted that the map in the PPR is not the correct map, and in noting so I expect the correct map to be inserted, and the change notified to myself and the planning committee

Dear Sir,

Location: Approximately 110m east of B3 Slievenaboley Road, Dromara, Dromore, BT25 2EW.

Proposal: Proposed agricultural shed

I refer to the above application

The Council will require additional information and clarification in order to fully consider the application

Transport NI highlighted that the site, as identified within the site location map, does not adjoin the public road. Please forward 4 copies of a revised site location map with the red line extended to adjoin the public road (ie include the access to the public road within site location)

The proposal is for an agricultural shed and the planning policy to be considered is the Strategic Planning Policy for Northern Ireland (SPPS) and Planning Policy Statement 21 Policy CYT12 Agriculture and Forestry Development. The planning policy identifies criteria that must be met/demonstrated.

Please clarify the following points

- the DARD farm map submitted references 'Business Ref 616556 Robert Hane' and is page 4 of 4. Please forward 3 copies of your full farm maps demonstrate all land owned, all land taken in, concrete, the position of the established group of buildings on the farm and the position of any other farm buildings

- demonstrate that the shed is necessary for the efficient use of the agricultural holding

- as the proposal is for a new agricultural building please provide sufficient information that there are no suitable building on the holding that can be used

- if the proposal is to be sited away from existing farm buildings you will need to demonstrate there are no alternative sites available at a group of buildings on the holding a standalone agricultural shed ie sited away from established farm buildings (note this is to be clarified)

The proposed floor plans identify the unit is subdivided internally but do not appear to connect internally. Is this correct?

If you require clarification please contact the Council at the number provided above. Please note this information and amended plans will be required to determine the application. In order to avoid any unnecessary delay please submit the details within 10 working days from the date of this letter.

Yours faithfully

3.10 Furthermore in the letter from the council (right); the planner refers to my need to demonstrate that no other group of buildings is suitable, but in suggesting so, adds a note suggesting that clarity on her suggestion would be required. This clarity has not yet been provided by the planner.

3.11 I can only assume that a farm without existing farm buildings is rare, and therefore by not having any farm buildings, the CYT12 reference to building away from existing farm buildings is as such meaningless on its own or indeed irrelevant, hence the planner needing "clarity" on this point.

3.12 I must admit I am having difficulties with the demand to prove the need for a building as essential for the efficient function of my farming business, beyond what the planner has already received. I had access to buildings which saved my livestock, and allowed me to store farm equipment, on many occasions, including the storm of 2013, and now since splitting the larger farm, I don't. I have less stock now as a direct result of this, and need to move equipment to and from my home, where it is stored in a building that the rates department don't accept as an agricultural building.

3.14 With that said, I respectfully accept at face value the departments need for further evidence and will therefore endeavour throughout the remainder of this submission to detail information which I truly hope will prove the essential elements of the outstanding issues.

4. Key issues in support of the location suggested v the derelict site, including those related to essential for the efficient function of my business, and relevant environmental/historical concerns.

4.1 To take all points of concern raised into consideration (and having put forward my case previously in this document) in regard to the derelict buildings not being farm buildings (which is also reflected in the PPR). I will now move to presenting my case in regard to not proposing that the new build be beside the derelict buildings, and indeed why it is essential that my farm business needs one modest shed to ensure its viability.

4.2 It should be noted that the following paragraphs will cross over between the economic efficiency aspect of my need for a shed at either location, and where necessary, will highlight the negative economic and environmental issues that steered me away from the idea of proposing to build at the derelict site.

Additional information and clarity

4.3 As previously mentioned, if at the pre meeting the derelict site had been agreed as existing farm buildings, or as buildings away from my non existent farm buildings; I would have reluctantly built at that location. When I say reluctantly, I refer to the significant disadvantages of placing a single farm building at that location. This I believe was set out in the detail of my correspondence with the council. *See annex A.*

4.4 I will therefore touch on, and expand upon the key points of annex A, by setting out the reasons for my choice of site based on "essential for the efficient functioning of the business" and my moral concern regarding; the AONB, the environment, and the history of the area.

4.5 **Extreme weather**-The derelict site is close to 1 kilometre from the road (see farm map to identify lane to site), which in extreme weather conditions such as we had in 2013s snow storm, access to feed stuffs or snow clearing equipment, which will be stored at the new shed, would be near impossible to get to or use. In such conditions my business will not function at all, let alone be efficient.

4.6 During the storm of 2013, it was two days before the Rathfriland road was passable, and another two days until the Slievenaboley road would allow tractor movement. If I'd had a shed at the derelict site it would have taken me at least another 3 days to dig my way out, this would clearly not be the case with the site in field 37. When livestock are without water or feed stuffs, after 4 days, hours become critical in relation to their wellbeing.



4.7 *Left Rathfriland rd Dromara; it took my wife 2 hours to travel the 4 miles from Dromara to our home, such was the restrictions post initial snow clearing. It took another four days before cars could pass each other, albeit very carefully.*

This is very harsh country

4.8 Without any farm building, as covered in annex A, there is no doubt that my livestock will perish in harsh weather. To that end I am not farming my land to the extent I could at present. When I had access to the farm buildings at 83 Slievenaboley rd, my livestock numbers stretched to 240 breeding sheep, it has always been my aim to return to a number close to that.

4.9 I now own approximately 50 acres of fairly good land, 89 sheep (my 2017 flock) grazing that amount of land is simply wasteful.

4.10 DAERA officials suggest for my farm to be efficient my area should graze anything from 4-7 sheep per acre.

4.11 In short my farm business, if not for my SFP payments is losing money, 89 sheep are neither efficient or profitable. My reason for maintaining my sheep numbers below the 100 mark, is clearly linked to not having a safe area of cover on my land. In regard to the smaller numbers, I can borrow space from neighbours if required, and while this alone would be a massive logistical inefficient task in bad weather, it would work.

4.12 However, my business continuity plan is significantly detrimental to my farming business. The provision of housing is essential to my business.

4.14 It should be noted (again) that this submission is being prepared on the Greek holiday Island of Kos, using an iPad and mobile phone. Based on the deadline imposed; access to supporting evidence, such as tax returns is extremely difficult to obtain. I trust this will be taken into consideration.

4.15 Travel- traveling to and from the land, as documented, will be an issue of efficiency if permission is refused at the said lands. However the PPR seems to accept and sympathise with my current need to travel with equipment from my home, a 4 mile round trip. Again not only are the inefficiencies as highlighted in Annex A significant, the issues with the same are multiple when traveling with equipment and or feed stuffs during extreme weather conditions.

4.16 *It should be noted that the Slievenaboley Road, as a minor road, does not attract DFI ice or snow clearance, and therefore is close to treacherous with its steep inclines for most of the winter.*

4.17 **Services to the derelict site-** while at present I have no plans to bring services to the said shed. If in the future a need evolves, the financial cost, and indeed the cost to the beauty of the area would be beyond consideration. The cost of bringing a new electricity supply over a very similar distance to the new build of Mr David Redmond of the Slievenaboley rd was confirmed by Mr Redmond at being over £10,000. A cost such as this could not be justified against my farming business.

4.18 The distance to the proposed site, is less than half of that to the derelict site, which would be reflected in the costs of the electric connection, and would therefore make the proposed location the more efficient choice.

4.19 **Environmental and historical impact of utilising the derelict site-** while environmental issues are not detailed in the outstanding issues of refusal, I take note that they have been touched on within the PPR. The PPR has made note that while I have set out points in my Design and Access statement to exclude the derelict site, they have gone on to highlight that I had not made a formal application to build at the derelict site.

4.20 I find this a little confusing as during the pre application meeting the duty planner suggested that I take all of this into consideration when choosing a location, but at no time was it suggested that I would have been expected to submit multiple applications.

4.21 Furthermore while the PPR makes mention of no formal application in regard to the derelict site, it goes on to make a positive reference to my concerns in regard to AONB, and my reference to key historical features of the area, as taken account of in my statement, which I believe wouldn't have been the case, if I'd proposed building on the said derelict site.

4.22 ***The following section covers the detail of why I believe that the derelict site, in regard to environment and heritage should be ruled out of this case.***

4.23 The derelict area would need to be cleared to allow for the said build. Trees that have been a rookery for at least my life time would need to be either cut back or removed, such is their instability at root. Likewise a significant threat, to the habitats of land dwelling wildlife such as rabbits, insects etc would be brought to the fore with the inevitable site clearance.

4.24 **Aesthetics-** during the winter months the old stone walls are clear to those travelling over the windy gap (the windy gap section of the Slievenaboley rd is a popular route for tourists and cyclists alike, all year round) the old walls as they are, are a beautiful, yet sobering reminder of the tenant farm life style of our past. During the summer the entire derelict area is masked by the old trees, again a beautiful view. The idea of erecting a shed in this clear view of the busy tourist route has no appeal to me, and in truth should have no appeal to the planners. Yes we can re- plant new trees, but will need to either build beside or on the site of what I see as one of few reminders of that tenant farming period of our history.

Add images of weakened tree roots

4.25 History of the derelict site- when researching the derelict sites history I have uncovered maps which suggest that the site was lived on by my ancestors as far back as the 1830's.

4.26 The snap shot of the 1832-46 map (below) shows what now is the derelict site; see black block below the "Slievenaboley Icon".



4.27 The map is dotted with other dwellings of the period, Mary Shorts home to the right of the Harte family home, and Barlow's home below the Harte homestead; these two dwellings are but a few of many homes that are no longer present.

4.28 It has always been my intention, that the "Old House" which is what my derelict site has been known as since the 1950s, would be maintained as a

reminder to all of that bygone era. Further more it remains my intent that the lane leading to the old house, would be joined up to Mary Shorts lane as a foot path, which in turn would lead to the well trodden public footpath that joins the Slievenaboley road with the Legananny road, which in effect would increase the variety of that foot path, and in doing so would afford the opportunity for walkers to visit the old house as they pass.

4.29 My passion for that plan has been reinforced by my recent findings regarding the mapped evidence which indicates just how long the walls of the old house, and its immediate surroundings have stood.

4.30 My passion for the areas history is real, over the past 20 years I have worked through several ESA schemes to manage my piece of countryside and in doing so have restored many hedgerows, fenced off wetlands, and am currently working with DAERA to reconstruct stone walls.

Dear EFS Applicant:

I'm pleased to let you know that your application to the Environmental Farming Scheme (Winter) option has been accepted and that an agreement has been placed in the EFS section of your DAERA Online Services account.

What you need to do:

The offer of this agreement is only valid up to the 31 July 2017. If you wish to accept this offer you need to:

- log on to [DAERA Online Services](#) using your Government Gateway ID and password
- Select the EFS button
- Read your agreement and schedule and check the terms and conditions for the Scheme
- If you are correct you can **Accept** the agreement click the "Accept" button, before the 31 July 2017
- Start planning to carry out the work you have agreed to. All the information sheets are available on the website.

If you have applied for the Establishment of Native Woodland upon DAERA will provide you with a Woodland Creation Plan for the application area in the next few days. As you must follow the plan you may wish to wait until you receive it before you decide whether or not to accept the agreement.

If you have any queries please email efsc@daera.ie or telephone the DAERA Helpline, number 1800 200 7344 or the EFS Advisory Service on 0800 51 2507.

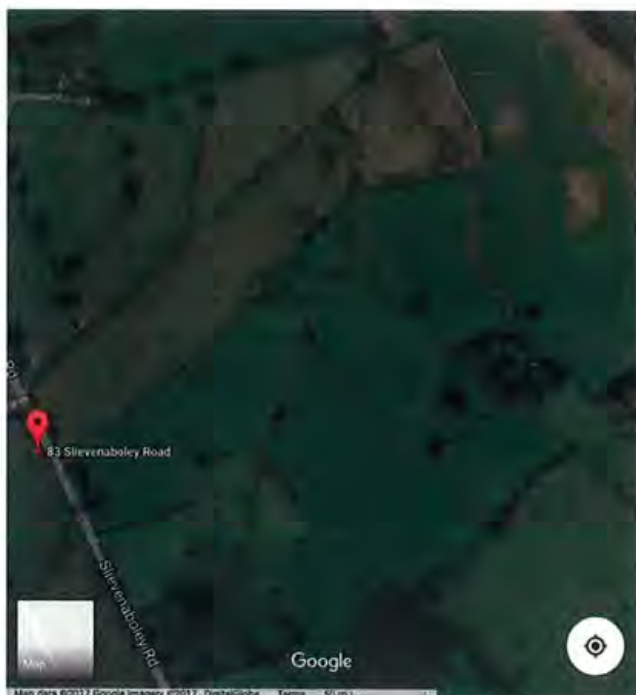
Thank you for joining the Environmental Farming Scheme.

Heidi Jones
Scheme Manager

4.31 My enthusiasm for stone walling started after spending time at the Irish language centre An Carn, where I was involved in stone wall building for the first time

4.32 The email, left, is confirmation from DAERA that my proposal to repair stone walling at the farm has been accepted

Lane reconstruction for the purpose of building at the derelict site



4.33 The lane needs extensive work, if only to allow buildings materials to be delivered to the site. The cost (estimated at £20,000 minimum) of widening and resurfacing the near kilometre of lane, would be astronomical in relation to the business at hand. At present tight turns, as suitable in design only for a horse and cart, make it impossible to use for anything other than livestock walking, or 4x4 driving.

4.44 To complete work of this kind I would accumulate significant debt which would be difficult to recover and justify, and would therefore have a detrimental effect on the efficiency of my business.

4.45 ***Lane improvement to the proposed site***- repairs to this section would amount to around £1500, minor levelling and surface dressing would allow easy access for the build and indeed livestock movement by trailer, or on foot.

4.46 ***Lane to the derelict site; environmental concerns***-the last part of the lane, (adjacent to the north of field 38 and east of field 40) is by far the narrowest part of the lane, this section is as such grown over with gorse in part between fields 40 and 31A. While in experiment I have attempted to weaken the over growth, the fact remains that during the nesting season the area is alive with insects and wild life, which cannot be disturbed during these months. To disturb this a area on a permanent commercial bases by; widening, straightening and surfacing, seems to me to be an environmental travesty, especially when an alternative solution is available.

4.47 ***Conclusion regarding the "old house" site***- the idea of building a working farm building on the Old House site, if set out in a planning application, would no doubt raise concerns with the planners and historians alike.

4.48 A new planning application for this site would therefore be too big a moral concern and indeed financial risk for me; both of which would stand in the way of any idea of me submitting a new planning application.

4.49 If the current proposed site continues to draw a refusal I will need to reassess my farming future.



5. The refused site.

5.1 Over and above my discussion with the duty planner at the pre application consultation; I had much debate with the community and my family (as set out in my Design and Access statement) in regard to the site selected and proposed in my planning application. The site is as such hidden from the Slievenaboley road while being close enough to it to allow access during extreme weather etc, and therefore rules out pretty much all of the concerns, historical, economic and environmental, as set out in regard to the derelict site. I take note that these points have drawn a positive in the PPR.

5.2 The proposed site is in my opinion is by far arguably the best location to ensure my farm business returns to an economically functional state (as it was before the farm split) in regard to both efficiency and effectiveness, while making allowances through minimising the intrusive impact, for the greater good, on this area of outstanding natural beauty, which again gained a positive response in the PPR.

5.3 My father and my Grandmother abandoned the derelict site in the late 50s solely on the fact that moving closer to the road was essential for the efficient running of the farm. The reasons remain the unchanged today; in fact the efficiencies that need to be made today are arguably greater, than those seen as essential in the 1950s.

6. My concerns and confusion with the refusal

6.1 The decision made by the planners as set out for the meeting of July 19th; in that the proposed build is not beside existing farm or forestry buildings, when the buildings in question were declared at the pre consultation, and in my recent conversation with ms Cunningham, as not being farm buildings, has brought a significant element of confusion to my case. Neither Ms Cunningham or the old DOE regard the derelict buildings as farm buildings. These points alone are a key concern of bewilderment as to how the formal refusal was published as it was.

6.2 I am also concerned that if these derelict buildings are now to be seen to be farm buildings; that I have made an application where an application would not normally have been required, and therefore respectfully suggest that in these circumstances a fee refund should be considered.

6.3 I have also concerns that the clarity issue, as mentioned in the correspondence from the planner in regard to " other buildings away from farm buildings" , if achieved has subsequently not been shared with me, prior to a decision of refusal.

6.4 I trust these 3 concerns will be dealt with in a fair and open manner.

7. Recommendation

7.1 If we are indeed being refused permission under the terms of "exceptional" I trust that the multiple aesthetic, historic, economic and environmental reasons expanded upon in this submission, and as set out in Annex A, will be accepted as sufficient evidence to support the not placing of the new build at the location of the derelict buildings, and in accepting that reasoning, the committee will also accept my general need for a building at the proposed location to be the best alternative to the derelict site, and in doing so accept my economic reasoning as to why my business needs a farm shed to function.

7.2 Further to this I am keen to discuss any concerns the committee have with any of the points made under "speaking rights" regarding the July 19th meeting.
Robert Harte

0791 7391784
Hillbillyharte@gmail.com

Annex A- below (next 6 pages)

Annex A; 1 of 6

The following information has been provided to answer questions raised in correspondence dated 08/02/2017, Ref NO LA07/2016/1612/F.

If further clarity is required I can be contacted in writing, by phone on 0791 7391 784 or by email Hillbillyharte@gmail.com

Robert Harte

Question 1- Farm map

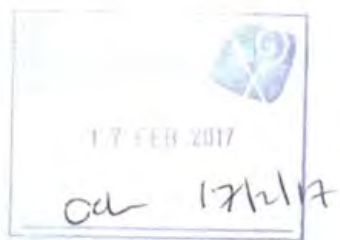
Please find attached 3 copies of a replacement farm map. Apart from the site of my home at Rathfriland rd (BT252EW), the lands detailed in this map are the total land that I own. I do not have any land in conacre. There are no farm buildings on my farm.

My farm has been formed as part of the separation of a larger unit of land, previously owned by my father. A farm yard exists behind 83 Slievenaboley rd, but it falls within the portion of the original farm which now belongs to my brother. The separation agreement gives me no permitted access to this yard or its buildings. A copy of the agreement can be provided if required.

Within my land there is a derelict house, the house was abandoned in the late 1950's. The site of the house is the un-numbered area which is surrounded by Fields; 48, 49, 53, 31A and 40 of the map.



Left; Image of the said derelict building



2 of 6

Right; the lane way that runs from the Slievenaboley road to the derelict house becomes very narrow after the potential shed site and is overgrown for the final section between fields 40 and 31A



Question 2- Need for shed based on efficiency.

Farm equipment

At present my farm equipment is stored my home at 308 Rathfriland rd, which mean that a 4 mile return trip is required to complete any farming task that requires equipment. For example, if I need the digger, tractor/trailer at the Slievenaboley farm; one of the two needs to be driven to the farm first, I then need to be picked up and return home to collect the other. The same action, in reverse, needs to be completed at the close of each farming day.

Significant time could be saved by storing equipment at the farm; in regard to the example above, 3hrs of equipment moving, per day, is what I budget for when planning work. Further to time, Needless fuel is being wasted with the unnecessary return journeys. Finally moving Equipment also brings an element of risk to other road users, which again could be reduced by having an appropriate shed on the land.

Feed Stuffs

At present winter fodder is saved in the form of round bale silage; wrapping silage in plastic is far from the most efficient way to store fodder. With a shed on site, it would be my intention to make square bales of hay, which can't be stored outside, like silage bales.

Feeding hay to my sheep is not only more efficient to produce (no plastic wrap, no netting, less heavy equipment required to produce etc) there is also less wastage when it comes to feeding it to livestock. If for example a single animal is unwell, to open a silage bale to feed that animal back to health, would see the remainder of the

3 of 6

large round bale lost, whereas with hay, a small segment can be used without losing the remainder of the bale.

The following paragraphs have been lifted from the farming website <https://www.farminguk.com/News/Is-round-bale-silage-becoming-uneconomical-16206.html>. The segment was written in 2009; the costs highlighted within the article, are conservative, when we consider inflation etc.

"The original attraction of round bale silage was that it was a cheap, easy and more weather reliant means of conserving grass compared to hay," explains Richard Snell of the Profitable Farming Company. "However with modern high capacity machinery and the development of automatic preservative systems such as Baler's Choice, that allow hay to be safely baled at up to 30%, hay has become a far more cost effective alternative."

With a 750mm roll of film now costing about £52 and only covering 20 bales if applying six layers, the total cost to produce a silage bale will be about £8.48/bale. If, on average, due to the higher moisture content of silage 13 bales are being produced per acre, this gives a total cost of £110.25/acre.*

"By comparison, hay will only cost about £65/acre to produce, which is a considerable saving and will have a large impact on overall profitability, especially when you consider that with silage you are baling a high amount of water."*

Livestock

While this shed is not designed to hold livestock, there may be occasions when it will be necessary to provide emergency cover for my flock of 90 sheep. It should be noted that my farm is a hill farm which is stocked with hardy hill sheep. Hill sheep are not easy with being housed, hence my reference to emergency cover only.

During March 2013 severe weather hit the Dromara area, and 100's (if not 1000's) of sheep perished. At that time I had access to what is now my brothers farm yard, if I'd not put my sheep in during that storm, they would have no doubt been lost.

The following link and text explains the total losses across NI in that storm. I only lost one sheep which was due to them being housed with little roughage (meal fed only) <http://www.bbc.co.uk/news/uk-northern-ireland-22170723>

More than 20,000 sheep were lost in the recent snow blizzard, and it may be next month before all the dead animals are found and counted.

4 of 6

The news emerged at a meeting of the agriculture committee at Stormont.

It is estimated that almost 800 farms were affected by the severe snow storm.

With snow still lying in some high parts of Northern Ireland, dead animals are still being recovered, but the committee heard that one sheep was found alive 25 days after the blizzard.

An official from the Department of Agriculture told the committee that as of 14: BST on Tuesday, the number of dead animals collected was:

- 20,179 sheep (including 15,195 lambs)
- 603 cattle

In total, approximately 790 farms were affected.

A number of farmers from the National Sheep Association gave evidence to the committee.

They said it would be next month before all the animals could be collected because of the snow.

One veteran farmer, John Bleney, said: "It's the slowest thaw I can remember."

Right; The snow drifted to almost the top of the gates in Slievenaboley; March 2013.

It was 3 weeks before grass reappeared on my lands

If we get a repeat of the same weather, my entire livestock could well perish.



5 of 6



Left; the Slievenaboley rd was blocked for almost a week.

During the post storm days, it was impossible to feed livestock round baled silage, due to transport issues; however sheep meal was on site, which, with long walks from home, was used to keep them alive.

If we have a repeat of a similar storm, without a shed, not only will the sheep sufferer from the drifting snow, any survivors will face starvation as meal cannot be store at present on my farm.

Right; Chinook helicopter.

During the weeks after the storm, neighbouring farmers were brought hay by the army helicopter. It wasn't the most efficient of methods



Question 3; other buildings

The farm map originally submitted has obviously misled the planning department to think that other farm building exist on my land, I apologise for supplying the out of date map. Hopefully the map supplied as part of this communication will demonstrate that there are no farm building's on my land at present.

Question 4; sited away from existing buildings

Hopefully Question four has been neutralised in my answer to Question 3. It may be worth noting that when selecting the site of the proposed new shed, environmental and efficiency issues guided my choice. The detail of which is recorded in my design and access statement.

6 of 6

Other information

3 copies of a revised floor plan and location map have also been provided with this document. *NB: the floor plan (previously submitted) included overhead beams, I'm not sure why.*

Robert Harte 15/02/17

Additional detailing in regard to Submission re planning refusal LA07/2016/1612F final

Paragraph 3- buildings other than farm buildings.

The telephone conversation that was had with Ms Cunningham in June 2017, was immediately after the letter setting the planners intention to refuse permission was received.

During that conversation, and as reflected in paragraph 3, Ms Cunningham move to talk about non farm buildings, in doing so she referred to the derelict site setting out that they were as such buildings. When asked how could they be classed as buildings, she in reply suggested that derelict buildings are classed as buildings under the policy statement.

To prove her right or wrong, I have revisited the policy statement, and it policies within. From this I believe Ms Cunningham has drawn down the definition of other buildings from the policy CYT 3, where it clearly suggests, in regard to replacement dwellings, that the original dwelling must have its external walls which are substantially intact.

If I were intending to build a dwelling, my derelict site would meet this criteria, but I'm not planning to build a dwelling.

The policy that concerns my case is CYT12, where other buildings aren't defined or clarified. Therefore it is my opinion that the term building as used within CYT 12, is either an abbreviation for farm or forestry building, or it is referring to buildings as defined by the dictionary as to have walls and a roof, and are used as storage, or to house people etc. Which clearly my derelict buildings aren't capable of.

I therefore suggest that the reference to other buildings by Ms Cunningham has gone beyond the spirit and indeed the intention of CYT12.

Paragraph 3.9 flaws with PPR

Further to the map not being the correct map, I believe there is other issues in regard to where the North is. However, the inclusion of the wrong map shows clearly field 36b, which is a site I considered.

36b, was an area I used for stock handling and silage storage. It's my first piece of land in the facility of real buildings, dwelling and farm, albeit, not my buildings. It's also got history, as mentioned in the PPR, as my father had planned to retire to that very spot. Furthermore if I had chosen this site, it would have been even more efficient than any of the other options; with it close proximity to the Slievenaboley rd.

But simply on the impact it would have on the AONB, I ruled it out. While my choice of site has drawn favourable remarks in the PPR, in regard to my consideration for the AONB etc, my ruling out of the other options has drawn any credit, this disappoints; I will return to this point later.

Paragraph 4.15/16 Travel,

As covered in annex A; It's important that committee take note that my farming is on a part time basis at present, and therefore the significant travelling as covered previously can take up to an average of 25% of any given evenings work.

It could be suggested that I simply leave the equipment outside at the farm, why would it need to be under cover?

My first concern is security; sadly the countryside where I live is far from a safe haven from theft.



A few years back having return from working on a motor rally, and having not put the car in the shed at 308 Rathfriland rd, the car was stolen.

Right, a news paper cutting proving the theft.

The UFU, have tried to help farmers reduce farm thefts, by issuing the following check list. I trust the committee will accept my need to apply the key components of this list.

Farm vehicle security checklist:

- Have CESAR marking fitted to tractors and other farm vehicles
- Consider immobilizers and Tracker devices for high value agricultural vehicles
- If the vehicle has a unique key, always remove and secure cars, tractors, and other vehicles when unattended
- Use security lighting in yards and drives
- Physically secure ATVs by means of suitable locking devices or heavy duty security chains and padlocks
- Park all agricultural vehicles and equipment out of sight in enclosed locked storage when not in use and overnight.
- Record machinery serial numbers
- Lock up tools and equipment out of sight
- Keep farm yard gates closed and locked wherever possible
- Consider installation of remote controlled gates for ease of daily access
- Join a Farm Watch scheme
- NFU Mutual's web site www.nfumutual.co.uk includes detailed advice on security

The full article can be read at.

<https://www.nfuonline.com/cross-sector/rural-affairs/rural-concerns/rural-concerns-news/farmyard-security-warning-after-theft-rise/>

Secondly, by not placing equipment undercover, the elements will have its effects on them. Rusted a seized components already have caused deterioration to several pieces of equipment that simply don't fit under the roof of my current building at 308.

My digger for example was out of used for almost 6 months to have seized brakes, seized steering joints and body work repaired. Receipts can prove a cost of £1000 in materials alone was consumed in the repairs



Left; before

Below; after



I trust this information adds to my need for secure out of sight premises at my land, under the title of " efficient function of my business". A secure shed will not only improve the efficiency of my time and fuel usage, it will also keep my running costs, repairs and replacement to a minimum.

Paragraph 4.19- 4.32 The heritage of the derelict site.

In returning to The PPR, it makes reference to my detailing information about why I didn't apply for planning permission in regard to the derelict site, as set down in my design and access statement. In doing so the PPR seems to be suggesting that I had reached un substantiated conclusions about the potential site.

I would therefore in defence of my decision to not apply for planning permission for the derelict site, refer the committee back to CYT12.

Subsection d states ; "it will not have an adverse effect on natural or build heritage"

As covered in my refusal submission I have utilised my analytic skills, and my knowledge gained through working our lands within the Slieve Croob AONB for many many years, to select the site best suited to my needs, and the demands of CYT 12, which includes item d.

I therefore believe that item d rules out my derelict site significantly more than the reference to "other buildings" rule it in.

Again I believe clarity is required on this point.

Tree root images at derelict site

The following images detail trees that will need to be removed or reduced, for the protection of any new build. See submission.





ITEM NO	16			
APPLIC NO	LA07/2017/0010/O	Outline	DATE VALID	23/12/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Edgewater Ltd 3 Ballytrustan Road Downpatrick BT30 7JW		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822

LOCATION 58 Crossgar Road
Ballynahinch
BT24 8XS

PROPOSAL Housing development 5no dwellings

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

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7, in that it would lead to an unacceptable development form out of keeping with the local character of an established area.
- 2 The proposed development is contrary to LC1 of the addendum to PPS 7 in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 3 The application is unacceptable as insufficient information has been submitted regarding the presence of bats on the site to enable the Authority to make an informed decision on the proposal.
- 4 The application is unacceptable as insufficient information has been submitted regarding the former activities on the site to enable the Authority to make an informed decision on the proposal.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0010/O

Date Received: 03.01.2017

Proposal: The application is for outline planning permission for a housing development 5no dwellings.

Location: The application site is located within the settlement limits of Ballynahinch as designated in the Ards and Down Area Plan 2015. The site lies adjacent to LLPA 13 – Lands to the north and south of Moss Road and north of Crossgar Road.





Site Characteristics & Area Characteristics:

The site is located just off the Crossgar Road in the settlement of Ballynahinch. The site is an irregular shape of approx. 0.48ha in size. The site currently comprises the foundations of a former dwelling which has since been demolished, with two associated garages which are still present on the site. The site also includes a portion of land (rear garden) of No 62 Crossgar Road. What was formally the front garden has now become overgrown. The northern boundary consists of a band of mature evergreen fir trees, which extends northwards as can be seen in the above aerial photograph.(approx. 0.11ha of the northern portion of the site is covered with evergreen fir trees). There is also a strong mature boundary of fir trees with No 60. The site rises from the roadside towards the north of the site and there is a difference in levels of approx. 4m. The LLPA to the rear of the site is characterised by undeveloped drumlin landforms and hilltops which provide a setting to the town and the proposed Ballynahinch bypass. There is a row of roadside development

when approaching from the east from the junction with Ballylone Road. From the petrol filling station the dwellings are set on higher land and consist mainly of single storey detached dwellings on long narrow plots which extend to the rear. No 58 before its demolition was set back considerably from the road, as is No 58A, which both access onto Crossgar Road. A laneway which runs parallel to this access runs to the west of the site which serves a number of other single dwellings. St Colman's High School lies adjacent to the laneway.



Site History:

LA07/2015/1140/F 58a Crossgar Road, Ballynahinch, Bt24 8XS, Single Storey Rear And Side Living Room/Utility Extension Permission Granted 24.03.2016

LA07/2017/0010/O 58 Crossgar Road, Ballynahinch, Bt24 8XS, Housing Development 5no Dwellings Valid Application Received

R/1983/0392 58 Crossgar Road, Ballynahinch Bungalow Application Withdrawn

R/1984/0820 60 Crossgar Road, Ballynahinch. Alteration And Extension To Dwelling Permission Granted

R/1985/0368 58 Crossgar Road, Ballynahinch Double Garage Permission Granted

R/1987/0068 58 Crossgar Road Ballynahinch Extension To Dwelling Permission Granted

R/1987/0320 58 Crossgar Road Ballynahinch Bungalow And Garage Permission Granted

R/1988/0524 Adjacent To 52 Crossgar Road Ballynahinch Bungalow And Garage Permission Granted

R/2010/0192/F 60 Crossgar Road, Ballynahinch. Proposed First Floor Extension To A Dwelling. Permission Granted 01.07.2010

R/2014/0426/F 64 Crossgar Road Ballynahinch, Rear Extension And Alterations With Replacement Garage And Associated Outbuildings Permission Granted 05.11.2014

Planning Policies & Material Considerations:

The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 7, PPS 12 and guidance from Creating Places.

Consultations:

NI water – Statutory response
Transport NI – No objections subject to conditions
NIEA Water management – No objections
NIEA – Waste management – further info required
NIE- NED – further info in relation to bats required

Objections & Representations

In line with statutory requirements seven neighbours have been notified on 11.01.2017 No representations have been received. The application was advertised in the Mourne Observer and the Down Recorder on 17.02.2016.

Consideration and Assessment:

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

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS

The proposal seeks planning permission for a residential scheme consisting of 5 dwellings on the 0.4ha site where there had previously been one single dwelling. A conceptual layout has been submitted with the outline application which indicates five detached dwellings on the site.

Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments (PPS 7) states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Criterion (a) of Policy QD 1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces.

The site is located at 58 Crossgar Road, within the development limits of Ballynahinch. The character of the immediate area is a mixture of house types. To the east of the site is a row of detached mainly single storey dwellings (some with dormer windows and one split level) which front directly onto Crossgar Road, with shorter front gardens and long narrow rear gardens. The dwellings are set back at a level higher than the road level. No 72 is set back furthest from the roadside and generally the dwellings are gradually coming closer to the roadside. No 58 differs from this character and when the site was occupied by a dwelling (which has since been demolished) this was set back from the roadside approx. 80m. Adjacent to and west of the site is No 58A which is a one and a half storey detached dwelling, accessed onto the Crossgar Road. To the west and NW are single dwellings which are accessed off a private laneway. St Colman's High School is to the west of the site. Opposite the site across the other side of the road are green fields which are undeveloped lands on land zoned for Housing under BH12 in the Ballynahinch plan as designated in the Ards and Down Area Plan 2015.

The dwellings differ in house type, with a range of dwelling types including, single storey, roof dormers. The site and the immediate area, provides the local context for the consideration of the proposal.

Moving in a westerly direction the character changes past the school, where the density becomes higher. The site itself is different to this context in that it is set back from the road, and has a much larger front garden whereas the other dwellings have long narrow rear gardens, some of which are covered densely with trees.

The site is approx. 0.48ha proposing 5 dwellings on the site which equates to a density of 10.4 dwellings per hectare. Taking the row of 6 dwellings and their rear gardens (from Nos 70-62 Crossgar Road) this plot of land would equate to 6 dwellings per ha, which would be a lower density than the proposal.

In consideration of the above, the character of this part of the road is predominantly residential with the exception of the petrol filling station and the high school to the west of the site, with single dwellings on long narrow individual plots which front onto the Crossgar Road. The proposal involves the replacement of what had formerly been one dwelling on the site, with 5 dwellings in total. The access road will continue along the boundary with No 58A where 5 dwellings are accessed off this road. The topography of the site is such that it rises steeply to the rear of the site and when coming from Ballynahinch town heading east towards Crossgar, the site would be a prominent elevated site. On the conceptual plan in terms of separation distances, the layout has been designed that there would be adequate separation distances between proposed and existing properties. This is only a conceptual drawing so no details regarding house type or window positions would not be apparent, however, it would seem that a well designed property could eliminate impacts on overlooking, overshadowing and loss of light providing the principle was acceptable. There is good boundary treatment surrounding the site.

The proposal will result in the introduction of 5 dwellings into a site formerly occupied by a single dwelling. I am mindful that the plot is larger in size than the plots adjacent to it, however, the proposed scheme would also be out of keeping with the character of the immediate established residential area. It would not reflect the local form of development which would also be exacerbated by the topography of the site as it is already a prominent and elevated site. In light of this aspect of the proposal, consideration shall be given to Policy LC1 of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas, which states in Policy LC 1 that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all additional criteria set out below are met:

(A) the proposed density is not significantly higher than that found in the established residential area;

(B) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(C) all dwelling units and apartments are built to a size not less than those set out in Annex A.

In terms of part (A) given the long rear gardens of the established residential area, I would consider that the density of the proposal is not significantly higher than that found in the established residential area.

It is considered therefore that the proposal is contrary to Policy LC 1(B) of the Addendum to PPS 7 in the proposal does not therefore is not in keeping with the overall character and environmental quality of the established residential area. The

proposal does not respect the pattern of development and of the adjacent housing with which it reads when viewed from the Crossgar Road, the main view of the site.

In terms of PPS 7 It is considered that the proposal adequately provides parking and amenity spaces for a development of this size in compliance with guidance and the above criterion.

Access, Movement and Parking

Transport NI have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site.

Land Soil Air

Waste Management (WM) (Land and Groundwater Team) notes that former activities in the surrounding area may have caused the land to be affected by contamination. Based on the limited environmental information provided, WM is unable to advise on whether this development would have significant adverse impacts on the water environment. The agent has been made aware of this, however, no further information has been received to date.

Natural Environment Division

Following a desk top study of GIS and aerial photography records that the application site is located within an area of sensitivity for Northern Ireland priority habitat or priority species (note: Schedule 3 of The Planning (General Development Procedure) (Amendment) Order (NI) 2016.

NED have records of mature trees and hedgerow habitat occurring within or adjacent to the application site. Hedgerows are classified as NI Priority habitat. In addition to that, they are known to provide foraging, resting and breeding opportunities for a range of species including bats, badgers and wild birds.

In addition to this, a building on site is to be demolished to facilitate this development; this may also provide roosting opportunities for bats given the surrounding habitat features. The agent was made aware of this and an ecology report was submitted. NED acknowledge that the surveyor found no visual or physical evidence of bats using the building on site, however sometimes bats leave no visible sign of their presence even on the inside of a building, particularly where there are hidden cracks, crevices and voids. Thus further bat survey would be required or bat roost survey/s to be carried out, i.e. dusk emergence and pre-dawn re-entry surveys.

Since the principle of development was found to be unacceptable, I have not requested any further information from the agent regarding this, therefore it would be up to the agent if he wishes to continue to resolve these issues, but as it stands there would be insufficient information to determine the application based on the information submitted with regard to potential for bats to be on the site and the potential for contamination on the site from former activities.

Conclusion

Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal represents an unacceptable residential use in this location. The approval of this of this scheme would alter the character of the area and would not be in keeping with the local form.

Recommendation:

Refusal

Refusal Reasons:

1. The proposed development is contrary to SPPS and Policy QD 1 of PPS 7 in that it would lead to an unacceptable development form out of keeping with the character of the established area.
2. The proposed development is contrary to SPPS and LC1 of the addendum to PPS 7 in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area
3. The application is unacceptable as insufficient information has been submitted regarding the potential for bats on the site to enable the Authority to make an informed decision on the proposal.
4. The application is unacceptable as insufficient information has been submitted regarding the potential for contamination on the site from former activities, which would enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

Planning Committee Schedule of 19th July 2017

Planning reference: **LA07/2017/0010/O**

Proposal: **Housing Development (5No Dwellings)**

Applicant: **Edgewater Ltd**

Location: **58 Crossgar Road, Ballynahinch**

Recommendation: **Refusal**

Reasons

1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7, in that it would lead to an unacceptable development form out of keeping with the local character of an established area.

2 The proposed development is contrary to LC1 of the addendum to PPS 7 in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

3 The application is unacceptable as insufficient information has been submitted regarding the presence of bats on the site to enable the Authority to make an informed decision on the proposal.

4 The application is unacceptable as insufficient information has been submitted regarding the former activities on the site to enable the Authority to make an informed decision on the proposal.

Site Description

The application site is located within the development limits of Ballynahinch as designated in the Ards and Down Area Plan 2015.

The site is located just off the Crossgar Road within the settlement limits. The site comprises an area of approx. 0.48ha in size. The site currently comprises the remains of a former dwelling which has been demolished, and two associated garages which exist on the site. The site also includes a portion of

the rear garden of No 62 Crossgar Road. The site has lay vacant for several years following the demolition the dwelling at No 58.

The site has well defined boundaries to the North and North West adjacent to No 60 with a portion of the site over grown with Spruce trees which have grown out of control due to neglect and which require to be removed as they are in poor condition are dying from the ground up. .

The original dwelling No 58 was set back considerably from the road, as is No 58A and both had access onto Crossgar Road where access to the application site is still to be gained.

A laneway which runs parallel to this access runs to the west of the site which serves a number of other single dwellings. St Colman's High School is located adjacent to this laneway.

Planning Policies & Considerations

SPPS

PPS3

PPS7

PPS12

Department Publication Creating Places

Ards & Down Area Plan 2015

DCAN 15

Assessment of reason for Refusal

1

The proposal is compliant with Policy QD 1 of PPS7 as this policy requires new residential development to “**create a quality and sustainable residential environment**” which this proposal endeavours to do.

The proposal is compliant with Criterion (a) in that the house types in the area consist of “**a mixture of house types**” and while the existing dwellings at No 58a & 60 and former dwelling at No 58 are all set back from the road unlike dwellings 62 – 72 which are located adjacent to the road this indicates that there is no specific pattern to the area rather a mix of styles and types.

While a reference is made to housing density in the area again there is no specific density and not alone does the density differ there is a filling station and also a school in the immediate area.

It must be noted that this application is for **Outline Approval** and the accompanying concept plan is for information only and the applicant wishes to develop a small development of some 5 houses compliant with the requirements of Transport NI to a high quality of design with adequate parking and open space which will be detailed at the Reserved Matters stage.

The original site of No 58 was larger than any other sites in the area and the applicant has acquired the rear garden of No 62 which was un-used by the owner of this dwelling thus the application site is capable of accommodating the proposed development .

2

The proposal also complies with Policy LC1 of the Addendum to PPS7 in that it proposes to redevelop a vacant brown field site located within the development limits as defined by the area plan and it is accepted by the Planning Department that the density of the proposed site would not be significantly higher **Criterion A**.

In relation to **Criterion B** the site is keeping with the overall character and environmental quality of the surrounding area which it again is accepted by the Planning Department is of **mixed house type** and plot sizes and while reference is made to respecting the pattern of development it is also conceded that the pattern of the housing in the area of the application site ie 58, 58a, 60 differ completely from the stated pattern along Crossgar Road hence the pattern is different in this area.

3

The current proposal for this site resulted in an ecology report been provided to support the **outline application** and as such the applicant appointed an independent expert who prepared a report for assessment and this was forwarded to the Planning Department and in the words of the case officer ***"I have not requested any further information from the agent regarding this"*** The applicant would be happy to undertake any further surveys **if requested** that would assist Natural Environmental Division and as is normal following the initial submission by the appointed expert if further detailed surveys are required our expert is happy to provide same.

4

The site has been in residential use for a considerable time and it was decided to demolish the existing dwelling due to the building been unoccupied and as a result of same was used for anti-social activity.

The applicant would be happy to meet with representatives from Waste Management or to undertake the relevant surveys which would clarify the situation on ground and it should be noted that this proposal is for the principal of development on this site and only indicative drawings are available at this time and as **no** request for information pertaining to the former activities in the surrounding area were sought.

Overview

The proposal to develop this **Prime Development site** located on a brown field site within the development limits of Ballynahinch

The site is within the development limits and is similar in density to the existing development on this area within the designated Town t as defined in the Ards & Down Area Plan and with no objections from statutory consultees ***that cannot be addressed by completing further surveys when requested.***

No objections from neighbours were received.

It is argued that it is in compliance with policy QD1 of PPS7 and LC1 of the addendum to PPS7 as the site is similar in size to the surrounding area and should benefit from the grant of a planning approval.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant **Outline Planning Permission** for the development as applied for on this site which is clearly compliant with policy QD1 of PPS 7 and LC1 of the addendum to PPS7.

ITEM NO	21			
APPLIC NO	LA07/2017/0184/O	Outline	DATE VALID	27/01/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul Stewart 15 Drumkeeragh Road Guinness Ballynahinch BT24 8QX	AGENT	O'Neill Architects 147 Main Street Dundrum BT33 0LX 02843771876	
LOCATION	Adjacent to 15 Drumkeeragh Road Guinness Ballynahinch BT24 8QX			
PROPOSAL	Proposed dwelling and garage with associated site works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0 0 0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this private laneway, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along this lane frontage in terms of its size, scale and plot size.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0184/O

Date Received: Feb 2017.

Proposal: Outline planning permission is sought for 1 dwelling and garage with associated site works, on lands adjacent to 15 Drumkeeragh Road, Guinness.

Applicant Mr P Stewart

Location:

The site is located in the countryside off the Drumkeeragh Road, between the Dunmore Road and Drumgavlin Road, in an AONB and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site.

This area is pre-dominantly rural in character, although also includes several dwellings and holdings.

Site Characteristics & Area Characteristics:

The site outlined in red is irregular in shape and extends to include the existing access laneway serving several properties including no.15, a portion of the garden of no.15, and a portion of 2 fields to either side of no.15.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in and immediately adjacent to the site, the most relevant of which observed includes:

R/2007/0409/O- 15a Drumkeeragh Road, Proposed site for one new dwelling and garage for domestic use only. (To replace existing vehicle repair workshop and salvage yard), Outline, Withdrawn, 03-01-12, Applicant: Mr P Stewart
Although withdrawn this application had been recommended for refusal being contrary to CTY1 and CTY14 of PPS21.

R/2002/1289/F- Adjacent to 15 Drumkeeragh Road, Dwelling and garage, Full, Approval, 04-12-02, Applicant: Mr P Stewart of 15 Drumkeeragh Road,

R/2004/0410/O- Adjcent to 15 Drumkeeragh Road, Proposed site for new dwelling and garage for domestic use only, Outline, Approval, 06-10-04, Applicant: N Stewart of 15 Drumkeeragh Rd

R/2005/1223/F- Adjacent to 15 Drumkeeragh Road, Bungalow and domestic garage, Full, Approval, 08-12-05, Applicant: N Stewart of 15 Drumkeeragh Road.

R/2002/1601/O- Adjacent to 15 Drumkeeragh Road, Dwelling, Outline, Approval, 28-04-03, Applicant: C Stewart of 15 Drumkeeragh Road.

(Note: The history search conducted has only identified an Outline permission for the dwelling and garage which has been constructed to the North of no.15 (R/2002/1601/O). In addition it appears the siting of the recently constructed dwelling further north of no.15 at the top end of the lane has not been constructed in accordance with the approved plans.

Both matters have been raised with the agent by way of letter on 5th April 2017, as it is noted the applicants address of both are the same as this current application)

Consultations:

Having account the nature of this proposal and constraints of the site and area, consultations have been carried out with Transport NI, NI Water, and Rivers Agency, as part of this application, who offer no objections in principle.

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Drumkeeragh Road in Feb 2017 (No.11, 17, 19, 21), while the application was also advertised in the local press in Feb 2017.

No representations have been received to date (21-06-17).

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded

substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

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

This is an Outline application for 1 dwelling, whereby a P1 form, site location plan, existing site layout plan and design and access statement have been submitted. The information submitted indicates the applicant (Mr P Stewart) lives at no.15 Drumkeeragh Road, and owns the application site and some adjoining lands.

Based on the information submitted this application is for the development of a gap site to be considered under policy CTY8 of PPS21.

As stated above the site comprises a part of the garden and 2 fields to either side of no.15 Drumkeeragh Road. This site is set back from the Drumkeeragh Road approx 100m, located along a private laneway which serves several properties at present.

With regards to policy CTY8, a substantial and built up frontage is defined as a line of 3 or more buildings along a road frontage.

This site could be described as being located between the dwelling of no.15 and the dwelling at no.19, although also extends to include lands to the rear of no.15. It is noted there is also a shed to the south side of no.15, and the recently constructed dwelling of no.21 further north of the site and no.19. Each of these 3 properties open on to the same laneway.

However as outlined above the Planning Authority's records have failed to trace any full permission for the dwelling at no.19, while the siting of the dwelling at no.21 is not in accordance with the approved plans. It is also noted the shed to the south of no.15 is also located beyond a laneway.

The matters outlined above were raised with the agent on 5th April, and comments requested, whereby the agent has replied advising his client is not in control of these properties, however has approached the owners and have requested information from the mortgage provider, and that further information will be provided as soon as possible.

While it is acknowledged the applicant may not own these properties it is noted from the history files it was family members from the applicants home address at no.15 Drumkeeragh Road who applied for these permissions thus it is considered it is reasonable to assume this information should be available.

The application cannot be held indefinitely, whereby over 2 months have now lapsed since the original request. As such it is considered the application must proceed on the basis of the information provided, and accordingly, in light of the above, and unanswered questions regarding the legality of both the dwellings at no.19 and 21, it

is considered the both of these dwellings cannot be considered towards contributing to a built up frontage and creating a gap site.

Aside from this issue it is noted there is also a break in the built form and extent of continuously built up frontage between the curtilages of no.19 and 21, thus there is no continuously built up frontage to the north side of no.15.

As outlined above there is also a shed structure to the south side of no.15 which extends to adjoin the laneway, although which is located beyond a laneway. It is noted this shed has no identifiable curtilage as the area around it is overgrown, while the laneway itself which separates this shed from the dwelling at no.15 is also considered to constitute a break in the built development along the frontage of this laneway.

In light of the above it is considered there is no substantially and continuously built up frontage to permit the infilling of a small gap site.

In addition, it is noted the gap site indicated has a frontage of approx 20m wide, which is significantly smaller than those of the adjoining properties, thus does not respect the existing development pattern along this frontage in terms of size, scale and plot size, thus again fails to comply with the requirements of this policy test.

It is also considered there is no gap site/infill opportunity on the remaining lands outlined in red, as there is no substantially and continuously built up frontage to permit a gap site, as the dwelling of no.15 and that to the south have separate access/driveways and associated frontages.

Notwithstanding the above, as this is an Outline application no detailed plans have been provided, however it is considered the site would be large enough to accommodate a dwelling with sufficient provision for parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact, albeit on a site which is substantially smaller than those along this laneway at present

It is also noted these dwellings will be served by septic tanks/bio disc, whereby it is considered there are sufficient lands to accommodate these services with associated soak-aways.

Taking into account the above it is considered the proposal fails to comply with the applicable policy test, namely CTY8 of PPS21, and also fails to comply with any other policies.

As such it is considered there are no grounds to justify the granting of planning permission in this instance, in this sensitive AONB location.

As such Refusal is recommended.

Recommendation: Refusal

Reasons:

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

- The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this private laneway, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.

- The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along this lane frontage in terms of its size, scale and plot size.

ITEM NO	22			
APPLIC NO	LA07/2017/0228/F	Full	DATE VALID	14/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Tate 44 Windsor Hill Warringstown BT66 7FZ		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 028 9756 1488
LOCATION	Lands immediately North of 37 Dromore Road Ballynahinch			
PROPOSAL	Proposed dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal, if permitted, would have a detrimental impact on the setting of the adjacent Local Landscape Policy Area 6 (LLPA 6) as designated in the Ards and Down Area Plan 2015.			
2	The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of PPS 7 in that does not respect the surrounding context.			



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

Application Reference: LA07/2017/0228/F

Date Received: 14th February 2017

Proposal: Dwelling and Garage

Location: Lands immediately north of No 37 Dromore Road, Ballynahinch

Site Characteristics & Area Characteristics:

The site is located along Dromore Road Ballynahinch, and is comprised of a small portion of land cut out of an field currently used growing of grass for agricultural use. The site is elevated above and positioned to the rear of the adjacent dwelling at No 37 Dromore Road, a single storey dwelling, which is accessed via a small lay-by off Dromore Road. The land within the site slopes upwards in a NE direction and continues further NE beyond the site.



The site is located within the settlement limits of Ballynahinch as defined by the Ards and Down Area Plan 2015. It is noted that the site lies adjacent to LLPA 6 as designated in the plan – LLPA 6 is a localised hill, visually prominent undeveloped drumlin within the town boundary.

The area surrounding the site is predominantly residential in use, with a mix of dwelling types noted. West of the site lies Lough Inch Cemetery.

Site History:

Previous history on this site

R/1993/0053 – Bungalow – Rear of 37 Dromore Road Ballynahinch – Granted
R/1989/0624 – Bungalow – Rear of 37 Dromore Road Ballynahinch – Granted
R/1988/1073 – Bungalow – rear of 37 Dromore Road Ballynahinch – Withdrawn.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3 7 and 12, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 01.03.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), NIEA – Water Management Unit

No objections have been received

The following neighbours were notified of the proposal on 20.02.17

- 31, 33, 35 and 37 Dromore Road, Ballynahinch

Objections & Representations

No letters of objection or representations have been received.

Consideration and Assessment:

The proposal seeks full permission for the erection of a dwelling and garage. The dwelling is to be single storey with a lower ground section and a detached garage positioned to the front of the dwelling.

The dwelling will have a ridge height of 5.3m above finished floor level, there is to be approximately 1m of under build to some parts of the dwelling. The design of the dwelling is suburban in style as shown below



The dwelling is separated from No 37 by 36m when measured from the front door – a double garage and proposed new planting provides additional screening in the intervening land. The design is considered acceptable, however, the right hand front projection, could benefit from some fenestration, to improve its appearance. There do not appear to be any issues with overlooking or loss of privacy for neighbouring properties.

In assessment of the proposal against the criteria listed in Policy QD1 of PPS 7, it is considered that it would be contrary to Criterion (A) in that it would if permitted have a detrimental impact on the setting of the adjacent LLPA and consequently the proposal does not respect the surrounding context and the landscape feature of the LLPA is not considered to be protected by this proposal. It is noted above that the site has received planning permission in the past for a dwelling at this location, however, these permissions pre-date the adoption of the current Area Plan.

On the basis of the above assessment the application will be recommended for refusal

Recommendation: REFUSAL

REFUSAL REASONS:

1. The proposal, if permitted, would have a detrimental impact on the setting of the adjacent Local Landscape Policy Area 6 (LLPA 6).
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of PPS 7 in that does not respect the surrounding context.

Signed

Date

Signed

Date

ITEM NO	23			
APPLIC NO	LA07/2017/0318/F	Full	DATE VALID	24/02/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Telefonica UK Limited 260 Bath Road SL1 4DX	AGENT	Taylor Patterson C/O Ross Lane Cookstown BT0 8RJ 02886764800	
LOCATION	On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road Castlewellan BT31 9DP			
PROPOSAL	Proposed 15m telecommunications mast to carry 3No. antennae and 2 No. radio dishes, 3No. equipment cabinets and associated works including site compound. (Additional supporting info received)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	46	0	0	0
			Addresses	Signatures
			0	0 0 0



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**Newry, Mourne
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Application Reference: LA07/20170318/F

Date Received: March 2017.

Proposal: Full planning permission is sought for the installation of a 15m telecommunications mast to carry 3 antennae and 2 radio dishes, 3 equipment cabinets and associated works including site compound, on lands within William Kirkwood & Sons Timber Yard, 5-9 Newcastle Road, Castlewellan.

Applicant: Telefonica UK Ltd

Location:

The site is centrally located within the village of Castlewellan, outside the boundary of the Conservation Area, on land regarded as white-land as identified in the Ards and Down Area Plan 2015.

This area of Castlewellan includes a mix of uses including commercial, retail and residential, while it is also noted there are listed buildings in the vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a small rectangular shaped plot within the grounds of Kirkwood and Sons Timber Yard. This portion of lands is located to the side of the existing buildings within these grounds and is immediately adjacent to the boundary with the Food Processing Factory (TS Foods), whereby this portion of the boundary comprises a wall which is some 3m high.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous approvals in the within and adjacent to the site, although no relevant history was observed relating to the application site. It is noted there have been a number of approvals for extensions to the adjoining Food Processing Factory.

Objections & Representations

Some 46 representations in opposition to the proposal have been received to date (20-06-17) from owner/occupiers of properties along Upper Square, Lower Square,

Circular Road, Newcastle Road, St Malachys Avenue, Dundrinne Rise, Main Street (both residential and businesses), Castlewellan GAC, Cllr Devlin, Colin McGrath MLA, TS Foods including a number of employees who live in Downpatrick, Castlewellan, Lisburn, Strangford, Killyleagh, Guinness, Annsborough, Newcastle and Bryansford, whereby the main issues raised include:

- serious concerns regarding health issues cause by such masts,
- this 15m high mast will tower over Main Street and is not in the best interests of the town which includes a Conservation Area,
- it will be very damaging to the local environment,
- it would have a detrimental impact on the local visual amenity,
- siting a mast immediately beside a densely populated area such as TS Foods which employs 90 staff should be avoided,
- the development of a mast may in future inhibit or endanger the future development and employment of TS Foods,
- the need for a mast is queried as the Castlewellan area is serviced by a mast which is located approx 2 mile from the centre of the town,
- a bond should be put in place to ensure the removal of the mast and equipment after its end use.

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

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Circular Road, Newcastle Road, Main Street (TS Foods), in March 2017, while the case was also advertised in the local press in March 2017.

Following receipt of additional supporting information including panoramic photographs a further round of neighbour notification was undertaken in April 2017.

Consultations:

Having account the nature of this proposal, constraints of the site and area, and issues raised in the representations received, consultation was undertaken with Historic Environment Division (HED) and Environmental Health as part of this application.

Environmental Health offer no objections subject to compliance with ICNIRP guidelines.

HED initially expressed concerns regarding the proposal however following receipt of supporting information, panoramic photographs and photomontages (existing and proposed) are now content with the proposal and have advised the proposal will not pose any greater demonstrable harm to the setting of any listed buildings.

It is noted the listed buildings in the vicinity of the site include the former Presbyterian Church along Newcastle Road, former Northern Bank building on Lower Square, Ulster Bank building on Upper Square, and the 2 storey terrace of 11-29 Lower Square.

In light of the above it is considered the consultees offer no objections to this proposal, while it is not considered necessary to seek any further comments or request any further information to fully assess and determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS6, PPS10, and supplementary guidance including DCAN14 and Castlewella Conservation Area guide.

Consideration and Assessment:

This full application seeks permission for a 15m telecommunications mast to carry 3 antennae and 2 radio dishes, and 3 equipment cabinets.

Policy TEL 1 of PPS10 states that proposals [for telecommunications] will need to demonstrate, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

It must be demonstrated that:

- (a) The sharing of an existing mast or other structure has been identified and is no feasible
- (b) The new mast represents a better environmental solution than other options.

The content of the SPPS is also noted.

As part of this application a P1 form, site location plan, site plan, elevations, Declaration of Conformity with ICNIRP Public Exposure Guidelines, additional supporting/supplementary information, panoramic photographs and photomontages have been submitted.

This application has been submitted for and on behalf of CTIL and Telefonica UK Ltd. The supplementary information advises this mast will be grey in colour and the 15m height has been selected due to the surrounding buildings (clutter) that can cause interference to the signal, and the mast is the optimum height for the antennae to ensure the best possible coverage is provided.

The first option to improve network coverage in any area is to seek an upgrade to an existing mast, however in this case there was no existing mast nearby, so an upgrade opportunity does not exist.

A total of 8 sites were investigated as possible locations for a new mast however the remaining 7 sites were rejected due to various constraints. A map and reasons why the remaining sites were not chosen is attached to the file.

In addition, the site chosen was deemed the most suitable due to the limited impact it would have on the surrounding area, and that this village does not benefit from suitable network coverage, whereby the objective is to improve coverage for customers of O2 and Vodafone in terms of their current 2G and 3G coverage and add the new faster and more efficient 4G technology.

An ICNIRP certificate has been provided to demonstrate how the proposal complies with guidelines for public exposure to electromagnetic fields. Environmental Health

have been consulted and raised no objections to the proposal subject to compliance with ICNIRP guidelines.

As stated above the site selected for this mast is located within the grounds of Kirkwood Timber Yard, and is immediately adjacent to the boundary with TS Food factory.

This site is centrally located in the village of Castlewellan whereby the surrounding area is built up, however it is reasonable to assume a 15m high mast will be visible from the surrounding area, although views will be obscured from certain view points by the existing built form, including the 2 storey terraces and varying heights along Upper Square, Main Street, Lower Square, Newcastle Road and Circular Road. While the site is located in a timber yard, and adjoins the boundary with a food factory (TS Foods), it is also located in close proximity to the grounds of Castlewellan GAC, and a number of businesses and residential properties, church hall and is also approx 150m from the Community group building.

As stated above the site is located outside the boundary of the Conservation Area of Castlewellan, and is in an AONB, while there are also several Listed Buildings in the vicinity of the site.

Following the submission of additional information including photomontages Historic Environment Division now offer no objections advising the mast will not pose any greater demonstrable harm to the setting of any listed building.

While it is noted the site is located outside the boundary of Castlewellan Conservation Area, it is close to it, and has the potential to impact on its setting. (It is noted the policy contained within PPS6 only specifically deals with new development which is located in a Conservation Area).

The extent of the Conservation Area extends through the middle of the village from Blue Row to Lower Square and also takes in Castle Avenue and the area around the entrance to Castlewellan Forest Park and a stretch of Newcastle Road.

As stated above the site for this mast is located in an existing timber yard behind Main Street, and which includes several structures and associated equipment at present, and is also adjacent to the grounds of TS Foods which also includes several sizeable buildings.

Having account the existing built form of this village and size of existing buildings in the middle of this village and also existing street furniture including tall street lighting columns, it is considered this 15m high mast and associated equipment will have limited impact on the setting of the Conservation Area of Castlewellan.

While it is acknowledged the mast will be visible from the surrounding area, it is considered the visual impact will be restricted due to the existing built form, and will not result in any unacceptable visual impact.

While it is noted there is significant opposition to this proposal from local residents, having account the information submitted, on balance it must be considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area and associated zonings/listings.

As such it is concluded there are no grounds to sustain a refusal, thus Approval is recommended.

Recommendation: Approval

ITEM NO	29							
APPLIC NO	R/2012/0413/RM		Reserved M	DATE VALID	13/08/2012			
COUNCIL OPINION	APPROVAL							
APPLICANT	Brackhill Ltd			AGENT	Alan Bennett Architects 2 St Judes Avenue Ormeau Road Belfast BT7 2GZ 028 9064 0064			
LOCATION	Lands to the rear of 28-54 Ballylough Road and adjacent to 100-108 Castlewellan Annsborough							
PROPOSAL	Proposed residential development comprising apartments, townhouses, semi- detached and detached and other associated works (Amended site plan/boundary line received)							
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions				
	13	0		0			0	
					Addresses	Signatures	Addresses	Signatures
					0	0	0	0



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**Newry, Mourne
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District Council

Application Reference: R/2012/0413/RM

Date Received: Aug 2012.

Proposal: Reserved Matters (RM) is sought for a residential development comprising apartments, townhouses, semi-detached and detached dwellings and other associated works, on lands to the rear of 28-54 Ballylough Road, Annsborough.

Applicant Brackhill Ltd

(This application is required to be presented to the Planning Committee due to the size of the site (exceeds 2 hectares), number of units proposed (exceeds 50 units), and number of objections received (at least 6 objections received from different addresses)).

Location:

The site is located within the development limits of the village of Annsborough, in an AONB and on land zoned as a LLPA as identified in the Ards and Down Area Plan 2015.

The settlement of Annsborough is generally low lying whereby the main road rises towards Castlewellan and Ardnabannon in either direction. This village is largely characterised by housing, although also includes playing fields and social club/community centre, and also includes industrial zoned lands. A river also runs through the village and site (Clarkhill River). The main Castlewellan Road is also a Protected Route. It is also noted there are several listed structures in the vicinity of the site.

The site outlined in red comprises a large irregular shaped plot of land which is zoned as an LLPA (LLPA1 and LLPA2).

Site Characteristics & Area Characteristics:

The site outlined in red comprises a large irregular shaped plot of land which is located off both the Castlewellan Road and Ballylough Road. The site is low lying and comprises several fields at present whereby a river (Clarkhill) flows through it. The site extends to adjoin the residential development of Bellfield, commercial factory and warehouses off the Castlewellan Road and several commercial and residential properties off the Ballylough Road. There are also residential properties to the far side of both the Castlewellan and Ballylough Roads. The site can be

accessed via laneways off both the Castlewellan and Ballylough Road at present. It is also noted several buildings in the immediate vicinity of the site are listed.

Site History:

A history search has been carried out for the site and surrounds, whereby it is noted there is previous history relating to both this site and the adjoining lands whereby the most relevant of which includes:

R/07/0533- Lands off Ballylough Road and Castlewellan road, Annsborough, Proposed residential development comprising apartments, townhouses, semi-detached, detached and other associated site works, Outline, Approval, 15-09-09, Applicant: Brackhill Ltd.

This is the associated Outline approval for this current Reserved Matters application. As part of this Outline application consultations were carried out with Roads Service, NIW, NIEA WMU, NIEA PHB, NIEA PHM, NIEA Natural Heritage, Rivers Agency, and LAB, and it is also noted a number of representations and a petition in opposition to the proposal were received.

As part of this permission a site location plan, conceptual, storey index and illustrative layouts, impact on trees layout and FRA (including access road) were submitted and stamped granted.

This layout included 2 new access points to serve this development, whereby the main access was adjacent to the existing laneway along Castlewellan Road, while a secondary access is along the Ballylough Road approx 50m from the junction with the Castlewellan Road.

The access onto the Castlewellan Road served the majority of units, while the access onto the Ballylough Road served a small group of units.

The units were set well back from the Castlewellan Road adjacent to the existing warehouses, with a large area of open space and landscaping in the centre of the site, with a smaller number of units located to the side and rear of no.28-30

Ballylough road and the adjoining social club and Post Office.

The layout plan included the number of storeys in each block whereby the units adjacent to the Ballylough Road were 1 1/2 and 2 storey, while the remaining units located off and set back from the Castlewellan Road ranged from 1 1/2 to 4 storey, with the 1 1/2 units sited closest to the road (approx 180m from the road), while the higher 3 and 4 storey units were set back and located towards the rear of the site.

As part of this permission some 17 conditions were attached including time limit, roads details, archaeological restrictions, rivers, levels, requirement for a landscape management plan, retention and replacement of trees, erection of protective fencing for trees, and that the layout shall be generally in accordance with Drawing No. 02 (illustrative layout and number of storeys index).

Objections & Representations

Having account the extent of the red line of the application site, neighbour notification was initially carried out with a number of properties along Ballylough Road, Castlewellan Road, Clarkill Road and the housing developments of Bellfield, Annsborough Park, and Castlehill in Sept 2012, and again on several occasions

following the submission of amended plans. The case was also advertised in Aug 2012.

Some 13 representations in opposition to the proposal have been received to date (28-06-17) from the owner/occupiers of No.48 Ballylough Road (x4), 44 Ballylough Road (x3), 35 Ballylough Road, 28 Ballylough Road, 31 Annsborough Park, and also from former Councillor Patrick Clarke, whereby the main issues raised include:

- loss of natural light,
- loss of privacy
- devalue property,
- loss of views of the Mourne Mountains and potential overbearing and crowding effect,
- road access and safety issues, particularly when accessing on to Ballylough Road (due to proximity to junction with Castlewellan Road and dip in road to either side), (a child was recently knocked down along the Ballylough Road, at Annsborough Store),
- the site line along Ballylough Road might cut through the hedge bordering no.28,
- the development blocks the ROW of no.48 Ballylough Road and access to this property, and also encroaches in to the building of this property,
- development, including parking areas is in an area that floods,
- changes in levels may cause additional flooding of neighbouring properties at no.48 Ballylough Road,
- the development including density and type, is out of keeping with the historic mill village of Annsborough,
- the development will result in increased traffic flow along Ballylough Road,
- the existing ROW is being extinguished,
- the new entrance onto Mill Hill, alongside the existing access to the Mill will be confusing to traffic emerging from Station Avenue,
- loss of flora and fauna and local wildlife by the construction of the development,
- increased loading on the sewerage system, which is already at capacity,

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

A phone call was also received from a neighbour querying the layout. One person also advised that they had not received some of the notifications issued to them, although they are aware of the application. This is matter for the Post Office.

Consultations:

Having account the nature of this proposal and constraints of the site and area, and issues raised in the representations received, consultations have been carried out with Transport NI (formerly Roads Service), NIW, NIEA WMU, NIEA Natural Heritage, NIEA PHM, NIEA PHB, Environmental Health, and Rivers Agency.

Since the submission of this application in August 2012 further information and a number of amendments have been made to the scheme in response to the comments from respective consultees and requests from the Planning Authority.

The scheme also required significant amendment since the granting of the previous Outline application as more accurate maps became available to Rivers Agency regarding the extent of flood plains. These new maps had a big impact on the

original layout as a number of units in the centre portion of the site now appeared to be located in a flood area, and while it was noted this is a Reserved Matters application, having account the circumstances of the case which was beyond the applicants control it was considered amendments could be made even though this is a Reserved Matters application. The alternative was to knowingly approve development in a flood plain which was not considered a plausible option.

Comments have been sought from Rivers Agency on several occasions throughout the processing of this case (due to the low lying nature of the site and river which runs through it), who are now content with the proposals advising all development including the FFL, roads, driveways, and car parking are now a minimum 600mm above the 1 in 100 year flood level, thus they have no reason to object to the proposal from a drainage or flood risk perspective. It is also noted no infilling of the flood plain is proposed whereby the proposed levels will also largely respect existing. Rivers Agency have also raised no concerns that the development will increase potential flooding elsewhere including existing properties along the river

Extensive consultation has been undertaken in the last 5 yrs particularly with NIEA and Transport NI, and having account the previously approved layout and constraints of the site, it is considered the application as amended resolves the areas of concerns by the respective consultees.

It is noted Historic Environment Division (formerly NIEA PHB) remain of the opinion the proposal will adversely affect the setting of a listed building, however having account the site history and associated approved layout and constraints of the site including the area identified as being suitable for development, and also the setting of the relatively new development of Bellfield, and how it impacts on the existing listed buildings, it is considered the layout, as amended, is acceptable, and will not result in any unacceptable or detrimental impact on any features of importance or listed building. It is considered the dwelling at Site 1 will appear like a gate-lodge unit, which will introduce the development from the Castlewellan Road entrance, and will not result in any unacceptable detrimental impact on any listed building or the heritage of the area.

With regards to the wildlife and flora and fauna that exists both in and adjacent to this site at present, extensive consultation was carried out with NIEA, who provide expert advice in regards to this field, and who are now content with the proposals, subject to conditions including the provision of a protection zone with 25m radius to protect badgers, retention of existing trees and the use of specific lighting to protect bats.

(NIEA have no concerns with the lighting along the road, rather it is the potential impact from lighting from the private garden areas of properties which are adjacent to existing trees, and which require to be designed so there is no illumination of the wildlife corridor, wildlife area, retained trees, hedgerows and scrub). A condition is to be included that such external lighting shall utilise LED or low pressure sodium lamps (with the exception of security lighting fixed with motion sensors). All lighting to be directed away from retained trees/hedgerows and new planted vegetation.

Concern has also been raised regarding the potential impact on the receiving WWTW, whereby NIW and NIEA were consulted and have raised no issue, while also advising the WWTW has capacity to serve this development.

The comments from Environmental Health have been noted, whereby an appropriate informative shall be attached, having account the Reserved Matters nature of this application.

A HRA screening exercise were also undertaken as part of this application. (An EIA determination was undertaken at Outline stage).

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Policy- Ards & Down Area Plan 2015, RDS, SPPS, PPS2, PPS3, PPS6, PPS7 & Addendum, PPS8, PPS12, PPS15 Creating Places, DCAN8

The site is located within the development limits of the village of Annsborough on land zoned as a LLPA as identified in the Ards and Down Area Plan 2015. As stated above this site and area s also within an AONB while there are also a number of listed buildings in close proximity to the site.

The settlement of Annsborough is generally low lying whereby the main road rises towards Castlewellan and Ardnabannon in either direction. This village is largely characterised by housing, although also includes playing fields and social club/community centre, and also industrial zoned lands. A river also runs through the village and site (Clarkhill River). The main Castlewellan Road is also a Protected Route.

The site outlined in red comprises a large irregular shaped plot of land which is zoned as a LLPA (LLPA1 and LLPA2)- Annsborough House, former mill buildings, Clarkhill River and surroundings, and Parkland at junction of Mill Hill and Ballylough Road.

Assessment

It is clear from the history outlined above there is a previous extant Outline permission for a residential development comprising apartments, townhouses, semi-detached, detached dwellings and other associated site works (R/2007/0533/O). This Outline application was approved in Sept 2009, while this associated RM application was received in Aug 2012 (within 3 years), thus is valid and is a material consideration.

This Outline application included some 17 conditions, whereby 5 drawings and a Flood Risk Assessment were stamped granted. These drawings and conditions are summarised above.

In light of the above the principle of such a density and scale of development has already been established and accepted for this site, subject to conditions. As outlined above this approved Outline application included a development ranging from 1 1/2- 4 storey in height.

As stated above the site is located off both the Castlewellan Road and Ballylough Road and comprises a large irregular shaped plot of land. The site is low lying and comprises several fields at present whereby a river (Clarkhill) flows through it. The land rises towards both Castlewellan and Ardnabannon to either side and due to the

large size of the site it is readily visible for a stretch of both the Castlewellan Road and Ballylough Road, however more distant views are available when travelling down hill towards the village of Annsborough due to its low lying nature.

The development of Annsborough comprises a mix of development and house types, whereby the older dwellings at the bottom of the hill are largely characterised by 1 and 2 storey terraced units, while the newer developments (including Bellfield) comprise 1 and 2 storey semi-detached units. It is also noted there is a dog food factory and commercial warehouses adjoining the site which are generally 2 storey high. It is also noted some of the buildings adjoining the site are listed while there is also mature planting and a river across the site.

It is noted the original site plan submitted was not identical to that stamp granted at Outline stage however it is considered it was generally in accordance with it as per the Outline condition.

However as outlined above following a detailed analysis of this area, updated and more accurate maps became available to Rivers Agency in 2014, which indicated a large central portion of the site was now located in a flood area. As such amended plans were required. A total of 121 units were initially proposed, which as advised above were generally in accordance with that stamp granted and permitted at Outline stage.

As advised above a number of amendments have been made to this scheme since being originally submitted in 2012, however this report now focuses on the most recent proposals and site layout plans dated March 2017, and which is now for a total of 88 units, with 55 dwellings and townhouses and 33 apartments.

As outlined above this development includes a mix of detached, semi-detached, and terraced dwellings and townhouses and apartments, and includes a mix of house/unit types.

All of the dwellings/townhouses are 2 storey finished in either natural stone or natural coloured smooth render with brick chimney, with white window frames, dark grey slates and black RWG's.

The development includes 2 apartment blocks, whereby the smaller block of 9 units comprising type M, N, P are 3 storey high, finished in natural coloured smooth render with brick chimney, with wood effect window frames, dark grey slates and black RWG's.

The larger apartment block comprising 24 units (Type Q, R, S, T) is 4 storey high, finished in natural stone with neutral coloured render chimney, wood effect window frames, dark grey slates and black RWG's.

The courtyard development comprises 2 storey units, whereby the front elevation will be finished in natural stone, wood effect window frames, dark grey slates and black RWG's, while the remaining returns are finished in finished in natural coloured smooth render and natural stone chimney, with wood effect window frames, dark grey slates and black RWG's.

Existing and proposed site plans with levels including FFL have been submitted which show how those proposed will respect existing, whereby it is considered the

development and associated layout will not result in any unacceptable impact on any adjoining/adjacent property in terms of overlooking, overshadowing, loss of light or dominant impact, in this urban context, due to the levels of the site and units in relation to existing, and also the associated separation distances to any existing/approved property.

Amendments have been made to the original layout, which is considered will improve the scheme and ensure no unacceptable impacts will result on any adjoining properties.

It is noted from the site layout how a number of units will include parking areas to the front, while the apartment units and courtyard include a long row of parking to the rear which may create prominent areas of hard-standing, however this layout and form of development has already been accepted at Outline stage. It is also noted these large areas of parking are also located to the rear of blocks. The approved layout at outline stage included terraces and while the level of detail did not include areas of parking it is clear that such a pattern of development would have required such parking provision which could only have been located to the front of units. As such in being consistent no objections are offered regarding this issue.

The dwellings and townhouses will each have their own areas of private amenity space, while the courtyard and apartment units will have communal areas of amenity space. It is also noted that all trees covered by a TPO on these lands are to be retained.

As advised above the lands comprising the application site are identified as a LLPA (LLPA1 and LLPA2), which includes the listed buildings and structures and industrial heritage of the area, mature tree lined river corridor and general and open nature of the site.

With the exception of several units adjacent to the Ballylough Road, the development proposed is largely located towards the rear of the site, whereby the front portion including mature tree lined river corridor is largely unaltered and retained. These mature trees partly screen the existing listed buildings industrial heritage of the area, whereby it is considered the development will not result in any unacceptable impact on these LLPA's due to the layout and retention of these protected trees.

As stated above 2 new accesses will be created to serve this development, one onto Castlewellan Road and one onto Ballylough Road.

The access onto the Castlewellan Road will be adjacent to the existing laneway serving the warehouses, and is the main entrance and will serve some 62 units, whereby a new bridge is to be provided at the access point. This was agreed at Outline stage. This bridge will include a 1.1m high natural stone wall to tie in with existing.

The remaining access will be located off Ballylough Road and will be approx 50m from the junction with the Castlewellan Road. This access will serve the remaining units (total of some 26). Again this access point was agreed at Outline stage.

Extensive consultation has been undertaken with Transport NI as part of this application, who provide expertise on roads related matters, and while it is noted a number of roads related matters have been raised by the interested parties, Transport NI have advised they are now content with the latest proposals subject to conditions.

The issue regarding the Right of Way to the side of Annsborough Store has been raised with the agent on more than one occasion whereby amendments have been

made to the scheme to ensure all works are clear from this Right of Way and there is no encroachment beyond the site boundary, while an annotation has also been included on the drawings stating Right of Way retained.

The concern that the development will devalue existing properties has not been substantiated with any evidence, and having account the low lying nature of the site it is considered the development will not result in any significant loss of view.

While it is noted there is local opposition to this proposal from local residents, whereby a number of concerns have been raised it is considered the development as proposed (which has been amended and reduced), complies with the applicable policy context and does not offend the content and zonings of the area plan. As outlined above extensive consultation has been carried out with a number of statutory bodies to ensure all relevant issues have been considered and investigated.

As such it is considered the development will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of this sensitive area (AONB, LLPA and built and natural heritage), for the reasons outlined above, and there are no grounds to sustain a refusal.

As outlined above this Reserved Matters application follows from a previous Outline permission, and although there have been changes to the layout, the overall scale, size and density of development is similar to that accepted at Outline stage.

Accordingly, approval is recommended subject to conditions.

Recommendation: Approval

(Conditions to include the following: time limit, roads, lighting, planting, landscape management plan, protective fencing for TPO trees, removal of Permitted Development rights)

R/2012/0413/RM – Brackhill Ltd.

The key points that the Agent and Develop will wish to discuss as part of their speaking rights are listed below:

- RM scheme concept and development from the outline planning approval.
- reasons for extended period of timeline within the planning system (rivers agency flood issues/ roads service /transport NI).
- Comments regarding objections which have been dealt with as per planning case officers report.
- Fielding any questions from the Committee.

Best Regards,

Richard

**Richard Hart
Director
Cherton Enterprise Ltd**

**07920832299
02890769966**

ITEM NO	30				
APPLIC NO	R/2014/0657/F	Full	DATE VALID	12/12/2014	
COUNCIL OPINION	APPROVAL				
APPLICANT	Bluebuild Developments ltd C/ O 91 Main Street Bangor BT20 4AF	AGENT	LIKE Architects 34 Bedford Street Belfast BT2 7FF		02890278000
LOCATION	The Mourne Observer The Roundabout Castlewellan Road Newcastle and Lands Adjacent No 10 Burren Park BT33 0JX				
PROPOSAL	Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	18	0	0	0	
			Addresses Signatures		
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: R/2014/0657/F

Date Received: 12th December 2014

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

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

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

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



Site Characteristics & Area Characteristics:

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

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



View from adj to
10 Castlewellan Road



View from adj to 12 Burren Park

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

Site History:

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

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

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

Planning Policies & Material Considerations:

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

Consultations:

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

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

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

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

Objections & Representations

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

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

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

A total of 36 neighbouring dwellings were notified.

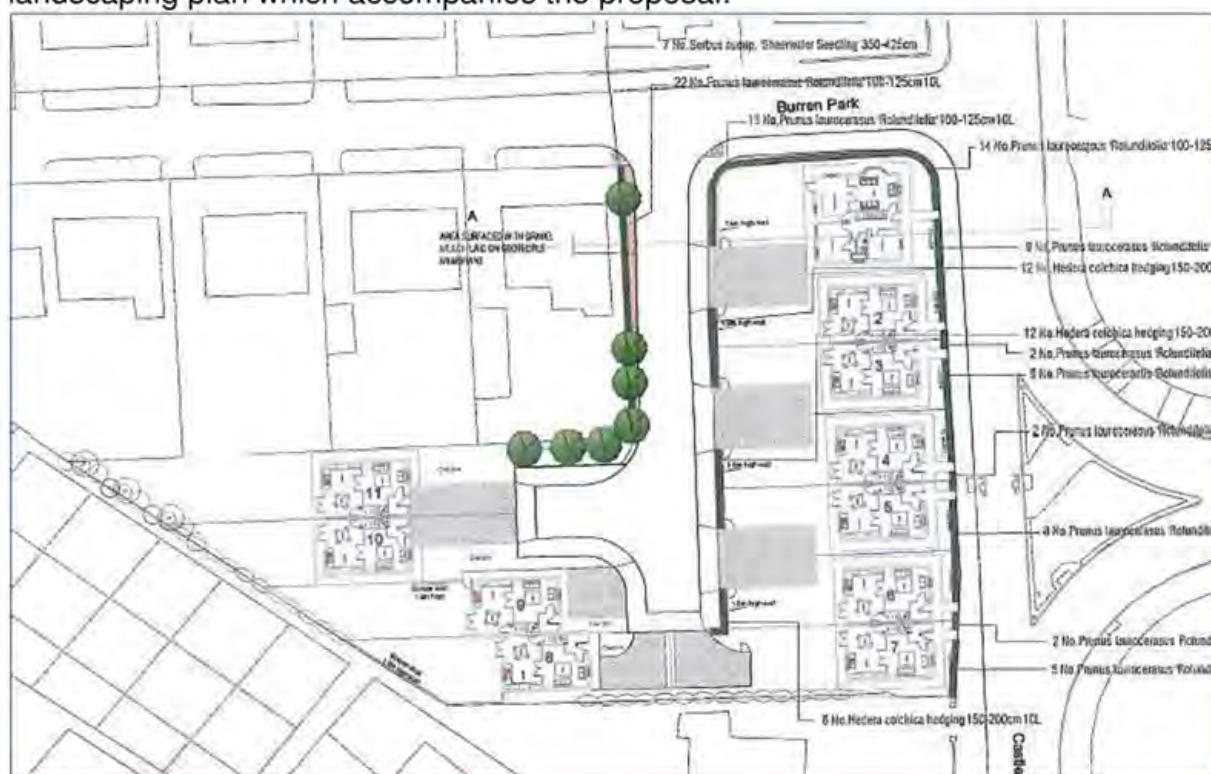
A number of representations have been received – total 18. The following is a brief overview of the objections raised concerning planning matters:

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

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

Consideration and Assessment:

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



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation:

Approval - The proposal is in keeping with planning policy.

Refusal Reasons/ Conditions:

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

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

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

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

REASON: To ensure the development integrates into the countryside.

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

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

CONDITIONS RECOMMENDED BY NI WATER

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

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

All services within the development should be laid underground.

REASON: In the interests of visual amenity.

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

REASON: In the interests of public health.

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

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

RECOMMENDED TRANSPORT NI CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: Road safety and convenience of traffic and pedestrians.

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

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

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

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

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

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

REASON: In the interest of Road Safety.

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

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

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

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

Case Officer DATE

Appointed Officer DATE

**Fw: 1135A-out_R/2014/0657/0F / Housing Development, Castlewellan Rd,
Newcastle Neighbour Notification Response**

SD McMullan Architects has shared a OneDrive file with you. To view it, click the link below.

To the Planning Committee

Errata to submission of 14/07/17 at 14:58pm.

**Submission by Ms R Dudson, 9 Burren Park, (immediately adjacent & impacted upon by
R/2014/0657/F)**

Kindly accept this address amendment to Ms Dudson's Representation to the Planning Committee.

A corrected version is attached. This supersedes the copy issued at 16:58 this afternoon.

It appears that the Google Map numbering references along Burren Park differ from the true numbering pattern, insofar as numbers appear to run 8,9,10 consequentially, rather than 7,9,11 [or 8,10,12] as is the norm. The current update reflects /corrects this anomaly.

For clarification, Ms Dudson's address is 9 Burren Park. Her next door neighbour, adjacent to the subject site is 10, Burren Park.

Kindly forward this email & attachment to the relevant section enable a Representation to be made in the Council Chambers with regards to this Application R/2014/0657/F.

SD McMullan will attend to make these on behalf of Ms R Dudson. She is 92 years old and is deaf.

Kindly receipt.

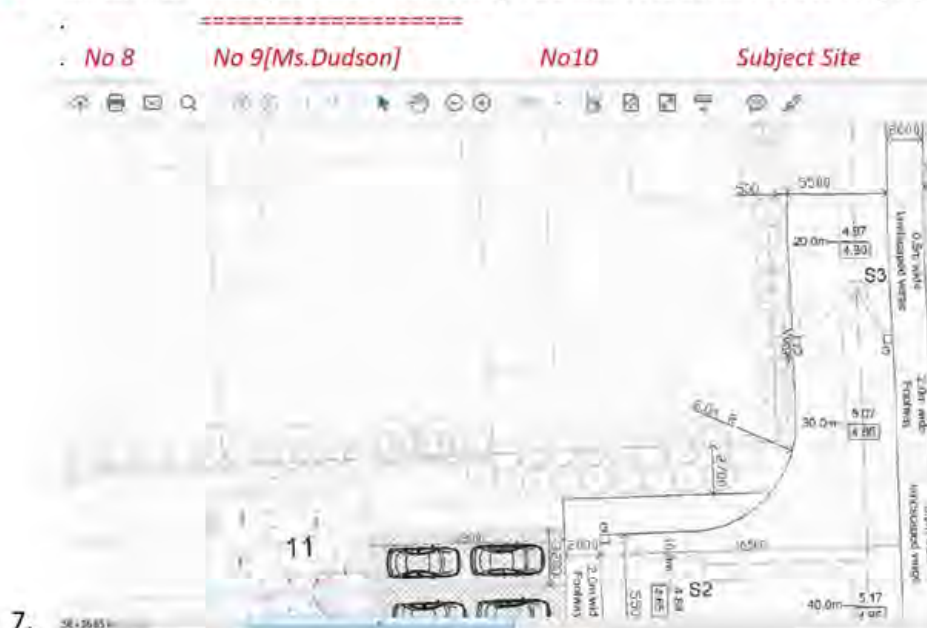
Yours faithfully

SDMcMullan

SUBMISSION TO THE PLANNING COMMITTEE / R/2014/0657/F Housing Development off the Castlewellan Rd.

Despite recent Amendments to Proposals, while Ms R Dudson (92 yrs. old & Owner of 9 Burren Park) clearly acknowledges a general Planning Need for additional Housing within the Town Centre Location, the following Concerns endure, insofar as they constitute the possibility of shortfalls in Good Planning Practice, Civil trespass, and (inadvertent or otherwise) Pre-existing Survey shortfalls & misrepresentation (by the Applicant), within **R/2014/0657/F** vis a vis;--

1. Previous representations by Ms R Dudson, lengthy and detailed in nature to Council, including those issues regarding privacy, overlooking, and existing tree screen seemingly, do not appear to have been sufficiently interrogated, considered, & actioned upon by Council.
2. The Density and Length of Tree Screening as represented by the Applicant on the boundary of No 9 Burren Park, does not concur with pre-existing layers of vegetation, hedge, & tree screening prevalent on either(a) the subject site or alternatively (b) within the grounds of 9 Burren Park. The Applicant has exaggerated the number of circles representing pre-existing trees in this location. Moreover, where the Applicant has of late indicated an increase of tree planting & screening to the rear boundary of No 10 Burren Park, (opposite Manhole S2 below), unlike Ms Dudson's property, no overlooking nor shadowing is prevalent at that particular location. To be consistent, it had been anticipated that the Applicant, as part of his revised proposal, directly behind Ms R Dudson's House at 9 Burren Park) would have doubled up this augmentation in screening in a similar fashion behind Ms Dudson's House.
It is noted that Applicant has uplifted the tree & vegetation density, notably on & within the curtilage of Ms. Dudson's property, and not within the current subject site. Curiously however, the Applicant's latest survey & general layout drawings differ with his Landscape Proposals. On this basis, Ms Dudson avers that this increase of screening is deliberately confusing, or alternatively is incorrectly represented, insofar this intrusion as illustrated represents
 - (i) the possibility of a civil trespass &
 - (ii) Where such planting / screening proposals extend beyond the curtilage of the Applicant's Subject Site, in Planning Law, proposals beyond the red line cannot be considered.
 - (iii) Equally, neither can the Applicant's misrepresentation of the nature & density of pre-existing Vegetation in lands beyond the subject Site be relied upon.
3. It is noted that within the final submissions, the gable window (to No 11) seemingly still remains in place & unaltered, in doing so overlooking the grounds of No 9 Burren Park. This constitutes a diminution in privacy.
4. The Double Height Gable has not been modified, casting a significant shadow over the private amenity space of No 9 Burren Park.
5. Previous representations by Ms Dudson seemingly have not been robustly interrogated. Again, those representations previously tabled to Council, are robustly restated.
6. Sketch illustration (for ease of reference) R Dudson's residence has been highlighted.



ITEM NO	31						
APPLIC NO	R/2014/0689/F	Full	DATE VALID	30/12/2014			
COUNCIL OPINION	APPROVAL						
APPLICANT	RGE Developments Ltd C/O	AGENT	Donaldson				
						Street	
						Hollywood	
						BT18 9AE	
						028 90423320	
LOCATION	Lands north of Nos 9 10 & 11 Ashdale Gardens and 21a Downpatrick Road and 100m north-west of No 17 Crew Hill Gardens Ardglass						
PROPOSAL	Housing development of 68no dwellings and garages with associated landscaping. Access from Downpatrick Road through approved Phase 1 housing site under ref: R/ 2009/1085/F. (Amended site plan received)						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions			
	0	0		0		0	
					Addresses	Signatures	Addresses
					0	0	0
					0	0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0689/F

Date Received: Dec 2014

Proposal: Full permission is sought for a housing development comprising 68 dwellings and garages with associated landscaping, with access from Downpatrick Road through approved Phase 1 housing site under ref: R/2009/1085/F.

This site is located North of no.9, 10, 11 Ashdale Gardens and 21a Downpatrick Road, and 100m north-west of No 17 Crew Hill Gardens, Ardglass.

Applicant: RGE Developments Ltd

Location:

The lands comprising the application site are located on the inner edge of the settlement development limit of the village of Ardglass, on land zoned for housing (HPA1), as identified in the Ards and Down Area Plan 2015.

The northern boundary of the site forms the edge of the development limit, whereby the lands beyond are rural in form, while the lands to the south side of the site are residential in character.

The site appears to be located outside the boundary of the AONB although is within an Area of Constraint on Mineral Developments. There do not appear to be any other zonings affecting the site. It is noted there are several drains/watercourses within the site.

Site Characteristics & Area Characteristics:

The application site extends to include several low lying fields off the Downpatrick Road at present. These lands extend to adjoin the Downpatrick Road with a grass verge along the road edge at present. The site is bounded by open agricultural lands, housing and the grounds of the primary school (St Nicholas) to either side, with a mix of house types along this Downpatrick Road and development of Ashdale at present.

Site history

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes:

R/2014/0630- Lands to the north of Ashdale Gardens, Downpatrick Road, Ardglass, Full, Approval, 23-12-15, Applicant: Hillmark Homes Ltd.

Variation of conditions 4 and 8 of consent reference R/2009/1085/F.

(Condition No.4 stated:- No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with details outlined.

Condition No.8 read:- The development hereby permitted shall not be commenced until Street Lighting Scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

R/2009/1085- Lands to the north of Ashdale Gardens Downpatrick Road, Ardglass Proposed residential development of 50 dwellings, Full, Approval, 04-07-11, Applicant: Springlake Developments Ltd.

It was noted there were also a number of other previous applications along this stretch of road for housing, some of which were granted and some of which were refused.

Representations

None received to date (14-06-17).

Having account the extent of the red line of this application neighbour notification was initially undertaken with several properties along Downpatrick Road and Ashdale Gardens in Jan 2015, and again in Aug 2016 following receipt of amended plans. The application was also advertised in Jan 2015.

Consultations-

Having account the nature of this proposal, and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA WMU, Public Health, Rivers Agency, and Shared Environmental Services, as part of this application. whereby it is considered no objections are offered in principle.

It is noted additional information and amendments were submitted during the processing of this application at the request of Transport NI and Rivers Agency, including a Flood Risk and Drainage Assessment and PSD drawings.

Having account the size and scale of the development an EIA determination and Habitats Regulation Assessment (HRA) screening exercise was also carried out, whereby it was concluded an EIS was not required while no further surveys or information were required.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS7, PPS8, PPS11, PPS12, PPS15, and supplementary guidance

As stated above, the lands comprising the application site are located on the inner edge of the settlement limit of the village of Ardglass, on land zoned for housing (HPA1), as identified in the Ards and Down Area Plan 2015.

The northern boundary of the site forms the edge of the development limit, whereby the lands beyond are rural in form, while the lands to the south side of the site are residential in character.

HPA1- Lands to the north of Ashdale Gardens, Crew Hill Gardens and Whiterock Drive.

This zoning includes some 6 key design considerations relating to site density (min gross density of 20 dwellings per hectare), access, including right turning lane, access arrangements and housing layout to ensure units front Downpatrick Road, and internal access roads, construction of footway along Downpatrick Road, buffer belt of planting along northern boundary (8-10m wide), interim sewage disposal measures.

As these lands are zoned for housing there can be no objection in principle to residential development on this site.

Assessment

It is clear from the description of this proposal and history outlined above there is a previous approval for housing on these zoned lands, by virtue of application R/2009/1085/F. This application was approved in July 2011 and comprised some 50 dwellings. This site fronted and accessed onto the Downpatrick Road and comprised Phase 1. This current application comprises Phase 2 of this development and extends from Phase 1, whereby the red line extends along the previously approved access road associated with Phase 1 and adjoins and accesses onto the Downpatrick Road.

It is noted no works have commenced for either Phase of development.

As stated above this proposal seeks Full permission for some 68 dwellings, which will access on to the Downpatrick Road through the previously approved application R/09/1085.

This development of 68 dwellings will comprise a mix of detached and semi-detached dwellings and townhouses, and includes a mix of house types and sizes. A number of detached garages are also proposed.

All units/house types will be 2 storey high finished in render with brick/stone detailing, upvc windows and RWG's, and blue/black slate roof. Corner units also include double frontages thus ensuring frontages to both roads.

Having account the previously approved Phase 1 (R/09/1085) and associated house types and sizes and finishes, no objections are offered to those currently proposed as part of this application.

With the exception of the terraced units, the majority of units will have driveways with in-curtilage parking and detached single storey garages to the rear. The central terraced townhouse units will include parking to the front.

Each unit will include an area of private amenity space to the rear which is considered sufficient for each unit. An area of communal open space is also proposed, in line with the requirements of PPS8/SPPS, the size and location of which is generally considered acceptable, which will be overlooked by a number of properties thus contributing to creating a safe environment.

It is considered the general layout and spacing between units, as indicated on the revised site plan dated Jan 2017, is acceptable and will not result in any unacceptable inter-relationship issues between units or with any adjoining property in this urban context.

It is noted a belt of planting is proposed along the northern boundary of the site, which forms the edge of the development limit. This buffer is located outside the curtilage of any property whereby the width varies although is considered to be sufficient in this instance. A planting and landscape management plan have been submitted in support of the application, which can be conditioned accordingly. This planting plan includes a row of heavy standard trees along the entire length of the belt of buffer planting along the northern boundary, and also includes details for planting for the central area of open space. Details of boundary treatments for each unit have also been provided which includes a mix of boarded fencing and wall, and also post and wire fencing along the northern site boundary.

The site area (excluding entrance road and visibility splays) measures approx 3 hectares, whereby the housing density is considered to be in accordance with the requirements of the area plan. It is noted the housing density and layout is also similar to that of Phase 1, approved under R/2009/1085.

As stated above this application site comprises part of a larger zoning for housing, whereby it is important to ensure the development does not result in unsatisfactory piecemeal development or landlocks any parcel of lands, while also ensuring the development creates a quality environment.

It is noted the site layout plan does not include provision for a vehicular access to the remainder of this zoning, with only a pedestrian access link being provided. However it is noted the remaining lands associated with this zoning can be accessed via the Crew Hill development whereby several access points have been provided with links to the remainder of this zoning, thus ensuring these remaining lands are not landlocked. The wording of the key design considerations associated with this zoning are also noted.

As outlined above Transport NI have been consulted regarding this proposed access, general internal road layout and parking, and to ensure compliance with the area plan and have offered no objections in principle subject to conditions.

It is noted levels including the FFL of units have been provided for this layout which are also linked through to the previously approved development (R/09/1085), while also extending to include levels of several properties within the adjoining developments of Ashdale Gardens, whereby it is considered those proposed will respect existing, and ensure no unacceptable adverse impacts will result in terms of undue dominance, overshadowing etc, as it is noted a number of units will adjoin this existing development.

As outlined above it is considered the layout including siting and design of each units, separation distances to the boundaries and associated relationships with existing properties will prevent any unacceptable impact on any adjoining property.

Taking into account the above it is considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, and there are no grounds to sustain a refusal.

As such Approval is recommended subject to conditions.

Recommendation: Approval.

(Conditions to include time limit, roads requirements (including pre-commencement conditions), retention of planting, proposed planting, removal of permitted development rights, obscure glazing, boundary wall).

ITEM NO	1			
APPLIC NO	LA07/2016/0054/O	Outline	DATE VALID	11/01/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Jane Quinn 12 Oldtown Road Cullyhanna Armagh BT35 0JP		AGENT	Karl Sherry 103 Rostrevor Road Hilltown BT34 5TZ 02840638336
LOCATION	170 metres west of No9 Oldtown Road Cullyhanna Co Armagh			
PROPOSAL	Dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1

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

2 The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0054/F

Date Received: 5th July 2016

Proposal: New Domestic Garage

Location: 170 metres west of no. 9 Oldtown Road, Cullyhanna

The application site is cut out of a larger agricultural field. Access is onto the Oldtown Road. At the time of inspection there was no indication that the pre-commencement condition for the access and splays had been complied with. There was a pile of stone sited within the site. All boundaries are defined by post and wire fencing with nature screen. The north western boundary is undefined. There is a narrow laneway running around the south eastern boundary to the lands north of the application site.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/2008/0867/F-Erection of dwelling and garage- Approval- 10th Feb 2009.

As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 6 months from the date of this permission.

Reason: Time limit.

The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or 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.

Development must not commence until 'Consent to Discharge of Effluent' under the Water (NI) Order 1999 has been obtained from the Environment and Heritage Service of the Department of the Environment.

Reason: In the interest of public health.

Objections & Representations

*No. of neighbours notified=2
No representations received= 0
Advertise expiry= 12/2/2016*

Consultations

TransportNI- no objections

NIW- statutory

EH- no objections

Consideration and Assessment:

There was a previous approval on the proposed site, P/2008/0897/F granted on the 10th Feb 2009. The time stipulated on the decision was for works to commence within 6 months of this date. The supporting statement refers to the family's intention to proceed to build as to renew the application for a third time in Feb 2014. This date is incorrect as the previous approval P/2008/0897/F was only granted with a period of 6mths to commence and not the standard 5years as assumed by the family. There has been no evidence submitted to confirm that the pre-commencement conditions referred to in the above site history had been complied with and that works had commenced on site within the stipulated timeframe.

The applicant has applied for a new dwelling on the site on the basis of the applicants' personal circumstances under CTY 6.

Having read the history and the information provided and discussed the particular circumstances of the case the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The applicants' family home is a modest side dwelling with a modest size curtilage capable of providing an alternative solution through the addition of an extension or annex attached to the dwelling. It is noted that there was a previous approval for an extension to provide addition accommodation for the applicants' brother back in 2002. At the time a self-contained 1 ½ dwelling was constructed without the benefit of planning approval. Although this building appears to be immune from enforcement action to regularise the building and its use would require the submission of CLUD. The applicant has not demonstrated why the building if regularised and other alternative solutions are not practical to meet the site specific need.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.

The proposal would result in a suburban style build up when viewed with the existing buildings. The proposal is contrary to CTY 14.

Recommendation:

This site was visited by the Senior Planning Officer on Wednesday 30th June 2017 and it was noted that blocks had been laid roughly in the corner of the field in which the dwelling house had been previously approved. These block seems to have been laid down fairly recently and it was also noted that the required sight visibility splays have not been provided on site. On this basis, it is considered that the previous approval has not commenced and has expired.

Refusal

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

The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

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ITEM NO	2			
APPLIC NO	LA07/2016/0677/F	Full	DATE VALID	23/05/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Northern Ireland Electricity 57 Daragn Road Belfast BT3 9JU		AGENT	
LOCATION	Approx. 40m South East of 35 Ballymoyer Road Co. Armagh and extending South East towards and East of 15 Cold Brae Road Co. Armagh			NA
PROPOSAL	11Kv overhead to facilitate connection to a wind turbine (amended address)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	14	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0677/F

Date Received: 23.05.16

Proposal: 11Kv overhead to facilitate connection to a wind turbine

Location: Approx. 40m South East of 35 Ballymoyer Road, Co. Armagh and extending South East towards and East of 15 Cold Brae Road, Co. Armagh

Site Characteristics & Area Characteristics:

Proposals for an 11kv overhead extending from the rear and SE of 35 Ballymoyer Road to east of Cold Brae Road across an undulating agricultural landscape comprising of agricultural fields with hedge line boundaries.

Site History:

P/2011/0699/F - 300m south west of 69 Carrickgallogly Road, Newtownhamilton. Erection of 1 no 250kw wind turbine with a hub height of 30 metres and rotor diameter of 27 metres. Approved 30.07.12

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: The proposed overhead line extends across land within the open countryside outside any land zonings or areas of restriction

Planning Policy: SPPS, PPS3, PPS21 and PSU11 of PSRNI

This submitted application proposes to construct an 11kv overhead powerline totalling approximately 2722m in length. The location of the proposal is within a sparsely populated area where it is proposed that the power line will serve a connection to a wind turbine. Due to the undulating land form and existing field boundaries it is considered that proposals will be set against a backdrop when viewed from the surrounding area.

The proposed over headline follows natural boundaries where possible whilst avoiding close proximity to existing vegetation in order to protect existing vegetation, whilst ensuring there is no significant loss of natural boundaries which help to integrate proposals. There are already a number of existing overhead lines within the area that proposals will not appear visually misplaced.

Consultations:

Transport NI (06.06.16) - No objections

Environmental Health (20.10.16) - No objection in principle, provided proposal is designed to be in full compliance with the requirements of electromagnetic fields and public exposure guidelines. Planning may wish to consult Public Health Agency on health concerns raised by objectors

NIEA Heritage and Conservation Areas (27.04.17) - No concerns

Public Health Agency (16.06.17) - The planning proposal as described has no significant public health implications

Objections & Representations

36 neighbours notified

Advertised initially 10.06.16 and re advertised 21.10.16 (amended site address)

14 representations from 11 addresses:

On site meeting 08.05.17 with Sinn Fein representatives and Objectors:

Additional information provided informally which covered the extent of the meeting however objections raised mainly related to the grant of permission for a wind turbine P/2011/0699/F

Objections raised in correspondence:

- Why has this route been chosen given the number of objections raised by local landowners, why an alternative shorter and more cost effective route could not be chosen given the availability of other options
- Requirement for Environmental Impact Assessment to be carried out
- Was not afforded opportunity to raise objection to commercial wind turbine even though family home is 420m from wind turbine
- Financial impact of wind turbine on property values
- Concerns for long term health if forced to live close to a commercial wind turbine
- Wasn't consulted by planning or the applicant at any stage and feel unfairly treated
- Address used in planning application not true to the located of the proposed commercial wind turbine
- Ruining the natural countryside
- Object to the electricity supply on the basis that it will allow the commercial wind turbine development to proceed

- Potential for electrical hypersensitivity is increased with new power lines being introduced to the area
- Negative impact on the Kite Bird population
- Siting of poles and associated wind turbines likely to impact on wildlife generally but adverse impact on bats
- Sensitivity to effects of induced currents

Consideration of Objections:

A letter from the council to objectors (dated 17.08.16) this stated that a number of concerns raised relate to the grant of planning permission for a wind turbine under planning reference P/2011/0699/F in relation to height, distant from residential properties, how the noise assessment was conducted, shadow flicker etc. It was outlined that all material considerations were considered in the original assessment of the application. It was also advised that whilst proposals would normally fall within the council scheme of delegation due to the number of objections the application will be brought before committee.

It was questioned the need to have 31 poles to connect to a single wind turbine, objections to the electricity supply on the basis that it will allow the commercial wind turbine development to proceed and issues relating to the cooperation between the NIE and wind farm developers, financial impact and devaluation of properties - all of these issues lie outside the remit of the Planning Authority.

Neighbours were identified along the extent of the overhead line, notification carried out within 90m and in line with statutory requirements. The site address was amended and readvertised 21.10.16

The requirement for an EIA has been assessed under relevant legislation however in this case is not required

Objectors letters forwarded to NIEA for advice whilst additional information was sought from the applicant their comments dated 27.04.17 have raised no concerns

With regard to impact to health, Environmental Health were consulted however it was advised to further consult with the Public Health Agency who in comments dated 16.06.17 have no objections.

Consideration and Assessment:

Objections have been fully considered and consultees have raised no major concerns. The overhead line has been sensitively placed and ensures there is no significant loss of vegetative boundaries along its length, there are already overhead lines within the locality namely to the SW and SE of proposals that the line will not appear incongruous in this locality.

Case Officer:

Authorised Officer:

Recommendation: Approval

Conditions:

1. As required by Section 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. There shall be no construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc within the area of wet dwarf scrub heath which is in the vicinity of pole number 1, as shown on Figure 2 of the Extended Phase One Habitat Survey document.

Reason: To protect Northern Ireland Priority Habitat.

3. Poles 2, 6, 11, 22, 25 and 26 shall be micro-sited to be at minimum of 2m from any water body, and a suitable buffer of at least 5m must be maintained between the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and any water bodies.

Reason: To protect water bodies of biodiversity value.

Re: LA07/2016/0677/F - 11kv line - Item 25 on the agenda

I don't really have anything to state in support of the application and am happy to let the relevant personnel make the appropriate decision and continue to retain our dignity despite the actions of our neighbours. As the owners of the turbine which this will line will serve I merely wanted to ensure I have an opportunity to refute some of the statements being made and as such my speaking time will be largely dictated by Mrs Lindsay's remarks. This line will provide much needed infrastructure in the local area and will enable my father, and many other farmers in the area to diversify and expand farming operations thus ensuring rural businesses are retained through viable operations and diversification. Current electric supplies are not sufficient for even simple maintenance tasks such as welding thus hindering business opportunities that would help rejuvenate our rural community which has been decimated in recent years. This line has the potential for young farmers to start up supplementary farming practices such as poultry, dairying & pigs (may require planning but definitely requires an enhancement to the local infrastructure) which may provide opportunities to make farming a viable option for young farmers, the life blood of rural communities. DARD are creating various measures with local government creating various stimulus to reduce the overall age of farmers in this country which is at crisis point in terms of forward planning. This line provides an opportunity to at least 7 families with potential young farmers to develop farming businesses that simply would incur large costs if this line was not in place and would therefore hinder any ideas coming to fruition.

There are also potential opportunities for these young people to develop homes (planning dependent) in suitable locations thus keeping real rural people in the community. Over the years too many people who make their living in towns and cities decided that rural living was attractive. Unfortunately some of these people forget what rural living involves and keeping young people with a genuine interest in the rural culture has been recognised by government as an area that requires addressing. This line should be permitted, not only to allow connection of a turbine that is already long since approved, but because it will open up opportunities for genuine farming families across a large swathe of what is currently a section of our rural landscape that has poor infrastructure.

Regards,
Micheal

REPRESENTATION AT COUNCIL MEETING 19 JULY 2017

LA07/2016/0677/F (electricity supply) and related planning P/2011/0699/F (wind turbine)

Key Concerns

Our main concern with this planning application is on the grounds of the health of two individuals who live within 500m of the wind turbine. We are also extremely concerned that the investment in this length of an electricity supply (2,722m) will facilitate a much larger scale of commercial wind turbine development in the area.

This document sets out how this planning application (and related wind turbine) deviate from current planning regulations.

Background

You will note that a number of the objections which we have raised are in relation to the associated wind turbine. We feel that these objections are valid as the electricity supply will facilitate connection of the wind turbine to the grid. We, as a community, were not afforded the opportunity to comment on the wind turbine development (as the application was streamlined and neighbours were not notified) when it was processed through Planning Service and therefore we are using this planning application as a means to have our views heard.

Unresolved issues with the proposed planning approval (LA07/2016/0677/F)

Please note that there are three issues which we feel haven't been fully resolved, as set out below. We feel that the planning application should not be approved until these issues are fully resolved.

1. **Health concerns** - the response from the Public Health Agency (PHA) would suggest that they were not provided with full details of the medical issues raised. We were assured by Planning Service that the issues raised would be provided to the PHA in detail.
2. **NIE Wayleaves** - two of the landowners have declined to sign the wayleave agreements. The Department for the Economy have now become involved in order to determine if a necessary wayleave should be granted. A wayleaves officer has been appointed and has met with the individuals concerned. The wayleaves officer is currently meeting with NIE. When this consultation process is complete, the

wayleaves officer will provide a report to the DfE. This report will be considered and DfE will make a final judgement on whether the wayleaves are necessary. This process is likely to take some months to complete. As part of the process, NIE have proposed an alternative route to the one which planning permission is currently being sought for.

3. **Incorrect address** - the address of this planning application was amended due to it being misleading. We feel the amended address still does not reflect the location of the proposed electricity supply. The amended address is "Approx. 40m South East of 35 Ballymoyer Road Co. Armagh and extending South East towards and East of 15 Cold Brae Road Co. Armagh " The proposed electricity supply terminates at Outleckan Road. We are unclear as to why an incorrect address has been used in both the planning application for the wind turbine and the associated electricity supply.

Summary of key objections raised – cross referenced directly to planning regulations where appropriate

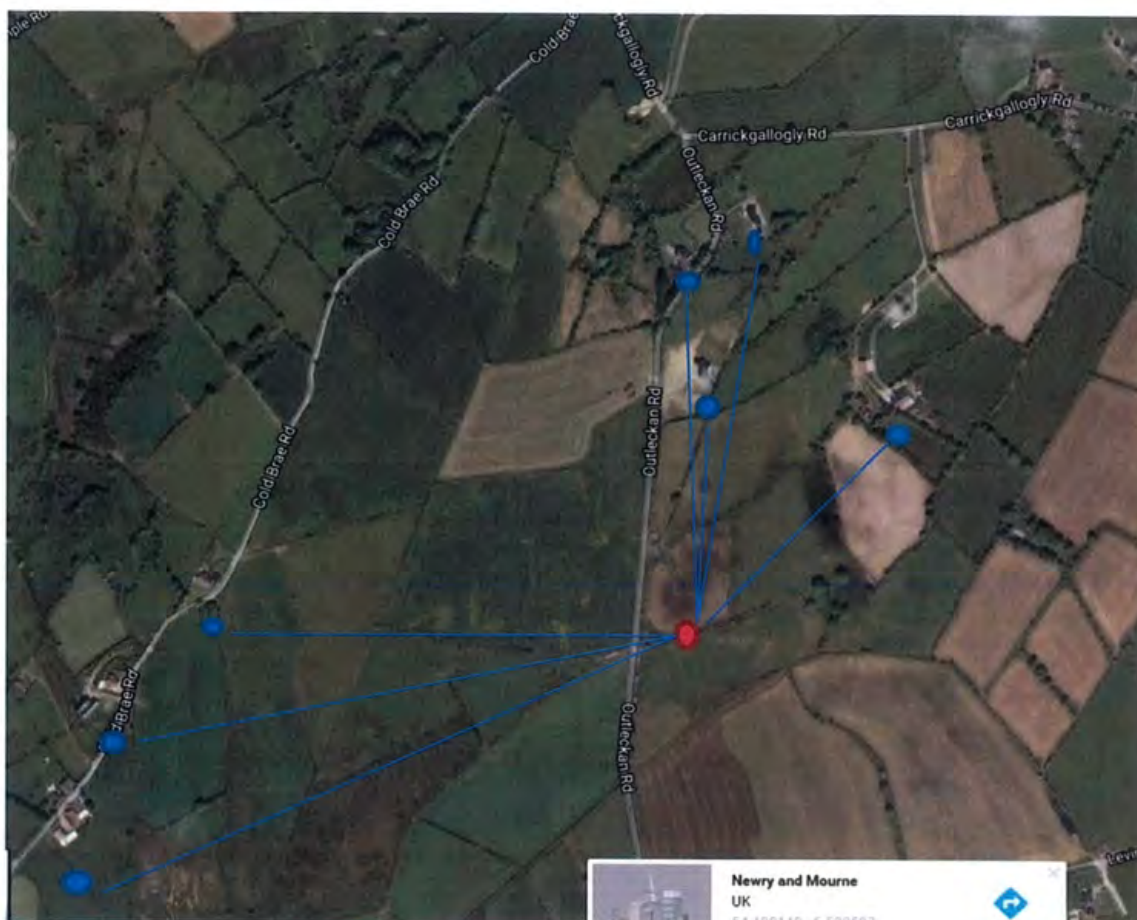
1. PPS 18 - Public safety, human health, or residential amenity

Two specific health concerns have been raised by objectors:

- a. a six year old with spina bifida and hydrocephalus who has a VP electronic shunt in her brain, having underwent multiple brain surgeries in her first year of life (within 500m of wind turbine);
- b. an adult with epilepsy which is triggered by noise (within 500m of wind turbine).

In addition, general health concerns have been raised by objectors.

2. **PPS 18 and SPPS NI stipulate that *"a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply."***



Wind turbine located at red mark; local home owners marked in blue.

There are **5 homes within 500 metres** of the wind turbine with the closest being just 265 metres away.

3. Compliance with ETSU-R 97 noise assessment requirements

A noise assessment was carried out but it contained major inaccuracies:

- A simplified (desk based) approach was used instead of the detailed approach required by ETSU-R-97;
- Incorrect data for the wind turbine was used – it was based on a 225kW wind turbine instead of a 250 kW wind turbine. The planning application was for a 250kW wind turbine;
- Planning permission was granted for the larger size 250 kW wind turbine.

4. Road safety - proximity to roads and railways

PPS 18, section 1.3.54 states that turbines should be set back at least fall over distance +10% from the edge of any public road so as to achieve maximum safety. The case officer's site visit report for the wind turbine states that the turbine is 34 metres east of Outleekan Road. The wind turbine is 43.5 metres + 10% would give a total of 47.85 metres.

The wind turbine is too big for the proposed site and is too close to the Outleckan Road to guarantee road safety.

5. Distance of wind turbine to proposed electricity supply

PPS 18 states that proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology.

The wind turbine is not located at, or close to the source of the electricity resource needed. NIE are proposing a 31 pole, 2,722 metre route to connect a single wind turbine. Planning Service have acknowledged that this is one of the longest routes they have seen to connect a single wind turbine.

6. Electromagnetic Production and Interference

PPS 18 states that "For proposals within 20km of the Republic of Ireland it is recommended that developers consult with licensed operators there."

The wind turbine is located 8km from the Republic of Ireland. There is no evidence that licensed operators have been consulted.

7. Visual amenity and landscape character

Cumulative impact of wind turbine development in the area

The surrounding area is already saturated with wind turbines and we would request that the Planning Service consider further the cumulative impact that the wind turbine development and associated electricity supply will have on the character of the countryside, in accordance with Policy RE1 and PPS 18.

Specifically, we would request that Planning Service review the number of wind turbines (operational, with consented planning permission, and currently within the planning process) for the area within LCA 68 Carrigatuke Hills. This will provide a clear understanding of the extent of the wind turbine activity within the area.

The route and extent of the electricity supply to facilitate this wind turbine will further detract from the countryside.

8. Ministry of Defence requested that specific planning conditions were included within the wind turbine planning approval.

These were not included within wind turbine planning approval.

9. NIEA have requested that conditions and informatives be included within any planning approval for the electricity supply.

The informatives have not been included within the planning officer's approval document.

REPRESENTATION AT COUNCIL MEETING 19 JULY 2017

LA07/2016/0677/F (electricity supply) and related planning P/2011/0699/F (wind turbine)

Key Concerns

Our main concern with this planning application is on the grounds of the health of two individuals who live within 500m of the wind turbine. We are also extremely concerned that the investment in this length of an electricity supply (2,722m) will facilitate a much larger scale of commercial wind turbine development in the area.

This document sets out how this planning application (and related wind turbine) deviate from current planning regulations.

Background

You will note that a number of the objections which we have raised are in relation to the associated wind turbine. We feel that these objections are valid as the electricity supply will facilitate connection of the wind turbine to the grid. We, as a community, were not afforded the opportunity to comment on the wind turbine development (as the application was streamlined and neighbours were not notified) when it was processed through Planning Service and therefore we are using this planning application as a means to have our views heard.

Unresolved issues with the proposed planning approval (LA07/2016/0677/F)

Please note that there are three issues which we feel haven't been fully resolved, as set out below. We feel that the planning application should not be approved until these issues are fully resolved.

1. **Health concerns** - the response from the Public Health Agency (PHA) would suggest that they were not provided with full details of the medical issues raised. We were assured by Planning Service that the issues raised would be provided to the PHA in detail. Whilst the PHA have stated that they cannot comment on individual clinical cases, it seems unfair that these very real concerns raised by individuals (a six year old with spina bifida and hydrocephalus who has a VP electronic shunt in her brain, having underwent multiple brain surgeries in her first year of life; and an adult with epilepsy which is triggered by noise) who live within **500 metres** of the proposed wind turbine, have not been properly taken into consideration.
2. **NIE Wayleaves** - two of the landowners have declined to sign the wayleave agreements. The Department for the Economy have now become involved in order to determine if a necessary wayleave should be granted. A wayleaves officer has been appointed and has met with the individuals concerned. The wayleaves officer is currently meeting with NIE. When this consultation process is complete, the

wayleaves officer will provide a report to the DfE. This report will be considered and DfE will make a final judgement on whether the wayleaves are necessary. This process is likely to take some months to complete. As part of the process, NIE have proposed an alternative route to the one which planning permission is currently being sought for.

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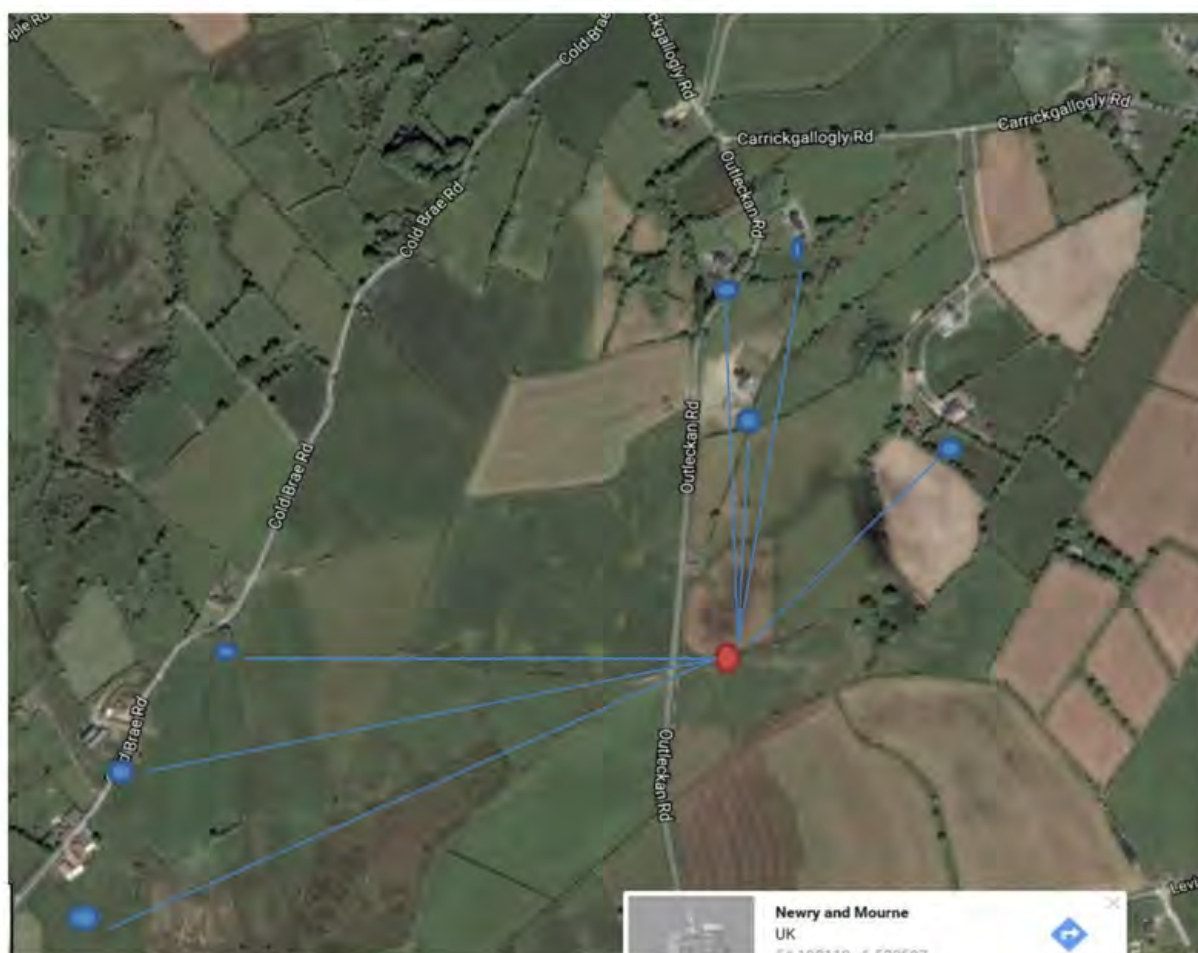
1. PPS 18 - Public safety, human health, or residential amenity

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- a. a six year old with spina bifida and hydrocephalus who has a VP electronic shunt in her brain, having underwent multiple brain surgeries in her first year of life (within 500m of wind turbine);
- b. an adult with epilepsy which is triggered by noise (within 500m of wind turbine).

In addition, general health concerns have been raised by objectors.

2. **PPS 18 and SPPS NI stipulate that *"a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply."***



Wind turbine located at red mark; local home owners marked in blue.

There are **5 homes within 500 metres** of the wind turbine with the closest being just 265 metres away.

3. Compliance with ETSU-R 97 noise assessment requirements

A noise assessment was carried out but it contained major inaccuracies:

- A simplified (desk based) approach was used instead of the detailed approach required by ETSU-R-97;
- Incorrect data for the wind turbine was used – it was based on a 225kW wind turbine instead of a 250 kW wind turbine. The planning application was for a 250kW wind turbine;
- Planning permission was granted for the larger size 250 kW wind turbine.

4. Road safety - proximity to roads and railways

PPS 18, section 1.3.54 states that turbines should be set back at least fall over distance +10% from the edge of any public road so as to achieve maximum safety. The case officer's site visit report for the wind turbine states that the turbine is 34 metres east of Outleckan Road. The wind turbine is 43.5 metres + 10% would give a total of 47.85 metres.

The wind turbine is too big for the proposed site and is too close to the Outlekan Road to guarantee road safety.

5. Distance of wind turbine to proposed electricity supply

PPS 18 states that proposals will be expected to be located at, or as close as possible to, the source of the resource needed for that particular technology.

The wind turbine is not located at, or close to the source of the electricity resource needed. NIE are proposing a 31 pole, 2,722 metre route to connect a single wind turbine. Planning Service have acknowledged that this is one of the longest routes they have seen to connect a single wind turbine.

6. Electromagnetic Production and Interference

PPS 18 states that "For proposals within 20km of the Republic of Ireland it is recommended that developers consult with licensed operators there."

The wind turbine is located 8km from the Republic of Ireland. There is no evidence that licensed operators have been consulted.

7. Visual amenity and landscape character

Cumulative impact of wind turbine development in the area

The surrounding area is already saturated with wind turbines and we would request that the Planning Service consider further the cumulative impact that the wind turbine development and associated electricity supply will have on the character of the countryside, in accordance with Policy RE1 and PPS 18.

Specifically, we would request that Planning Service review the number of wind turbines (operational, with consented planning permission, and currently within the planning process) for the area within LCA 68 Carrigatuke Hills. This will provide a clear understanding of the extent of the wind turbine activity within the area.

The route and extent of the electricity supply to facilitate this wind turbine will further detract from the countryside.

8. Ministry of Defence requested that specific planning conditions were included within the wind turbine planning approval.

These were not included within wind turbine planning approval.

9. **NIEA have requested that conditions and informatives be included within any planning approval for the electricity supply.**

The informatives have not been included within the planning officer's approval document.

ITEM NO	7		
APPLIC NO	LA07/2016/1028/O	Outline	DATE VALID 04/08/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Barry Higgins	AGENT	Colm Quinn ABS Services NI 51 Old Railway Close Leitrim BT31 9PL NA
LOCATION	15 metres south of 23 Back Road Mullartown Annalong BT34 4RA		
PROPOSAL	Single storey dwelling		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	0	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, result in unacceptable damage to the local character and general amenity of this Area of Outstanding Natural Beauty and would result in inadequate viable private amenity space for prospective residents.



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/1028/O

Date Received:

04.08.2016

Proposal:

Single storey dwelling

Location:

The application site is located 15m south of 23 Back Road, Annalong.

Site Characteristics & Area Characteristics:

The application site (Image 1) is located 15 metres south of 23 Back Road, Annalong. The site is generally flat and consists of a triangular wedge between a pair of semi-detached dwellings (No's 23 and 25) and the roadside. The site is enclosed by a stone wall approx. 1 metre high. Access to the site is via Back Road. Glasdrumman Gaelic Football Club is located to the north of the application site.



Image 1

Site History:

P/2007/0335/F - 15 metres south of 23 Quarter Road, Mullartown, Annalong. Erection of single-storey dwelling. Planning Permission refused on 22 July 2008 for the following reasons:

1. *The proposed development is contrary to Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, result in unacceptable damage to the local character and general*

amenity of this Area of Outstanding Natural Beauty and would result in inadequate viable private amenity space for prospective residents.

2. *This proposal is contrary to policy AMP 2 of Planning Policy Statement 3 (Access, Movement & Parking) in that it has not been demonstrated that the proposed scheme can provide adequate sight lines in both directions.*

There has been no change to application site or the planning policy since the previous decision.

Planning Policies & Material Considerations:

The following planning policies are a material consideration in the assessment of this application:

- Regional Development Strategy 2035.
- Banbridge, Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- PPS 7 – Quality Residential Environments
- Creating Places

Consultations:

Transport NI – No objections (28/02/2017)

NI Water – Generic response received (26/08/2016)

Objections & Representations

Three neighbour notifications issued on 16 August 2016 and 26 September 2016. The application was advertised in the local press on 17 August 2016 and re-advertised on 5 October 2016. No written representations were received.

Consideration and Assessment:

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limits of Glassdrumman/Mullartown. This is a Whiteland site and located within the Mourne Area of Outstanding Natural Beauty.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given substantial weight in determining the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 7 – Quality Residential Environments

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria. The relevant criterions to this application are A, C and H.

Given the restricted nature of the site it is not possible to permit the erection of a dwelling to the size of modern day standards with adequate amenity space. Any amenity space on this

site will be overlooked due to the relationship of the site with existing dwellings and the road. The only possible solution would be to build a wall / fence to screen the amenity area from the main road and the adjacent dwellings. However due to the site's roadside position this would appear unsightly and out of character in the local context and the AONB. This issue was highlighted in the previous decision P/2007/0335/F and the circumstances and planning policy has not changed.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposed development is contrary to Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, result in unacceptable damage to the local character and general amenity of this Area of Outstanding Natural Beauty and would result in inadequate viable private amenity space for prospective residents.

Case Officer Signature:
Date: 14/06/2017
Authorised Officer Signature:
Date:

ITEM NO	9		
APPLIC NO	LA07/2016/1458/F	Full	DATE VALID 01/11/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Declan Quinn 61 Annaghmare Road Crossmaglen Newry BT35 9BG	AGENT	J.A. Murphy B.SC., M.I.C.E. Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	61 Annaghmare Road Crossmaglen Newry BT35 9BG		
PROPOSAL	Depot for 'End of Life Vehicle Authorised Treatment Facilities' under farm diversification scheme		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	0	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Strategic Planning Policy Statement (paragraphs 4.11 and 4.12) and Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm and would if permitted harm the living conditions of adjacent residents by reason of noise and general nuisance.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 11 (WM1) in that it would if permitted have an adverse impact on the surface water environment, will cause demonstrable harm to surrounding residents through noise and general nuisance, proposals are incompatible with the character of the area/ adjacent land uses and it has not been demonstrated that access to the site can be adequately accommodated and that the frequency of associated traffic movements will not prejudice the safety and convenience of road users.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 11 (WM2) in that the need for such development has not been identified through the Waste Management Strategy



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**Newry, Mourne
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Application Reference: LA07/2016/1458/F

Date Received: 25.10.16

Proposal: Depot for 'End of Life Vehicle Authorised Treatment Facilities' under farm diversification scheme

Location: 61 Annaghmare Road, Crossmaglen

Site Characteristics & Area Characteristics:

Site is located SE of the junction of Annaghmare Road and Kiltybane Road comprising of an existing single storey dwelling, farmyard and agricultural buildings to the rear.

Site History:

P/1977/0986 – Extension and renovation to existing farm dwelling. Approved

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Countryside unzoned

Planning Policy and Guidance:

PPS3, DCAN 15 and Parking Standards: Whilst Transport NI has raised no specific objection they have nevertheless requested additional information with regard to traffic movements and types of vehicles that will be attracted to the site. There appears to be sufficient parking and turning for vehicles within the site.

SPPS and PPS21 (CTY1,

The policy provides a list of non-residential uses which may be deemed acceptable within the countryside. CTY 1 specifically states that other types of development will be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.

Given the industrial nature of proposals this type of development is better suited to an urban location and not an expected use within the open countryside. No overriding reasons have been presented as to why the development is essential at this rural location and could not be located elsewhere within a settlement. Therefore the development fails to meet CTY1 of PPS21

Farm Diversification (SPPS and PPS21 - CTY11) and Impact to Amenity (4.11 and 4.12)

DAERA in their consultation response dated 13.02.17 indicate that the farm business l.d. has been in existence for more than 6 years and single farm payments obtained within the last year thus an indication that the farm business is currently active and established although the applicant is not a formal member of the business.

The applicant intends to use an existing agricultural building within the farm holding for scraping and recycling of farm machines as a big part of the business in addition to smaller vehicles. Despite this proposals are and could be used as a separate entity from the existing farming activities on the holding, forming a new commercial enterprise which is not in keeping with surrounding land uses and will be out of character with the rural context of this location

The agent also states that the development is necessary to supplement existing farming activities and to allow the applicant to work full time at the premises. However despite this assertion it has not been fully demonstrated how such proposals will be run in conjunction with agricultural operations on the farm.

Environmental Health in comments dated 26th November 2016 have raised concerns with regard to impact on amenity. Given the nature of such activities at site including the level of activity associated proposals the Planning Authority would have concern in terms of noise and general nuisance generated within close proximity to surrounding residential properties

Overall proposals fail to meet the policy tests of SPPS and CTY11.

SPPS and PPS11 (WM1 - Environmental Impact of a Waste Management Facility)

Given the close proximity of residential dwellings within the vicinity proposals are likely to have an adverse impact due to noise and general nuisance due to the level of additional activity attracted to and generated at this location. Environmental Health has raised similar concerns. The development is industrial in nature and not compatible with the rural character of the area introducing commercial activity into the open countryside which is completely at odds with its surroundings and is better suited in an urban context.

Transport NI have sought additional information regarding the level of activity generated and the type of vehicles attracted to the site which will inevitable intensify the use at this location and has the potential to prejudice the safety and convenient of road users as well as causing nuisance to neighbouring residents. NIEA have also expressed concerns regarding the potential to adversely impact on the surface water environment.

SPPS and PPS11 (WM 2 Waste Collection and Treatment Facilities)

It has not be demonstrated how proposals meet criteria a and b of WM2, there is no identified need within the waste management strategy (WMS) or a waste management plan. Proposals fully fail to meet the requirements of this policy.

Consultations:

DAERA (13.02.17) - Farm business i.d in existence more than 6 years and SFP in last year. Applicant is not a formal member of the business

Environmental Health (28.11.16) - Request for further info on operating hours, details of noise producing equipment

Transport NI (22.11.16) - Require Traffic Assessment Form and detailed breakdown of type of vehicles that are attracted to the site

NIEA (09.12.16):

Drainage and Water Management - Unable to determine if the development has the potential to adversely affect the surface water environment

Land, Soil and Air - Authorisation from NIEA required

Natural Environment Division - There may be natural heritage issues associated with the proposal

Objections & Representations

2 neighbours notified

Advertised November 2016

No objections

Consideration and Assessment:

Proposals fail to meet the requirements of planning policy for the reasons set out above. The development is not compatible with its rural location and will adversely impact on residential properties, for these reasons it is recommended to refuse the application.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Strategic Planning Policy Statement (paragraphs 4.11 and 4.12) and Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm and would if permitted harm the living conditions of adjacent residents by reason of noise and general nuisance.
3. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 11 (WM1) in that it would if permitted have an adverse impact on the surface water environment, will cause demonstrable harm to surrounding residents through noise and general nuisance, proposals are incompatible with the character of the area/ adjacent land uses and it has not been demonstrated that access to the site can be adequately accommodated and that the frequency of associated traffic movements will not prejudice the safety and convenience of road users
4. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 11 (WM2) in that the need for such development has not been identified through the Waste Management Strategy

Case Officer

Authorised Officer

Photographs







ITEM NO	19			
APPLIC NO	LA07/2017/0164/F	Full	DATE VALID	03/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Patrick McQuillan 4 Lurgancullenboy Road Crossmaglen Newry BT35 9EH		AGENT	J.A. Murphy B.Sc., M.I.C.E. Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830 888214

LOCATION 100 Metres northeast of 4 Lurgancullenboy Road
Crossmaglen
Newry
BT35 9EH

PROPOSAL Dwelling and Garage on farm

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1 and CTY10 (Criteria C) of Planning Policy Statement 21 as it has not been demonstrated the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that there are either
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups.
- 3 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of a ribbon of development along Lurgancullenboy Road.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; ancillary works do not integrate with their surroundings and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and therefore would not visually integrate into the surrounding landscape.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted:
 - be unduly prominent in the landscape;
 - result in a suburban style build-up of development when viewed with existing buildings;
 - create a ribbon of development;
 - the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0164/F

Date Received: 6th February 2017

Proposal: Dwelling and Garage on farm

Location: The site is identified as being 100 Metres northeast of 4 Lurgancullenboy Road, Crossmaglen, Newry. The application site is outside the development limits of Crossmaglen as defined by the Banbridge / Newry and Mourne Area Plan 2015 and is approximately 17 kilometres South West of Newry City.

Site Characteristics & Area Characteristics:

The site is rectangular in shape and forms part of an agricultural field. The site has eastern and northern boundaries already formed by hedging. The site sits to the north east of agricultural buildings and a farm dwelling that are associated with this farm dwelling application.

The site is bounded on the eastern boundary by the Lurgancullenboy Road.

The topography of the area results in a rise in land when travelling across the site from south east to the north west.

The surrounding area is rural in character with a detached single storey dwelling and a detached storey and a half dwelling and their associated outbuildings further north east of the application site, on the eastern side of Lurgancullenboy Road. Agricultural fields are further north, east and west of the application site.

Site History:

In 2014 planning application P/2014/1004/F proposed to replacment dwelling on lands to the south of the site subject of the application within the curtilage of the main farm dwelling. This application was withdrawn at the request of the agent due potential issues arising relating to the listed farm dwelling and the replacement of servant's quarters.

Planning Policies & Material Considerations:

The Banbridge / Newry and Mourne Area Plan 2015, The Strategic Planning Policy Statement (SPPS), Planning Policy Statement 2 – Natural Heritage, Planning Policy

Statement 3 – Access, Movement and Parking and Planning Policy statement 21 - Sustainable Development in the Countryside.

Consultations:

- Environmental Health – No objection (15/02/2017)
- Transport NI – No objection, subject to conditions being met. (17/02/2017)
- DEARA – Farm Business in existence for more than 6 years, and the business has made claims. (14/02/2017)

Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 13th February 2017. There were no representations received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is un-zoned and located outside the settlement limits. There are no specific policies in the plan that are relevant to the determination of the application so the application will be considered under the operational policies of SPPS and the PPS21.

As there is no significant change in the policy requirements for dwellings on farms following the publication of the SPPS and it is arguable less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS21 states that a range of different types of development are acceptable in principle in the countryside. This includes farm dwellings provided the proposed development is in accordance with Policy CTY10.

Policy CTY10 requires three criteria to be met for planning permission to be granted for a dwelling on a farm:

- Criterion (a) – DEARA have confirmed in their consultation response that farm business has been established for at least 6 years and it claims Single Farm Payment (SFP), Less Favourable Area Compensatory Allowances (LFACA) or Agri Environment Schemes which established to the Planning Department that the farm is active. We are content Criteria (a) has been met.
- Criterion (b) – A history search has been carried out by the Planning Department and it has been established that no dwellings or development opportunities have been sold off or transferred.
- Criterion (c) – the new buildings has not been sited to visually link or cluster with an established group of buildings on the farm and access has not been obtained from an existing lane. Under exceptional circumstances consideration may be given to alternative site elsewhere on the farm,

provided there are no other sites available at another group on the farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group.

The dwelling proposed is to a minimum of 63 metres from the closest associated farm building and at an elevated position within the application site. This substantial gap proposed between the buildings does not allow the dwelling to cluster with the existing farm buildings nor does it allow the proposed dwelling to visually link with the existing cluster of farm dwellings when viewed while travelling along Lurgancullenboy Road. It would create a ribbon of development along this part of Lurgancullenboy Road due to the common frontage along the road with the existing buildings. Further, the gap created as a result of this proposal would potentially create a gap site, capable of being filled by two dwellings in the future under Policy CTY8. The Planning Department raised these concerns with the agent through written correspondence dated 26th May 2017 and during a meeting on 22nd June 2017.

It has not been demonstrated to the Planning Department that there are any other established groups of buildings on the farm or verifiable plans to expand the farm business elsewhere. The health and safety reasons to justify a siting away from the existing farm buildings are qualified in the explanation and amplification in paragraph 5.43 of CTY10 where it states, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority to justify the siting. The agent during the meeting made reference to safety concerns as a result of being sited close to the main farm yard to the south of the application site and that the area immediately adjacent to the farm yard was currently used to service the farm. The Planning Department have not received any evidence from a competent or independent authority to confirm health and safety concerns and no verifiable plans of expansion have been provided. For this reason the application fails to adequately justify the siting of the farm dwellings away from the existing farm buildings in relation to the criteria set out in paragraph 5.42 of CTY 10. The application therefore fails policy (c) of CTY10.

Policy CTY8 outlines that planning permission will be refused for a building which creates or adds to a ribbon of development. It is considered the location of the farm dwelling as proposed by this application will create a ribbon of development along this part of Lurgancullenboy Road.

In terms of CTY 13/14, the design of the proposed dwelling is generally acceptable. However, giving that the portion of the site on which the dwelling is proposed is elevated it will result in the dwelling appearing prominent when travelling along Lurgancullenboy Road in either direction and the ancillary works proposed including driveway and tarmac parking and turning area would not integrate in the landscape and as such is contrary to CTY13. The position of the dwelling is considered to create a ribbon of development along this portion of Lurgancullenboy Road and when viewed with other existing buildings in the area the proposal would also lead to build up and is therefore contrary to CTY 14. The proposed access arrangements and ancillary works around the dwelling are considered to impact negatively on the rural character of the area. Environmental Health were consulted in relation to the sewerage arrangements and have responded with no objections. The proposal is in general compliance with CTY16.

For the reasons outlined above this proposal is recommended by the Planning Department for refusal.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1 and CTY10 (Criteria C) of Planning Policy Statement 21 as it has not been demonstrated the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that there are either
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of a ribbon of development along Lurgancullenboy Road.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; ancillary works do not integrate with their surroundings and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted:
 - be unduly prominent in the landscape;
 - result in a suburban style build-up of development when viewed with existing buildings;
 - create a ribbon of development;
 - the impact of ancillary works would damage rural character

and would therefore result in a detrimental change to further erode the rural character of the countryside.

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

Proposed Replacement Dwelling at 4 Lurgancullenboy Road,

Crossmaglen, Newry for Mr. P. McQuillan

Mr. McQuillan, a farmer supported by DAERA needs a house for his son, also called Patrick.

The layout of his premises and proposals is shown on slide 1.

Application for replacement house 4 metres from farm dwelling made on 2nd. December 2014. (slide 2)

Response from NIEA dated 6th. January 2015 advised 'No. 4 Lurgancullenboy Road is a Listed Building (ref. HB 16/16/014) and **all pre 1973 structures within its curtilage** are also protected'

E-mail from Planners dated 14th. December 2016 advised that the application would be refused and it was withdrawn.

Application for farm dwelling set as near as feasible to the farm buildings was made on 1st. February 2017. (slide 1 again)

On 26th. May Planners wrote to say siting would need to be nearer to farm buildings.

We met with Planners and agreed that there was some room for compromise, but that the building would need to be sited North of the overhead electricity line.

Our reasons are;

The space between the outbuildings and electricity line is already used by the farmer to hold silage bales and farm machinery. (slide 3)

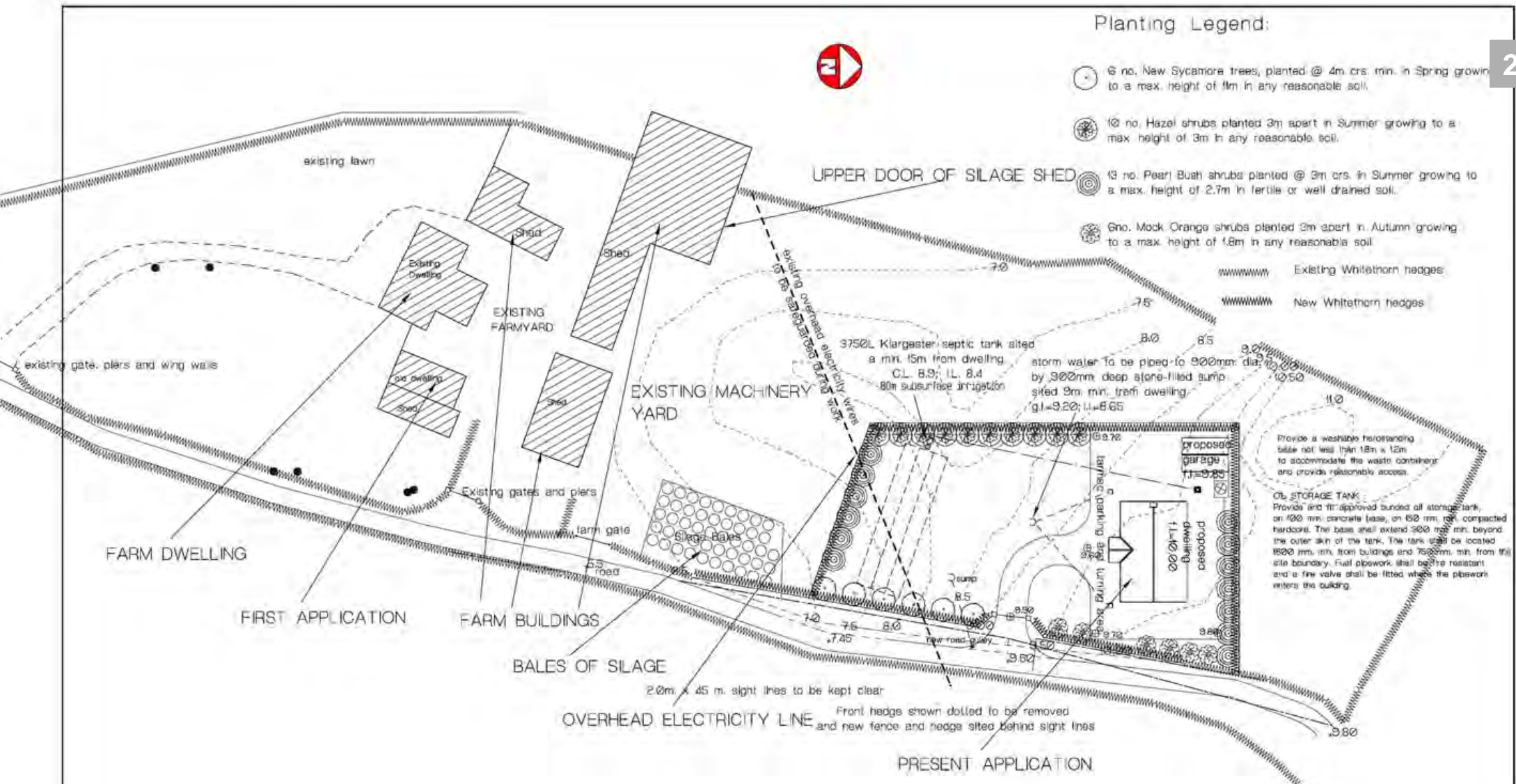
It is his only access to the door at the North face of the farthest shed where silage is placed.

Because of the restraints imposed by the NIEA this is the only place for any other farm buildings needed in the future.

As regards the electricity line NIE insist on a minimum of 5 metres for any building, but for health reasons, even though opinions vary it makes no sense to not keep a dwelling as far away as possible.

With the constraints of the NIEA and the NIE we consider this case to be unique and therefore not liable to be used as a precedent.

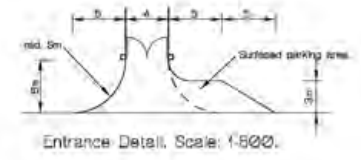
The dwelling is a simple bungalow, there are no objections from neighbours or from other agencies and we therefore seek your approval.



Site layout plan, re: Proposed Farm Dwelling at Lurgancullenboy Road, Crossmaglen, Newry for Mr. P. McQuillan

J.A. Murphy, BSc. M.I.C.E.
Chartered Engineer,
43 New Road, Silverbridge,
Newry, Tel. 30 888214.
Fax. 30 889502.

Scale: 1:500.
Date: January 2017
Dwg no.: M17-102-4



Ex. levels shown in contour or 'm'.
Proposed levels shown 'e'.







3

Item 28 – LA07/2017/0164/F – Patrick McQuillan

Collette can you put me in for speaking rights for number 28 Patrick mc quillan.

We met Pat Rooney and agreed away forward but he was still refused. I want to speak about dangers for children close to farm yard the highest number of farm accident in Ireland this year thanks.

Terry

ITEM NO 10
APPLIC NO LA07/2016/1483/F Full **DATE VALID** 03/11/2016
COUNCIL OPINION REFUSAL
APPLICANT Mr Michael McConville 19 **AGENT** Henry Marshall Brown
 Carrickrovaddy Road Architectural Partnership 10
 Jerrettspass Union Street
 Newry Cookstown
 BT34 1SN BT80 8NN
 028 86763515

LOCATION Land approx. 100m NW of 16 Carrickrovaddy Road
 Jerrettspass
 Newry
 BT34 1SN

PROPOSAL Proposed free range poultry shed with 2no feed bins and a standby generator building
 (poultry shed to contain 16,000 free range hens laying eggs)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the proposal is sited away from the existing farm buildings and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.

- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
 - the impact of ancillary works would damage rural character; and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1483/F

Date Received: 03.11.16

Proposal: Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

Location: Land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass

Site Characteristics & Area Characteristics:

Site comprises of small portion of a much larger elevated and roadside agricultural field fronting onto Carrickrovaddy Road.

Site History:

No planning history

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015

PPS3, DCAN 15 and Parking Standards: Transport NI comments dated 22.11.16 have no objections

PPS6: No impact to built heritage or archaeological interests

PPS15: Rivers Agency in comments dated 12.01.17 have raised no objections

SPPS and PPS21 (CTY12, CTY13 and CTY14)

Active and Established Agricultural holding:

DAERA in their consultation response dated 14.12.16 advise that the farm business has been in existence for more than 6 years and single farm payments have been made within the last year indicating that the farm is active and established at this location.

Necessary for the efficient operation of the holding

In correspondence from the agent dated 3rd November 2016 he advises that the poultry shed represents a major economic investment for the applicant which is essential for the long term survival of the existing holding, diversification of this type will support the farm income and ensure long term survival.

Sited beside existing farm buildings on the holding

Mr Mc Cornville's holding is registered to No. 19 Carrickovaddy Road which comprises of an existing farm dwelling and agricultural buildings. The proposed site is located approximately 200m NW away from the farm buildings and is not visually linked or grouped with them. The policy is very specific with regard to new buildings in that they 'must be sited beside the existing farm' to which this proposal fails to adhere.

The agent has set out in correspondence (dated 21.04.17, 16.03.17 and 03.11.16) justification for an alternative site elsewhere on the holding stating that there are no suitable buildings within the holding built to meet specifications required, land immediately beside existing farm buildings is unsuitable as it cannot meet 'maximum' density levels for 16000 birds (2000 birds per hectare British Egg Industry Council 21.04.17/ 2500 birds per ha Ulster Farmers Union 16.03.17) and in the interests of biosecurity the separation of poultry units from other farm activities negates risk of disease to flock.

Despite the justification provided above it has not been adequately demonstrated that there are no alternative sites available at another group of buildings on the holding, nor has there been any health and safety reasons outlined to justify an alternative site away from the existing farm buildings. Proposals are not deemed exceptional, do not meet the requirements of planning policy and a poultry shed could be located beside the existing farm buildings meeting the requirements of planning policy

Character and Scale appropriate to Location

The proposed shed is of typical character and scale of poultry houses located in the countryside.

Integration/ Landscaping

The site is located on elevated land with long distant views from Jockeys Brae, Knockduff Road and Tandragee Road from these vantage points the site would not fulfil the criteria of CTY 13 due to the prominent and open nature of the site. It is difficult to envisage how a poultry shed including ancillary works or even in the case of a modest dwelling could be adequately integrated when it is located on such an open and exposed site with no degree of enclosure or screening.

The proposed poultry shed will be located mid frontage of a much larger roadside agricultural field with no means of separation of the site from surrounding ground. This portion of the site has only one existing vegetative boundary along the frontage

which will be entirely removed to accommodate visibility splays along with ancillary works to provide access/ hard standing along with the formation of a level platform to facilitate development will require extensive site works and thus the open and prominent nature of the site will be clearly amplified and exposed when viewed from the Carrickvaddy Road in either direction.

The poultry shed proposed for this site cannot be adequately integrated as it will sit higher than the roadside boundary and will require substantial landscaping in order to be adequately integrated. Any new build at this location will appear dominant in the local landscape and will cause an adverse visual impact and an unacceptable change in rural character of this area.

Adverse Impact on Natural Built Heritage

HED Monuments have raised no objections in their consultation dated 29.06.17

Impact to Amenity

Objections have been received from neighbours at Nos.14 Carrickvaddy Road and Brilliant Red Limited of 10 Carrickvaddy Road these properties are sited approximately 120 – 197m away from the proposed poultry house, properties 15, 16 and 17 are located much closer (80-100m) and no issues have been raised by these occupiers. Environmental Health has considered the objections but has raised no concern with regard to impact to amenity. The proposed location of the poultry house will not cause adverse impact to the amenity of nearest neighbours through loss of light, privacy etc.

Consultations:

NIEA (17.02.17) - No objections raised

Rivers (12.01.17) - No objection

DAERA (14.12.16) - Farm business i.d for more than 6 years and single farm payments within last year

Environmental Health (13.12.16) - Non objection in principle

Transport NI (22.11.16) - No objection

HED (29.06.17) - Content

Objections & Representations

13 Neighbours notified

Advertised November 2016

4 letters received from 2 Objectors

Issues:

- Smell
- Dust
- Noise
- Vermin
- Road Infrastructure
- Viability of project
- Free range definition
- Request for notification for speaking rights

Consideration of Issues:

Environmental Health have considered objections and have raised no concerns with regard to smell, dust, noise, vermin etc. nor have they raised any general concerns with regard to impact to amenity. Transport NI have also raised no concerns with regard to road infrastructure.

In terms of viability of the project or indeed the free range definition this is outside the remit of the planning authority to comment.

With regard to request of speaking rights the objectors/ objectors representative will be notified should the application be presented before committee.

Consideration and Assessment:

Objections have been fully considered. Proposals fail to meet the requirements of planning policy for the reasons set out above and is recommended for refusal

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that

- it is not appropriate to this location due to the unacceptable character and scale of the development;
- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
- the proposal is sited away from the existing farm buildings

and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and

- that health and safety reasons exist to justify an alternative site away from the existing farm buildings;

- that the alternative site away is essential for the efficient functioning of the business.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - the impact of ancillary works would damage rural character;

and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.

Case Officer

Authorised Officer

Photographs



ITEM NO	20			
APPLIC NO	LA07/2017/0172/F	Full	DATE VALID	03/02/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	SCS 62A Drumlough Road Rathfriland BT34 5DP		AGENT	Kevin Cartin Architects Ltd Unit 5 Belmont Office Park 232 - 240 Belmont Road Belfast BT4 2AW 028 90769755

LOCATION Lindsay's Hill Approx 60 Metres South East of 53-55 North Street Newry BT34 1DD
PROPOSAL Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	79	0			0	0	0	0
					Addresses	Signatures	Addresses	Signatures
					0	0	0	0



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0172/F

Date Received: 3rd February 2017

Proposal: Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

Location: Lindsay's Hill Approx. 60 Metres South East of 53-55 North Street, Newry, BT34 1DD

Site Characteristics & Area Characteristics:

The site consists of the full length of roadway on St. Clare's Avenue and a portion of steeply sloping overgrown land to the north of Lindsay's Hill pedestrian walkway. The land slopes steeply from east to west and is enclosed by surrounding development. It has suffered from illegal dumping, particularly at the eastern end adjacent to St. Patrick's Avenue. The southern edge of the site is marked by a high stone wall along the edge of Lindsay's Hill which is heavily graffitied. There are residential units to the south and west of the site and a park and children's playground to the east. Part of the site has been cleared and foundations dug.



The site is unzoned land within the development limit of Newry City as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is just to the east of the city centre and within the Newry Conservation Area. It is also within an Area of Archaeological Potential and the access runs through an Area of Townscape Character. The local landscape is dominated by steep slopes and retaining structures with housing set at different levels on the slope. The main land uses present are residential, recreation and some commercial uses.

Site History:

Outline planning permission was granted on 24.05.2010 for a housing development on this site under application P/2008/1329/O. The outline approval was conditional upon a maximum of nine units being provided (as TransportNI had stated that this was the maximum that could be allowed without triggering the need to improve the junction of St. Clare's Avenue and High Street, through which the site is accessed).

Full Planning Permission was granted on 08.02.2012 under application P/2011/0340/F for a housing development of 14 units. The houses were to a high conservation area specification, but as they had limited parking provision, the approval was granted only on the basis that they were for social housing which would traditionally have a lower car ownership rate. The traffic that would be attracted to 14 social housing units was considered equivalent to the 9 private units previously approved.

An application (LA07/2015/0130/F) for non-compliance with the social housing occupancy condition was refused on 16.08.2016. It was argued that the high conservation area specification of the dwellings made the scheme unviable for a housing association to develop, but as private housing would have required a higher standard of car parking for which there was not sufficient room on the site, the application was refused under policy QD1 of PPS7.

A Housing Association is now willing to work with the developer to provide social housing on the site and the present application for renewal of the extant permission was made within 5 years of that approval. Therefore substantial weight will be given to the planning history of the site in determining this application.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements

- o A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- o Creating Places
- o Living Places Urban Stewardship and Design Guide
- o Newry Conservation Area Booklet

Consultations:

TransportNI – The proposed roadway has been determined under the previous application. No objections provided the street layout is in strict accordance with the previous approval.

NI Water – Water and sewerage capacity available

Environmental Health – No objections provided public sewerage is used; advice regarding air quality.

Loughs Agency – No objections provided storm water attenuation is provided before discharge to any watercourse.

Housing Executive – Supports the development of 14 social units on the site.

Historic Environment Division – No objections with regard to archaeology or listed buildings. Finishes should be conditioned as per the previous planning approval.

Objections & Representations:

78 neighbouring properties were notified of the proposal on 15th February 2017 and the application was advertised in local newspapers on 24th February 2017. Twenty letters of objection were received, 18 of which were the same letter template, and another of which gave no address. One neighbour submitted a letter with a series of questions about the proposal. The case officer replied on 15th May 2017 with answers to these questions and no further correspondence was received.

The main points raised by multiple objectors were increase in traffic on St. Clare's Avenue, risk of anti-social behaviour, and that the applicant has not adhered to the conditions of the previous planning permission for archaeological monitoring. As the scheme has been previously approved and key consultees including TransportNI continue to have no objection to it, we cannot give weight to concerns regarding access. If anti-social behaviour arises it should be reported to the police, though the development of the site may actually help to limit vandalism, graffiti and dumping that has taken place on the site to date. Historic Environment Division have advised that archaeological testing was undertaken and there was limited archaeological potential. Therefore they have not recommended any further archaeology conditions.

Another objector raised the loss of amenity space and restricting access to the park. The site is not zoned amenity space and was previously approved for housing. There will be no restriction on access to the park as access will be maintained from St. Clare's Avenue to Lindsay's Hill. Granting planning permission will not affect this public right of way.

In summary, the issues raised by objectors have been considered, but cannot be given determining weight given the planning history of the site and the views of consultees.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. On 15th May 2017 the Council determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Newry City on the above Plan, and is unzoned. It is within the Newry Conservation Area and an Area of Archaeological Potential. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. There are no specific policies in the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

The principle of housing development on the site is established by the previous approval and is in accordance with strategic policy in the RDS and SPPS, as well as the Area Plan. There are no changes to the layout or the detailed plans. The layout of the buildings will not harm the amenity of neighbouring residents. The design and materials specified are of a high standard appropriate to the conservation area location of the site and the scheme takes account of the topography of the site by using a split level design. The external finishes should be conditioned as per the previous application to ensure that they are in keeping with the conservation area and the setting of nearby listed buildings. On this occasion there is no need to condition further archaeological surveillance as HED are content that there is limited archaeological potential based on previous surveys. The access road and bridge over Lindsay's Hill remain as previously approved and do not require to be re-determined. A condition should be imposed to state that the street layout should be as approved under P/2011/0340/F. Parking provision of one space per dwelling was previously considered acceptable on the basis that the units were for social housing with lower car ownership. A further condition will be imposed requiring that all 14 units are for social housing use. Areas of public and private amenity space are adequately landscaped and a 25 year landscape management and maintenance plan has been submitted, as previously approved. A condition should be added to require adherence to this plan.

Environmental Health raised the issue of Air Quality. The site is within a designated Air Quality Management Area (AQMA). This AQMA has been declared as the Council has identified that residents in this area may be exposed to air quality, which does not meet current air quality standards. They recommended that the applicant should review the design of this proposal to ensure that the emissions of the pollutants PM10 and NO2 are minimised. Such steps may include the provision of energy efficiency measures within the development, which exceeds those which would be statutorily required and the use of renewable energy systems.

Furthermore, the location for this proposed development lies within one of the Council's Smoke Control Areas. These dwellings, if approved, would have to ensure that any fuel used for heating complies with the Council's Smoke Control Order for this area. As the scheme is exactly as previously approved, it was not felt that

additional work on energy efficiency measures should be required as part of the planning application, however, the advice will be included as an informative for further consideration by the developer.

NI Water advised that public water supply and foul sewer were available with capacity to serve the development. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health. Loughs agency has also recommended a condition regarding storm water attenuation if it is to be discharged to a watercourse.

Recommendation: Approval

Conditions:

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

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

2. The dwellings hereby approved shall be occupied only by a person or persons who have been selected from the Northern Ireland Housing Executive housing waiting list.

Reason: To service social housing need in Newry City, and in the interests of roads safety.

3. Notwithstanding the detailing on the approved plans, the dwellings shall be constructed as follows:

The chimney stacks shall be located on the centre of the ridges, with two clay pots, from the Hanson Red Bank Range or an equivalent (agreed in advance with the Council), and a traditional corbel detailing around the top; All roofs shall have a natural slate covering; All front doors shall have four plain panels, retained by bolection mouldings and be of timber construction with a plain fanlight and a painted opaque finish avoiding the use of stains or varnishes; All rainwater goods shall be cast aluminium, round profile, painted black; All eaves and verges shall be clipped and tight avoiding the use of box eaves and bargeboard; All windows shall be timber with a painted white finish avoiding the use of stains or varnishes; All window cills should have a 100mm leading edge; Dwellings shall have be finished in smooth render painted in a colour scheme to be agreed in advance with the Council; All rooflights shall be from the Velux Conservation Range or an equivalent (agreed in advance with the Council) and be fitted flush with the roofline; All retaining walls and the proposed new bridge shall be faced in coursed granite rubble.

Reason: To ensure that the form, materials and detailing of the development respect the characteristic form of the Newry Conservation Area.

4. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by existing trees .

5. All hard and soft landscape works shall be carried out in accordance with the approved landscape plan (Drawing No. 09) which was received on 31st May 2017 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development.

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

6. 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.

7. The open space and amenity areas indicated on the stamped approved Drawing No. 09 date stamped 31 May 2017 shall be managed and maintained in accordance with the Landscape Management Plan (Drawing No. 10) received on 31 May 2017. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwellinghouses hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

- 9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The street layout shall be in strict accordance with the Private Streets Determination made under planning approval P/2011/0340/F which was approved on 8th February 2012.

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

- 10. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

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

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

- 12. Storm water from the development site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Request for speaking rights in objection to LA07/2017/0172/F

Can I please request speaking rights at the planning committee meeting on behalf of Mr Jim Flynn who will be speaking in objection to the application. Jim is speaking on behalf of the residents of St Clare's Avenue and the wider High Street area.

His main points will be in relation to:

-the negative impact of the bridge on the residents of St Clare's Avenue in terms of increased traffic, and ruining what is a very quiet cul de sac with many elderly residents and young families.

-The historical aspect of Lindsay Hill and how this will be decimated by the erection of a large bridge from the site to St Clare's Avenue

-the wider concerns of the residents who will directly impacted by this bridge and access

Many thanks

Liz

Cllr Liz Kimmins

Tel. 07840588741

PROPOSED HOUSING DEVELOPMENT AT LINDSAYS HILL, NEWRY

The application under consideration is to renew Planning Approval P/2011/0340 and as such has previously gone through all the rigors of the Planning process, been recommended for Approval and this opinion was agreed with by the then Newry & Mourne Council.

The renewal application has again gone through all the rigors of the new Council Planning Department and is again recommended for Approval

The Developer of the site is a local firm and wishes to assure any concerned residents that any concerns will be addressed during the development of the site. Initial works will include clearing the scrub land to the left of St Clares Avenue and this area will be made secure.

The proposed bridge is a modest structure of 2.5m width and it is anticipated to take a few weeks to construct and during this time it will be necessary to close Lindsay Hill for Health & Safety reasons. It will be finished in Mourne Granite in keeping with local materials used in the area. The bridge is necessary to ensure that Lindsays Hill remains intact and is retained. There will be new under lighting and this in association with the other proposed street lighting of the development will enhance the area.

As for the development itself it is small in size and consists of 14 Social Housing units which are in high demand in Newry which currently has an estimated need for 700 such units. The developer has a contract in place with Radius Housing who require the units as a matter of urgency to try and fill the identified need. This site is ideal for Social Housing and the parking provision reflects this as Social Housing generate less vehicle trips than a private development. Any new families can avail of the local public transport provisions and be able to easily walk to the City Centre via Lindsays Hill.

LA07/2017/0172/F Lindsay Hill

Anthony

I wish to request speaking rights regarding the above application at the next planning meeting.

On behalf of local residents I would request that the application is declined for the following reasons:

1. Lindsay Hill steps area is a historical part of Newry. The proposed bridge will change the character of the area for ever.
2. The current site has amenity value which will be lost to the community.
3. The proposed new houses will create extra traffic on a quiet residential street. As St Claire's Avenue is a cul-de-sac children can currently play safely at the end of the street. This will no longer be the case.
4. Lindsay Hill currently suffers from a level of anti-social behaviour such as young people drinking. Residents fear a bridge will act as a shelter from the rain and attract even more anti-social behaviour.

Regards

Gary

Cllr Gary Stokes
07952 179855

LA07/2017/0172/F Lindsay Hill

The main points I will be speaking on is in relation to the impact of the proposed bridge on the quality of life of the residents including increased traffic through a usually quiet area, reduction of safe play space for the children and potential damage to the historical lineage of the area.

Many thanks

Liz

ITEM NO 24
APPLIC NO LA07/2017/0371/F Full **DATE VALID** 08/03/2017
COUNCIL OPINION REFUSAL
APPLICANT Kieran and Briega King 56a **AGENT** Sean Callan & Associates 3 St.
 Drumintee Road Moninna Park
 Meigh Meigh
 Newry Newry
 BT35 8SJ BT35 8SL
 077 3600 4223

LOCATION 56a Drumintee Road
 Meigh
 Newry
 BT35 8SJ

PROPOSAL Retention of existing caravan port at rear of dwelling

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect the amenity of the neighbouring residents to the rear of the development.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0371/F

Date Received: 08.03.2017

Proposal: The applicant seeks full permission for the retention of existing caravan port at rear of dwelling.

Location: 56a Drumintee Road, Meigh, Newry

Site Characteristics & Area Characteristics:

The site includes a chalet bungalow, detached garage and an unauthorised detached caravan port to the rear boundary of the dwelling. The dwelling benefits from a spacious side garden and abuts the main Drumintee Road within the development of Meigh. The area is residential in character and typical of a small rural village in the South Armagh area.

Site History:

P/1989/0849

Erection of dwelling

Permission Granted: 22.08.1989

P/1987/0917

Site for dwelling

Permission Granted: 22.10.1987

P/1995/1016

Erection of chalet bungalow

Permission Granted: 13.12.1995

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Addendum to Planning Policy Statement 7

Planning Policy Statement 3

Consultations:

Transport NI – No objections

Objections & Representations

3 Neighbours notified and the application was advertised on 22.03.2017 – no representations/objections received.

Consideration and Assessment:

Policy EXT 1 of the Addendum to Planning Policy Statement 7 is applicable for all residential extensions. Whilst the carport is subordinate to the existing property the design and external materials are not considered sympathetic with the built form and appearance of the existing dwelling. The scale of the caravan port which measures approximately 4m high and has a length of 14m is not considered domestic in scale and green steel cladding is not in keeping with the finishes of the existing dwelling and garage. The proposal is contrary to part (a) of EXT1

The dwelling under construction to the rear of the property is a material consideration with regard to the impact of the carport. It has a distance from the shared boundary of No.56a ranging from approximately 7m to 9m. The large blank elevation will cause a sense of dominance on the dwelling to the rear which would unduly affect the amenity of the residents at this site. This is contrary to part (b) of EXT1.

The proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. There is considered to be sufficient space remaining within the curtilage for recreational and domestic purposes.

Policy NH6 of PPS2 is applicable as the site lies within the Ring of Gullion AONB. The proposal is not considered to have significant detrimental impact on the AONB generally or in the locality given the limited views of the structure.

Recommendation:

Refusal

Reasons:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property.**
- 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect**

the amenity of the neighbouring residents to the rear of the development.

Case Officer:

Authorised Officer

ITEM NO 25
APPLIC NO LA07/2017/0470/F Full **DATE VALID** 27/03/2017
COUNCIL OPINION REFUSAL
APPLICANT Frank Clark 40 Flagstaff Road **AGENT** Bernard Dinsmore
 Newry RIBA 24a Duke Street
 Warrenpoint
 BT34 3JY
 028417 53698

LOCATION 40 Flagstaff Road
 Newry

PROPOSAL Erection of a two storey granny flat extension and alterations to existing dwelling including front boundary wall

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, constitute a self-contained unit of accommodation in addition to the existing dwelling.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0470/F

Date Received: 28th March 2017

Proposal: Erection of a two storey granny flat extension and alterations to existing dwelling including front boundary wall

Location: The site address is 40 Flagstaff Road, Newry. The application site sits outside the development limits of Newry as defined by the Banbridge / Newry and Mourne Area Plan 2015 and is approximately 3.2 kilometres South of Newry City.

Site Characteristics & Area Characteristics:

The site is occupied by a two storey detached dwelling. There is an area of enclosed space immediately to the front and side of the dwelling. To the rear and further south of the dwelling is an open hardstand area, partially tarmacked. There are large sheds to the rear of the dwelling (east) and upon checking, there doesn't appear to be any planning history for these.

Further north along Flagstaff Road are detached dwellings with open agricultural land to the south of the application site.

Site History:

There is no planning history relevant to the application site.

Planning Policies & Material Considerations:

Banbridge / Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement (SPPS)
PPS7: (Addendum) Residential Extensions and Alterations.

Consultations:

There was one consultation issued for this proposal.

Transport NI – requested 1:500 drawing showing access details with satisfactory sightlines. A consultation response on this drawing is still outstanding.

Objections & Representations

There was one neighbour notification issued for this proposal. This application was advertised in the local press on 3rd April 2017. There were no representations received.

Consideration and Assessment:

As there is no significant change to the policy requirements for extensions to dwelling following the publication of the SPPS and it is arguable less prescriptive, the retained policy of the Addendum to PPS 7 will be given substantial weight in determining the principal of the proposal in accordance with paragraph 1.12 of the SPPS.

Paragraph 2.8 of EXT 1 states that for accommodation to be ancillary it must be *“subordinate to the main dwelling and its function supplementary to the use of the existing residence”*. Further, Annex A of PPS7 offers additional guidance. Paragraph A49 states that *“An extension to a residential property to provide an ancillary use, such as additional living accommodation for elderly or dependant relatives should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an integral part of the main resident property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. Ancillary uses that could practically and viably operate on their own will not be acceptable”* In this case, the proposed extension has a separate kitchen, two first floor bedrooms, a ground floor W.C and first floor shower room and two separate accesses (front and rear doors) with an integral door providing access to the existing dwelling. The Planning Department consider that the works proposed by this application have not been designed to be an integral part of the existing property but have been designed in isolation to fit in a required amount of accommodation; resulting in the provision of accommodation that will not be ancillary and supplementary to the main residential property and that could operate as a dwelling in its own right and therefore not in accordance with the purpose of ancillary accommodation as outlined by Policy EXT1 of PPS7.

The agent has submitted information to the Planning Department outlining why this extension is required, however they do not justify the works proposed by this application and therefore do not satisfy the requirements of Policy EXT1.

The scale, massing and design of the proposal are considered unsympathetic with the built form and appearance of the existing property. The works proposed by this application would result in an extension of 6.3 metres to the front building line, while this would be stepped back from the existing front building line, with a reduction in ridge height, it will result in the front building line being extended by more than half of the original building length, which is considered excessive and not subordinate to the

host dwelling. The proposal will not integrate with the existing dwelling as it is disproportionate to the dwelling and detracting from the appearance of the existing built form.

It is considered the extension proposed to the existing dwelling will not unduly affect the amenity of the adjoining property to the north (No. 40a) being on the south side of the existing building at a sufficient distance to prevent any unacceptable impact in terms of overlooking or over shadowing / loss of light of the adjoining property.

There will be no unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as a result of the works outlined by this proposal.

It is considered sufficient provision is retained within the curtilage of the existing dwelling for parking and for domestic purposes.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, constitute a self-contained unit of accommodation in addition to the existing dwelling.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO 26
APPLIC NO LA07/2017/0615/O Outline **DATE VALID** 25/04/2017
COUNCIL OPINION REFUSAL
APPLICANT Mr Raymond Rice Park View **AGENT** Barry Owens
 Newtowncloghogue Consulting 38
 Dublin Road
 Newry
 BT35 8UG
 07867976610

LOCATION Lands immediately north of No. 36 Flagstaff Road
PROPOSAL Newry
 Infill Site for 2 No. Dwellings

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Flagstaff Road and is not considered an exception.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration. The proposed dwellings would therefore not visually integrate into the surrounding landscape.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the dwelling is unsympathetic to the special character of the AONB in general and of the particular locality.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1615/O

Date Received: 25.04.2017

Proposal: The proposal seeks Outline Permission for 2 dwellings on an infill site.

Location: Lands immediately North of No.36 Flagstaff Road, Newry. South Armagh / Ring of Gullion AONB.

Site Characteristics & Area Characteristics:

The site includes the front portion of a larger irregular shaped agricultural field that shares a frontage with the Flagstaff Road. Whilst rural in character development pressure is strong in the immediate area. The area is designated AONB.

Site History:

P/2004/2883/O

Opposite and east of 33 Flagstaff Road, Newry

Site for replacement dwelling and garage

Appeal Dismissed: 21.11.2006

P/1973/0258

Erection of Dwelling house

Permission Granted: 20.06.1974

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

Consultations:

Transport NI – No objections subject to compliance with RS1 form.
 NI Water – No objections

Objections & Representations

4 neighbours qualified for a neighbour notification and the application was advertised on 10.05.2017. No objections or representations were received.

Consideration and Assessment:

The site lies within the Rural Area/AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8.

The PAC has confirmed the length of the gap is to be taken between buildings. In this instance the length of the gap measures approximately 120m. Three dwellings with a frontage of 40m could be accommodated comfortably within this gap while still remaining respectful of the surrounding plot sizes. As the site cannot be considered as a small gap that can accommodate up to a maximum of 2 dwellings the proposal fails as an exception under policy CTY8. The proposal would instead add to a ribbon of development at this location.

Additionally there are no over-riding reasons why this dwelling essential at this location.

As a result the application fails to meet the policy criteria for CTY1 and CTY8.

Due to the lack of established boundaries and ability to provide suitable enclosure it is considered that substantial landscaping would be required for integration at this site when the removal of the roadside is considered for visibility. Additionally as the proposal would add to ribbon development and contributes to build up when read with the surrounding development, this application fails policies CTY 13 and 14.

Sewage arrangements are minimal at Outline however a condition will be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has no objections with regard to the above policy,

Planning Policy Statement 2, Natural Heritage

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

considered unsympathetic to the special character of the AONB in general and of the particular locality.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap within an otherwise substantial and continuously built up frontage and would add to ribbon development along the Kilnasaggart Road.

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

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

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the dwelling is unsympathetic to the special character of the AONB in general and of the particular locality.

5. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2 metres x 33 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer:

Authorised Officer:

ITEM NO 27
APPLIC NO LA07/2017/0726/O Outline **DATE VALID** 12/05/2017
COUNCIL OPINION REFUSAL
APPLICANT Barry McDonnell 39 Church Road
 Forkhill
 Newry
 BT35 9SX
AGENT Gary McArdle 26
 Newry Road
 Forkhill
 Newry
 BT35 9RN
 003538 7923 5643

LOCATION Adjacent to and North West of No. 39 Church Road
 Forkhill
 Newry
 BT35 9SX
PROPOSAL Proposed dwelling and associated works

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

- 1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Church Road.
- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the dwelling would, if permitted create a ribbon of development;
 - and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0726/O

Date Received: 3rd May 2017

Proposal: Proposed dwelling and associated works

Location: adjacent and north west of no.39 Church Road, Forkhill

The site is located within the countryside and An Area Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

No. 39 is sited along the Church Road. To the immediate north west there is a small field in which the applicant wishes to fill. To the south east of no. 39 there is an existing laneway leading to other properties. North west of no. 39 beyond the application site there is also another laneway leading to an old farmhouse and yard. This farm complex does not have a frontage onto the Church Road and is sited approx. 180 metres back from the road edge. Between the farm complex and the road there is a large agricultural field. Beyond this field lies no. 53.

The site itself is defined by post and wire fencing. There is a small hedgerow between no. 39 and the site, with more mature screening (approx. 8 metres in height) to the boundary with the laneway.

Site History:

n/a

Objections & Representations

No. of neighbours notified=6

No representations received= 0

Advertise expiry= 15/6/2017

Consultations

TransportNI- no objections RS 1form

NIW- statutory

Consideration and Assessment:

The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for a dwelling on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The application site is positioned between no.39 and an access laneway leading to no. 49. Having viewed the application site on the grounds, no. 39 has a frontage to the Church Road however no. 49 does not have a frontage, only an access laneway. The site is not a small gap positioned within a line of 3 or more buildings along a road frontage as required by the policy. The proposal will create and add to a ribbon type of development along the Church when considered with no. 53, no. 39 and no. 37.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.

The proposal would result in a suburban style build up when viewed with the existing buildings and create a ribbon of development along the Church Road. The proposal is contrary to CTY 14.

Recommendation:**Refusal**

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

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

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the (building) would, if permitted create and add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

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ITEM NO 28

APPLIC NO P/2014/0782/F

Full **DATE VALID** 15/09/2014

COUNCIL OPINION REFUSAL

APPLICANT Mr and Mrs Shane and Anne
Garvey 20 Aghmakane Road
Camlough
Newry
BT35 7HY

AGENT Architect Francis
McShane RIBA 2
Old Road
Camlough
Newry
BT35 7JW
02830838379

LOCATION Beside 20 Aghmakane Road
Camlough
Newry
Co Armagh
BT35 7HY

PROPOSAL Conversion and reuse of existing building to dwelling with new rear extension (amended description).

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS), in that the former structure that was previously replaced and retained is not eligible for conversion back into residential use.
- 3 The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 5 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.

- 6 The proposal is contrary to EXT 1 of Planning Policy Statement 7 in that the scale and massing of the extension proposed is not sympathetic with the built form and appearance of the existing building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0782/F

Date Received: 15th September 2014

Proposal: Conversion and reuse of existing building to dwelling with new rear extension

Location: The site address is beside 20 Aghmakane Road, Camlough. It is located outside of the development limits of Camlough and is 2.5 kilometres SW of Camlough village as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Site Characteristics & Area Characteristics:

A single storey unoccupied building, previously used as a replacement dwelling under planning approval P/1998/0652/F occupies the site. The site is accessed via a private concrete laneway off the Aghmakane Road. There is a small open area to the rear of the building on site and a larger open area to the front partially stoned over with tarmac. A timber fence surrounds the site along the SE and NE boundaries.

The site is adjacent to the property at 20 Aghmakane Road which contains the two storey dwelling that replaced the building on site and also contains a stone, storey and a half building. A two storey modern dwelling (No. 24) sits SE of the site, to the SW (No. 22) is a two storey dwelling with some outbuildings and further NW of the site are further dwellings with outbuildings.

Site History:

P/2012/0972/F	Beside no 20 Aghmakane Road, Camlough, Newry,	Extension and improvements, single storey risen to two storey.	Application withdrawn
P/1998/0652	20 Aghmakane Road, Camlough Newry	Erection of replacement dwelling	PERMISSION GRANTED

Under P/1998/0652/F, the erection of replacement dwelling was granted on 29th October 1998 with a condition which required the existing building be demolished within 6 weeks of the date of occupation of the new dwelling. This building was never demolished and the time for enforcement has now expired.

Planning permission was sought for an extension and improvements to a dwelling under P/2012/0972/F, but was withdrawn on 29th July 2013. The Department considered that the building had lost its status as a dwelling when it was replaced by a new dwelling but not demolished.

Planning Policies & Material Considerations:

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, Planning Policy Statement 1 (PPS1) – General Principles, Planning Policy Statement 3 (PPS3) – Access, Movement and Parking, Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside, DCAN 15 – Vehicular Access Standards and Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside.

Consultations:

NIEA:HBU- Unable to comment (02/01/2015)
 Transport NI – Proposal is unacceptable (13/11/2015)
 Environmental Health – No objections 13/10/2014)

Objections & Representations

There were five neighbour notifications sent out on 9th October 2014 and again on 2nd December 2015 following an amended description. The application was advertised in the local press. There were no representations received.

Consideration and Assessment:

When the application was initially submitted in 2014 the proposal description required amending to reflect correctly the proposal. Initially the Planning Department were directed to consider this proposal under CTY4 of PPS 21, however in the most recent correspondence the agent has outlined how she believes CTY 4 does not apply in this case as it is her understanding that the building subject of this application remains lawful and a conversion is not required. Further, the Planning Department have been directed to consider this application under Policy CTY 6 as of Planning Policy Statement 21 further to the submission of information to make a case for special circumstances to be taken into consideration.

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge / Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Camlough as illustrated on map 3/10.

Strategic Planning Policy Statement (SPPS)

The SPPS specifically outlines under Section 6.73 "*The conversion and re-use of existing buildings for residential use*' that *a former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into a residential use under this policy*". Following a number of site inspections we note that the building retained and the subject of this planning

application has never been used for any purpose since it became unoccupied. The works proposed by this application are therefore contrary requirements of the SPPS.

Information submitted in October 2016 by co-acting agent Eimear Murphy referred to Section 6.69 of the SPPS which outlines that *"The policy approach must be to cluster, consolidate and group new development with existing established buildings and promote the re-use of previously used buildings."* We consider the paragraphs contained in Section 6.73 of the SPPS are specifically relevant to this case due to the history of planning permissions gained and therefore a more appropriate policy to assess this application under. We note that planning permission was given for the newer dwelling in 1998 on the basis that the building subject of this application was demolished. The agent has stated that *"once the period of immunity had been gained, there was no 'intention' to demolish the cottage or abandon it"* and therefore suggesting that the replacement application (P/1998/0652) was granted under false purpose. While it has now become immune from enforcement this does not mean the building has acquired any lawfulness and the building in planning terms therefore has no status.

Further, in response to the agents referred cases of abandonment, it still remains a fact that the building was the subject of a replacement planning permission and upon occupation of the newer dwelling whether it have been the intent of the applicant to re-use the building in the future, the building lost its status as a dwelling.

PPS 21 Development in the Countryside

CTY 4 outlines planning permission will be granted for the sympathetic conversion of a suitable building to a single dwelling where this would secure its upkeep and retention and only if the proposal is of a high design quality which meets all of the criteria (a) – (g) of the policy. The introduction of the SPPS in 2015 brought with it an additional requirement for proposals to convert and re-use existing buildings for residential use in that the building is now required to be of local importance. The building subject of this application is not considered a locally important building and is an unsuitable building for conversion in accordance with Section 6.73 of the SPPS and therefore fails the policy test.

Information submitted by co-acting agent had directed the Planning Department to assess this application under Policy CTY 2a New Dwelling in Existing Clusters and CTY 6 Personal and Domestic Circumstances. The agent, in setting out the reasons why the proposal is considered an appropriate development in the countryside identifies that Policy CTY2a relates to a 'new' development as opposed to an existing building and is therefore redundant in the assessment of this application. Even if this proposal is to be assessed under CTY2a it would fail to meet the requirements of this Policy in that the cluster is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads, it does not round off and consolidate an existing cluster and the site on which the building subject of this application site is not bounded on at least two sides with other development in the cluster.

CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and

site specific reasons for this related to the applicants personal or domestic circumstances and provided the criteria are met:

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

It is noted that much of the detail of the information submitted to help form an opinion on the application cannot be discussed in this report due to the nature of the content. Medical evidence has been submitted from a Consultant Ophthalmic Surgeon that details a medical condition and a letter of support for this application has been submitted by Dr. Flood of Cornmarket Surgery, Newry Health Village.

We note that a criterion (a) refers to a 'new' dwelling in the countryside which in physical terms is not the case in this instance as the building already exists however there is no lawfulness attached to it and we therefore consider Criteria (a) must be applied in this case to assess the proposal.

On review of the evidence submitted and while the Planning Department has sympathy with the applicant and the circumstances, it is considered that a new dwelling is not a necessary response to the particular circumstances of this case and that genuine hardship would be caused if planning permission were refused. Also it has not been demonstrated that there are no alternative solutions to meet the particular needs of this case such as an extension or annex to the existing dwelling (the existing dwelling being No. 20 the replacement dwelling constructed and sitting to the SE of the site subject of this application), the works proposed by this application seek the conversion/reuse of an unlawful building that sits outside the curtilage of the existing dwelling at No. 20.

CTY 13 and 14 assess how a building in the countryside can visually integrate into the surrounding landscape, if it is an appropriate design and whether it would cause detrimental change or further erode the rural character of an area. The Planning Department consider the proposed extension at the rear, including the two storey extension unsuitable because of their proportion and form in relation to the existing building. The design of the building is therefore considered inappropriate for the site and its locality. Further, it is considered the proposal would result in suburban style build-up of development when viewed with existing and approved buildings in the surrounding area.

Addendum to PPS7 – Residential Extensions and Alterations

As previously stated above the building subject of the application has no status in planning terms and is considered an unlawful building in the countryside as a result of historical planning approvals. To assess this proposal under PPS7 would be incorrect as this policy related to alterations and extension to residential properties, however for the purposes of this application should it ever be considered that this is residential building then assessing the works proposed against the policy

requirements of PPS7 the planning department would consider that the scale, massing and design of the of the works proposed to the rear of the building would not be sympathetic to the built form and appearance of the existing building.

PPS 3 Access, Movement and Parking

Transport NI was consulted to consider the access, movement and parking issues with this application. Transport NI requested confirmation of access including necessary sightlines. Following a re-consultation in November 2015, Transport NI outlined that the proposal was contrary to Planning Policy Statement 3 for the following reasons.

- It proposes to intensify the use of an existing access at which visibility cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- The width of the proposed access is unacceptable.

The applicant had outlined that a conditional agreement with landowners existed in that they would sell portions of land required if planning permission for this application was granted. No further information regarding this has been forthcoming to the Planning Department and no amended drawings have been submitted to demonstrate this.

We would therefore consider the proposal contrary to the requirements of PPS3.

On review of the drawings submitted, it is noted that on drawing No 11, the front elevation does not represent correctly the scale of the works proposed, the two storey component proposed to the rear has not been included on this and will require updating.

For the reasons outlined above the Planning Department recommends this planning application for refusal.

Recommendation:
REFUSAL

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) in that the building recommended for conversion and re-use for residential purposes is not a locally important building and the former structure that was previously replaced and retained is not eligible for conversion back into residential use.

3. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.0 metres x 60 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
5. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.
6. The proposal is contrary to EXT 1 of Planning Policy Statement 7 in that the scale and massing of the extension proposed is not sympathetic with the built form and appearance of the existing building.

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

Council Newry, Mourne and Down**Date 19/07/2017**

ITEM NO	D1			
APPLIC NO	P/2013/0767/F	Full	DATE VALID	23/10/2013
COUNCIL OPINION	APPROVAL			
APPLICANT	Patrick McShane 21b Warren Hill Newry BT34 2PH		AGENT	Quinn Design & Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY 41772377
LOCATION	Adjacent to and 30 metres east of no 21b Warren Hill Newry			
PROPOSAL	Erection of 2 dwellings with detached garages and re-align existing lane in substitution to approval granted under P/2008/1042/O			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	14	0	2	0
			Addresses	Signatures
			72	75
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

- Application Reference:** P/2013/0767/F
- Date Received:** 23rd October 2013
- Proposal:** Erection of 2 dwellings with detached garages and re-align existing lane in substitution to approval granted under P/2008/1042/O
- Location:** Adjacent to and 30 metres east of no 21b Warren Hill, Newry

Re-consideration

Site Characteristics & Area Characteristics:

The application site is located to the immediate north of the Warren Hill estate. Warren Hill is a private housing development of approximately 30 houses arranged in a U-shaped development, off the Old Warrenpoint Road. It includes land to the east and west of 21b Warren Hill. 21b Warren Hill is accessed from a lane between No's 21 and 22 Warren Hill. Two dwellings have been built to the immediate east of Warren Hill, and also use the access lane from Warren Hill.

The orientation of this site is east to west and the terrain falls rapidly in this direction. The difference in levels between the eastern and western boundaries is approximately 22 metres. The site is rectangular in shape and it measures approximately 1ha (120 metres long by 90 metres wide, although this includes No 21b and its curtilage - which sits in the centre of the site).

There is a line of fir trees to the immediate east of 21b. This defines the eastern boundary of the curtilage to 21b. From this point the terrain rises up to the eastern boundary of the site. This part of the site is 40 metres wide, and it rises by 11 metres. The ground is overgrown with whin bushes, and this area is dissected by an existing laneway that runs from north west to south east, leading into No 30 Old Warrenpoint Road. On 5th April 2016, the Council approved application LA07/2015/0376/F for a revised access arrangement allowing No. 30 to use the laneway leading to Warren Hill. This will render the original laneway to No.30

redundant and will thereby permit the development of this site under the current application.

The site is located towards the south-eastern side of Newry City. It is unzoned land within the development limit of Newry as defined on the Banbridge, Newry and Mourne Area Plan 2015. The area is characterised by steep hills with extensive residential development on the lower slopes of them. The Warren Hill area consists of larger detached properties, though there are terraced dwellings at Greenwood Drive to the north.

Site History:

There is an extensive planning history associated with this proposal. The most relevant applications are:

- P/2000/0909/O 70m east of No. 21B Warrenhill, Old Warrenpoint Road, Newry (Permission refused)
- P/2006/2354/O To the rear of 21 Warren Hill, Newry. Site for dwelling and garage (permission refused)
- P/2006/1769/O 50 metres east of 21b Warren Hill, Newry. Site for housing development (application withdrawn)
- P/2008/1042/O 20 metres east of no 21B Warren Hill, Newry. Site for 2No. dwellings with access from Warren Hill . Permission granted.
- P/2003/0294/F Old Warrenpoint Road, Newry, Co Down, adjacent to and directly North of 21A Warren Hill. Erection of dwelling and detached garage (Permission Granted)
- P/2002/0563/F Old Warrenpoint Road, Newry. (adjacent to and directly North of 21A Warren Hill) Dwelling & detached garage. Permission granted.
- LA07/2015/0376/F – Revised access arrangement for No. 30 Old Warrenpoint Road (via Warren Hill). Permission granted.

The application was originally for six dwellings using two separate access points. It was then reduced to three dwellings and now two dwellings. This is in accordance with the two dwellings previously granted outline permission in 2008, which this application is in substitution for.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

TransportNI – Had originally recommended refusal, but are now content with the reduced scheme provided the existing laneway is widened to 4.8m for a distance of 10m from the edge of the public road. A condition will be imposed to require this.

NI Water – Water and sewerage capacity available

Environmental Health – No objections.

Objections & Representations:

The original application generated significant local objection and written objections were received from 11 different addresses along with two petitions. Following re-advertisement of the amended scheme for two dwellings on 6th November 2015, no further objections were received. The issues originally raised relate principally to road safety. TransportNI now have no road safety objections to the reduced scheme.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Newry City on the above Plan, and is unzoned. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this. There are no specific policies in the Plan that are relevant to the determination of the application. It will be assessed against regional operational policy.

The principle of housing development on the site is established by the previous approval for two dwellings and is in accordance with strategic policy in the RDS and SPPS, as well as the Area Plan. The layout is similar to the approved concept plan stamped granted in 2010. The layout of the buildings will not harm the amenity of neighbouring residents. The existing vegetation will help to preserve the privacy of No. 21b which sits at a lower level. The design and materials specified are of a high standard appropriate to the location of the site and the scheme takes account of the topography of the site by using a split level design. The scale of the development is appropriate to the character of the area. There is adequate parking and turning space within the curtilage of each dwelling along with a generous private garden area with appropriate landscaping. There is no requirement to provide public open space or local neighbourhood facilities in a development of this nature. The proposal will create a quality residential environment as required by policy QD1. The proposal also meets the requirements of policy LC1 with regard to local character, density and unit sizes.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an

existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Two further dwellings using this access (in addition to the three existing ones) would result in intensification of use of the access. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The location of this access on the outside of a sharp bend in Warren Hill means that there is ample visibility in both directions when exiting. Therefore there can be no question that the proposal to intensify the use of the access would prejudice road safety. It is acknowledged that there are a number of other private entrances crossing the same small area where the access joins Warren Hill. But the key issue here is safety where the proposed access meets the public road. This clearly meets policy. Provided users of the other entrances stop to check both ways before proceeding onto Warren Hill, there should be no increase in collision risk. Having considered the proposal against the above policies, TransportNI are also of the opinion that there will be no prejudice to road safety and have offered no objections to the amended proposal. This will result in a total of five dwellings using the laneway. This is acceptable for a private shared laneway without requiring adoption. The additional traffic to two dwellings should not adversely affect the amenity of the properties directly adjacent to the laneway on Warren Hill. As there is no policy objection to the proposal, it should be approved.

NI Water advised that public water supply and foul sewers were available with capacity to serve the development. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

Recommendation: Approval

Conditions:

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

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

2. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 12th October 2010 under reference P/2008/1042/O for 2 dwellings on the lands comprising the application site. This consent is not a permission to create additional dwellings and it may only be implemented in substitution for the previous permission referred to above.

Reason: To ensure that only two dwellings are created on the site.

3. The vehicular access shall be widened to 4.8m for a distance of 10m from the edge of the public road in accordance with the approved plans, prior to the commencement of any works or 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.

4. The existing natural screenings of the site, as indicated in green on the approved drawing 01 (REV 1) date stamped 8th August 2014 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

5. 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 during the first available planting season after occupation of the first dwelling.

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

6. 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.

7. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

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

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 June 2017
Subject:	Planning Performance Management Framework
Reporting Officer:	Canice O'Rourke, Director – Regulatory and Rechnical Services
Contact Officer:	Kate Bingham – Head of Performance and Improvement

Decisions Required:

Members are asked to note the contents of the report, and to give consideration and agreement to:

- The draft response to the consultation on the Planning Performance Management Framework.
- The submission of the draft response to the Department for Infrastructure by 30 June, in order to meet the consultation deadline.

1.0 Purpose & Background

1.1 Over the past 10 months, the Department for Infrastructure has been working with Councils to develop a Planning Performance Management Framework. The purpose of this framework is to measure performance, drive service improvements and provide an efficient and effective planning system across Northern Ireland.

The Planning Performance Management Framework will support central and local government in demonstrating how the Planning Service contributes to the delivery of the draft Programme for Government outcome based indicators. The Planning Performance Management Framework is an ongoing piece of work which is likely to evolve over time.

2.0 Key Issues

2.1 Newry, Mourne and Down District Council welcomes the Planning Performance Management Framework as a mechanism to deliver a more efficient and effective Planning system across Northern Ireland. The following key issues have been highlighted within the consultation response which is outlined in **Appendix 1**:

- The Planning Performance Management Framework does not make reference to the General Duty of Improvement for District Councils which is outlined in Part 12 of the Local Government Act (NI) 2014.
- The effective implementation of the Planning Performance Management Framework will have resource implications for local government.
- The Council welcomes the proposed suite of performance indicators which will

	<p>provide a 'balanced' overview of the performance of the Planning Service.</p> <ul style="list-style-type: none"> • Collating the data for performance indicator 18 around 'outcomes' may prove challenging, as this information is not routinely entered onto the Planning Portal. • There is duplication around the proposed reporting arrangements, with the Planning performance indicators being reported through the Annual Performance Report in October, as well as the Council's Retrospective Assessment of Improvement in September. • The Council welcomes the establishment of a Performance Working Group for Planning across local government, as well as further engagement in the future development and implementation of the Planning Performance Management Framework.
3.0	Recommendations
3.1	<p>To consider and agree:</p> <ul style="list-style-type: none"> • The draft response to the consultation on the Planning Performance Management Framework. • The submission of the draft response to the Department for Infrastructure by 30 June, in order to meet the consultation deadline.
4.0	Resource Implications
4.1	<p>Whilst there are no resource implications within this report, the future implementation of the proposed Planning Performance Management Framework may have resource implications for the Council.</p>
5.0	Equality & Good Relations Implications
5.1	<p>There are no equality and good relations implications within this report. The Planning Performance Management Framework has been developed by the Department for Infrastructure and will have been required to be subject to an equality screening process.</p>
6.0	Appendices
	<ul style="list-style-type: none"> ▪ Appendix 1 – Newry, Mourne and Down District Council's response to the Planning Performance Management Framework ▪ Appendix 2 – Correspondence from the Department for Infrastructure regarding the Planning Performance Management Framework ▪ Appendix 3 – Planning Performance Management Framework



The draft Planning Performance Management Framework has been issued to Councils by the Chief Planner, Fiona McCandless, requesting feedback by 30 June 2017. This response has been written by Newry, Mourne and Down District Council, and addresses the key elements of the proposed Planning Performance Management Framework, specifically in terms of the relationship with the statutory Duty of Improvement, the proposed performance indicators and the associated governance arrangements.

Introduction

1. Newry, Mourne and Down District Council considers performance management to be an essential component in driving forward improvement across local government. The Planning function is a key priority for the Council and we welcome the proposed Planning Performance Management Framework as a model to identify best practice and drive forward continuous improvement in delivering a more efficient and effective Planning system across Northern Ireland. The proposed Planning Performance Management Framework will assist local authorities in facilitating and embedding a performance improvement culture in the provision of services, and will complement the broader performance management regime introduced through the Local Government Act (NI) 2014.

Key Issues

2. The proposed Planning Performance Management Framework does not make reference to the General Duty of Improvement for District Councils which is outlined in Part 12 of the Local Government Act (NI) 2014. All District Councils are in the process of developing and embedding over-arching corporate performance management frameworks to drive improvement in the exercise of functions. Any proposed performance management framework for the services delivered by local government should therefore be aligned to, and form part of the over-arching statutory requirements of the Local Government (NI) Act 2014.
3. Newry, Mourne and Down District Council seeks further clarification on the regional and corporate infrastructure required to implement the proposed Planning Performance Management Framework, particularly in relation to the collation, monitoring, analysis, reporting and review of performance information. Updated processes and systems will need to be introduced to support the Planning Performance Management Framework and it currently remains unclear whether the Replacement Planning Portal will have the IT infrastructure and capability to facilitate and embed the proposed arrangements.
4. The effective implementation of the proposed Planning Performance Management Framework will need to be adequately resourced, in terms of human and financial resources. Whilst the documentation states that the resource implications for

monitoring the majority of the performance measures are minimal/low, coordinating and embedding the proposed framework will result in an additional workload for local Planning Departments, many of which are already over-stretched.

Performance Indicators

5. Through the Planning Performance Management Framework, it is proposed that the number of planning performance indicators will increase from 3 in 2016-17 to 17 in 2017-18, rising by a further 10, under Performance Indicator 18, by 2018-19. The Council welcomes the proposed suite of performance indicators, or in fact statistical returns, which provide a 'balanced' overview of the performance of Planning Services in terms of plan-making, efficiency, quality, engagement and enforcement. The Council particularly welcomes the exclusion of legacy applications within the guidance for some performance indicators, as well as the development of an additional performance indicator for the time taken to determine legacy applications. This will provide a more accurate appraisal of the performance of Planning Services in the post transfer phase. However, any proposed amendments to the 3 statutory performance indicators for Planning should also be reflected in the legislative requirements of the Local Government Act (NI) 2014 and the Local Government Performance Indicator and Standards Order (2015).
6. Whilst the proposed performance indicators will provide useful information, there is also a risk in prescribing a single indicator set for Planning Services across local government. It should be for each individual Council to determine 'what good looks like' in terms of the Planning Service, and this will be subject to variation across local government. For some Council's, Planning is regarded as an enabler for economic regeneration and for others, it is more of a regulatory function. It may therefore prove challenging to make meaningful comparisons between Councils where there is a fundamental difference in the emphasis of the service. It may be more appropriate to adopt a core set of process and output based performance indicators which focus on the quality of the service, as opposed to outcome based planning performance indicators. In this regard, the relevance and value of 'benchmarking' Planning Services, coupled with the risk of creating regional 'league tables' across local government, should therefore be questioned.
7. Whilst the documentation states that the Department will assume responsibility for collating the majority of the data, District Councils remain responsible for providing the information for and validating the content of the reports, in addition to analysing trends and setting targets for future years. Additional resources will be required to fulfil this responsibility, which will be further accentuated by the future inclusion of performance indicator 18 around 'outcomes'. This indicator will require District Councils to identify resources and put in place systems to collate and analyse information which is not routinely entered into the Planning Portal. The Planning Portal would therefore require additional functionality to identify affordable and market housing, and in view of the cost implications for adaptations to the Planning Portal, these outcomes may not be reported on until the Replacement Planning Portal is in place.
8. It should further be noted that many of the planning outcomes which fall under performance indicator 18 are subject to external influences, such as the local economic situation. It is therefore questionable whether local authorities should be measured on delivering outcomes which are beyond their immediate control.

9. In addition, it should be highlighted that the timescale for measuring the majority of the proposed performance indicators already commenced in April 2017, yet the consultation is ongoing until 30 June 2017.
10. The introduction of a standardised, annual customer satisfaction survey represents a significant opportunity for District Councils to understand the quality of service provided to customers. However, additional resources will be required to carry out the survey, analyse and benchmark the results and report the information through the proposed annual report. This will require a common regional approach which should perhaps have been taken into consideration as part of the transfer of functions in 2015. Understanding and monitoring customer satisfaction levels across local government is part of the broader corporate agenda, and any move to carry out customer satisfaction surveys for the Planning Service should take account of this and be integrated accordingly.

Governance Arrangements

11. In terms of governance arrangements, it is proposed that each Council publishes and submits an Annual Performance Report to the Department for Infrastructure by 31 October each year. This is in addition to the statutory requirement, outlined in the Local Government Act (NI) 2014, to report progress against the 3 statutory performance indicators for Planning through a retrospective assessment. This retrospective assessment of improvement must be submitted to the Department for Communities and the Northern Ireland Audit Office by 30 September each year. Further information is therefore required outlining how the proposed Annual Report for Planning will take account of the statutory retrospective assessment of improvement, so as to create consistency, avoid unnecessary duplication, make the best use of available resources and ensure a more collaborative approach between the Department for Infrastructure, Department for Communities and local government.
12. The roles and responsibilities of the Department for Infrastructure and local government, in respect of Planning, should also be clearly defined. Further consideration should be given to the governance arrangements concerning the validation and reporting of performance information. Planning Committees within each District Council should have an opportunity to review and scrutinise the quarterly performance information before it is published by the Department for Infrastructure in the public domain.

Next Steps

13. Newry, Mourne and Down District Council welcomes the establishment of a Performance Working Group for Planning as a useful mechanism to drive forward performance improvement across local government. The Council recommends that this group works in close liaison with the Local Government Performance Improvement Working Group, which leads on the statutory Duty of Improvement. To do so would facilitate information sharing, improve two way communication and help develop a consistent, coherent and joined up approach to developing and embedding a performance improvement culture across the statutory sector in Northern Ireland.

14. Moving forward, Newry, Mourne and Down District Council welcomes further engagement around the future development and implementation of the proposed Planning Performance Management Framework, as part of the broader performance improvement agenda for local government. We trust that the Department will take our comments into consideration as this area of work progresses.

Deputy Secretary
Planning, Water & DVA



Chief Executives of Local Councils

71 Ebrington Square
Derry-Londonderry
BELFAST
BT49 6FA
Tel: (028) 7131 4136

19 May 2017

Dear Chief Executive

PLANNING PERFORMANCE MANAGEMENT FRAMEWORK

Further to my letter dated 12 May regarding the above, I have received some representations requesting an extension to the deadline of 26 May for comments. The Draft Framework was also discussed at the Strategic Planning Group yesterday (18 May) and officials from local government informed the meeting that they wished to discuss the framework with their Planning Committees.

In order to facilitate these requests, I am happy to extend the date for comments to Friday 30 June.

Yours sincerely

FIONA MCCANDLESS

PLANNING PERFORMANCE FRAMEWORK FOR NORTHERN IRELAND

FINAL REPORT MARCH 2017

Abstract

An efficient and effective planning system is a crucial tool for meeting the needs of Northern Ireland's communities. It enables economic growth and house-building, create thriving and attractive places to live, work and relax, while protecting and enhancing the best of Northern Ireland's beautiful landscapes and rich culture and heritage.

This report sets out a Planning Performance Framework for Northern Ireland, including indicators and definitions, timescales and other matters for consideration. The Framework has been informed by engagement with planning practitioners from the private sector (agents/developers), District Councils and the Department for Infrastructure, as well as considering best practice in England, Scotland and Wales.

The objective is to establish a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.

Mark Hand, Arloesi Planning

markarloesiplanning@outlook.com

Table of Contents

Executive Summary	2
Performance Indicators.....	2
Equalities	8
Recommendations	9
Introduction	12
Background and Context	12
Current Situation	13
Performance Management	16
What Can Performance Management Achieve?.....	16
What Does 'Good' Look Like	16
Previously Proposed Changes & Ideas From Elsewhere	18
Strategic Objectives for Northern Ireland.....	19
Wales.....	19
England.....	22
Scotland.....	23
Strengths and Weaknesses Elsewhere.....	26
Proposed Performance Framework	30
Plan-Making	30
Efficiency	31
Quality	33
Engagement	35
Enforcement.....	36
Outcomes	36
Recommendations	37
Appendix 1: DoE Proposed Measures February 2015	40
Appendix 2: Welsh Planning Performance Framework	42
Appendix 3: Heads of Planning Feedback January 2017	44

Planning Performance Framework for Northern Ireland

Final Report March 2017

Executive Summary:

- i. This report sets out proposals for a Planning Performance Framework for Northern Ireland, including indicators and definitions, timescales and other matters for consideration.
- ii. The objective of this report is to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- iii. The recommendations have been formulated following discussions and a workshop with the Department for Infrastructure (DfI), Heads of Planning and relevant senior Local Government officers; consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking 93 regular planning agents/developers what is important to them in terms of an effective planning system; and feedback from Heads of Planning, Enforcement Officers and the DfI's Analysis, Statistics and Research Branch on the draft report issued in January 2017.
- iv. The following indicators are recommended:

Plan-making:

PI1 Has the Council:

a) had its Statement of Community Involvement (SCI) agreed by the Department?

Yes/Submitted but awaiting DfI decision/No. The Annual Performance Report (APR) can include an explanation if applicable, including consideration of the extent to which the SCI is operating effectively.

b) Published its Preferred Options Paper?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

c) Published its Plan Strategy?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

d) Published its Local Policies Plan?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

Rationale: This indicator directly relates to the primacy of the Plan-led system as per Section 6(4) of the 2011 Act and paragraph 5.11 of the SPPS. In a Plan-led system, the production of up-to-date Local Development Plans is essential to deliver sustainable development. This indicator measures progress towards Plan adoption.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?

Yes/Not applicable/No. The APR can include an explanation if applicable. The AMR would detail the extent to which the objectives set out in the Local Development Plan are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

Rationale: In a Plan-led system, the effective operation of adopted Local Development Plans is essential to deliver sustainable development. This indicator ensures adopted LDPs are monitored annually to ensure they are delivering on priority targets.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017 (acknowledging that the response will be 'not applicable' for a number of years until emerging LDPs are adopted).

Efficiency:

PI3 Average time taken to determine major applications

This indicator is the existing PS1 but amended as follows:

- to exclude legacy applications (those registered before 1st April 2015), as per the Scottish system, because they distort the picture of District Council performance;
- to exclude withdrawn applications, as per the Welsh system. Withdrawn applications have normally stalled for a significant period due to circumstances beyond the Council's control, and withdrawal is the applicant's decision not the planning department's decision.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and can exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

PI4 Percentage of major applications determined within the agreed timescale

The 'agreed timescale' would be a set target (currently 30 weeks) or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions, the applicant obtaining planning permission and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. Based on current performance, the existing 30 week

average target is an appropriate starting point¹. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 30 week target date for reporting on PI3. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

PI5 Average time taken to determine local applications

This indicator is the existing PS2 but amended as per PI3 (PS1) above to exclude legacy and withdrawn applications.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Minimal. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

PI6 Percentage of local applications determined within the agreed timescale

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance², with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 15 week target date for reporting on PI5. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

¹ From April to December 2016, the Northern Ireland average (median) time taken to determine major applications was 45.8 weeks (it was 70.0 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

² From April to December 2016, the Northern Ireland average (median) time taken to determine local applications was 15.0 weeks (it was 16.4 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

PI7 Average time taken to determine legacy applications

As per the existing PS1 but excluding withdrawn applications, and reporting only on applications that have a date valid prior to 1st April 2015. Withdrawn applications would be excluded. Given the age of these applications, a target is rather meaningless. If desired, the legacy applications could be subdivided between major and local applications. APRs should include commentary on progress made in determining legacy applications and the number still undetermined.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to measure progress on determining legacy applications.

Resource implications: Low. The Dfl's Analysis, Statistics and Research Branch can easily electronically separate out legacy applications based on the date valid and exclude out withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

Resource implications: Low. It should be possible for the Dfl to run a report to extract this data based on information already collated.

Quality:

PI8 Percentage of applications determined under delegated powers

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI7 it adds to the information regarding efficiency, and in conjunction with PI9-PI12 it adds to the picture regarding the way in which decisions are made and the outcome.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

PI9 Percentage of applications approved

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI8 it provides a picture regarding the balance of speed versus a positive/quality outcome. It also provides evidence that the planning system is not blocking development and economic growth.

Resource implications: Minimal as this data is already recorded by Dfl in its Statistical Reports.

Timescale: This PI can be measured from April 2017.

PI10 Percentage of Committee decisions made against the Officer recommendation

Rationale: When considered in conjunction with PI11 and PI12 the data provides a rounded picture of the quality of decisions, gives an indication of Officer-Member working relationships and could identify potential training needs. For example if Committee

overturns are not upheld at appeal, this might indicate a training need for Committee Members. Conversely, if the overturns are upheld at appeal, it might indicate a training need for Officers.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

PI11 Percentage of appeals against refusals of planning permission that are dismissed

Rationale: It is suggested that this indicator should measure appeals against planning refusals only. Appeals against Enforcement Notices are low in number and can be discussed in the APR if desired. Appeals against non-determination of the application relate more to the absence of timely decision-making rather than the quality of the District Council’s decision and so these should be excluded. This PI measures the quality of decisions made, as the PAC either upholds or overturns the Council’s decision. The limitation is that this applies to refusals only, but this is unavoidable as there is no third party right of appeal against the grant of planning permission. It is recommended that Council APRs include information and commentary regarding corporate complaints and compliments, upheld Ombudsman complainants and Judicial Reviews, but it is not considered appropriate to include those items as a performance target.

Resource implications: Minimal. This data can be obtained from the Planning Appeals Commission.

Timescale: This PI can therefore be measured from April 2017.

PI12 Number of appeal costs awards

This indicator measures the number of occasions where a Planning Appeals Commissioner awards costs at appeal. Costs could be awarded against the Council, if for example the Commissioner considers that the District Council’s decision cannot be substantiated or its behaviour has been unreasonable during the appeal proceedings. Alternatively, costs can be awarded in favour of a Council if the appellants have behaved unreasonably or their case has no prospect of success.

The indicator measures the number of instances where costs are awarded, not the amount of costs awards (£). In response to feedback from the Heads of Planning, partial costs award will be recorded separately.

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

Rationale: This indicator seeks to measure the quality of decisions made and/or the quality of service provided in terms of defending decisions at appeal in an open and timely way.

Resource implications: Low. This data can be obtained from the Planning Appeals Commission. Alternatively, these instances will be very low in number and so can be manually recorded if necessary.

Timescale: This PI can be measured from April 2017.

Engagement:

PI13 Does the District Council allow public speaking at Planning Committee meetings?

Yes/No. The DfI has produced best practice guidance for a protocol for public speaking rights. Quite rightly, this is simply guidance, and each District Council has discretion to set its own rules to meet the needs of its communities.

Rationale: allowing public speaking is considered to be best practice and is an important way of ensuring engagement in decision-making.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017

PI14 Does the District Council have a planning officer on duty to provide general planning advice to customers?

Yes/Partial/No. Consideration should be given to the amount of service that should be provided to score a 'yes' (e.g. 09:00-16:30 every weekday?).

Rationale: Research elsewhere has identified that access to planning advice is important to customers: a customer survey could test whether or not the same is true in Northern Ireland: if not, this indicator could be deleted.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

Enforcement:

PI15 Percentage of enforcement cases resolved within the target deadline:

This is identical to the existing PS3 indicator, which is considered to work perfectly well in terms of measuring the initial stages in formally resolving a breach of planning control that lie fully within the Council's control. An enforcement case is 'resolved' when one of the following actions has been taken:

- a) it has been concluded that no breach of planning control has occurred;
- b) it has been concluded that formal enforcement action is not expedient;
- c) a retrospective planning application has been submitted;
- d) an enforcement notice has been issued (to include Enforcement Notice, Breach of Condition Notice, Stop Notice, Unsightly Land Notice, Fixed Penalty Fine, Enforcement Warning Notice requiring submission of a retrospective application. It does not include issuing a Requisition for Information);
- e) the breach has ceased (use ceased, building demolished etc.).

Rationale: timely and appropriate enforcement action is an essential part of the planning service. The steps are fully within the Council's control. Reference to the 39 week target

deadline has been removed from the PI title to allow greater flexibility to adjust this target in the future. Any such changes to the target should be agreed by the Performance Working Group.

Resource implications: none.

Timescale: This PI can be measured from April 2017.

Outcomes:

PI16 Planning outcomes:

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries³;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries⁴;
- v. Total number of housing units completed⁵;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);
- ix. Number of megawatts of renewable energy approved.

Rationale: The number of housing units approved, the amount of employment floorspace approved, and renewable energy promotion are considered to be important planning outputs that align with the Minister's core objectives for the Northern Ireland planning system as set out in the SPPS. This indicator seeks to report on delivery against those priorities.

Resource implications: Moderate. Some of this data is already measured by some Councils but other data, while included on the application form (vi-viii) is not entered into the Portal at present and therefore cannot be retrieved without an inefficient manual search.

Renewable energy production (ix) is not currently captured on the application form unless volunteered by the applicant. This data would in any case reflect the maximum potential output: the real output would depend on wind speed/hours of sunlight etc. so the data would need to be treated with an element of caution.

Timescale: It is recommended that this PI be introduced during 2017/18 as a trial run, with a view to collecting the data properly from 1st April 2018.

Other matters:

v. Equalities:

The approval of Gypsy and Traveller sites forms an important part of addressing a specific housing need and meeting equalities objectives. However, it is recommended that this is best reported via LDP AMRs as delivery against the evidenced need in each Council area. In addition, it is understood that this is already reported on via each Council's equalities reporting.

³ A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

⁴ A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

⁵ This would be calculated using Building Control data

Consideration was given to whether or not other indicators would be appropriate to capture planning's role in ensuring equality for Northern Ireland's communities. However, the planning system primarily considers the land use implications of uses of land/buildings or physical development. Use of land is divided into use classes, so for example a religious institution could be used for any religious group: the permission would not be specific to a particular religion or group. The planning service sometimes has an important role to play in making timely decisions on adaptations to homes to allow people with disabilities to remain living safely and comfortably in their own homes, however most such works are 'permitted development' and do not require a planning application, so would not be captured by an indicator.

vi. **Recommendations:**

Recommendation 1 - District Council Annual Performance Reports:

That each year the DfI's Analysis, Statistics and Research Branch produces a template Annual Performance Report for each Council and populates it with that Council's statistics, using the data collation system already in place. Each Council would then add narrative to explain their performance and identify successes and areas for improvement/actions. Each Council would be responsible for publishing its APR on its website and submitting it to the DfI by an agreed deadline (31st October is suggested).

It is recommended that the APR should include:

- promotional information celebrating successful outcomes, for example regeneration projects that have gained planning permission or key development projects that are under way. This is an opportunity to publicise the value of the planning service for example in delivering quality and sustainable environments and enabling much needed house-building and job creation (see Recommendation 2);
- information and commentary regarding corporate complaints, compliments, upheld Ombudsman complainants and Judicial Reviews, to provide additional information about the quality of both decisions and the planning service. This data should be readily available within each Council;
- the number of undetermined legacy applications. This data is already collated by the DfI; and
- information regarding the number of withdrawn applications, including their duration within the planning system (0-6 months; 6-12 months or >12 months). This will capture information about potentially significant amounts of work that would otherwise go unreported. Withdrawn applications are already captured by the DfI's statistical and the three proposed time bands are used in relation to renewable energy schemes and legacy applications.

Recommendation 2 - Annual Performance Reports:

That the Heads of Planning or an appropriate sub group reviews a small sample of APRs from Wales and Scotland (suggest 4-6 in total) to identify best practice and, in particular, ways of emphasising outcomes of the planning system, not just performance data.

Recommendation 3 – Northern Annual Performance Report:

That the DfI produces an Annual Performance Report summarising the performance of Northern Ireland as a whole including reporting on the Department's and Planning Appeal Commission's performance. This report would be produced following submission of the District Council APRs. Given the low number of Regionally Significant Development applications, it is suggested that the APR includes commentary about the proposal and outcome in addition to decision speed and any relevant explanation for the time taken, if appropriate. This NI APR should also include information on call-in decisions (number and decision speed) and appeal decision speed by PAC.

Recommendation 4 – Data analysis:

That the DfI's Analysis, Statistics and Research Branch continues to provide data analysis support, including accuracy checks of the data submitted: this support is invaluable to provide robust, consistent and meaningful data analysis, as well as reducing the resource burden on Councils.

That consideration should be given to reporting both the arithmetic mean and the median, as per Scotland. The median figure may become less relevant if legacy applications and withdrawals are excluded. This should be reviewed by the Performance Working Group once the changes have bedded-in (see Recommendation 6).

Recommendation 5 – IT systems:

That the 'Discovery Project' should continue to review the best way of delivering an effective back-office planning IT system to replace/improve upon the Portal. Based on the experience in Wales, the use of corporate systems within individual Councils has caused considerable (and costly) problems when indicators or regulations are changed, necessitating amendments to multiple IT systems throughout Wales. Whatever IT system is procured, the software should be capable of measuring the new performance indicators, be sufficiently flexible to allow future amendments to those definitions (ideally free of charge), and enable improved access to performance management information for line managers. It should also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch. Consideration should be given to future performance management tools, for example would it be helpful to be able to record the reason an application missed the target deadline, and then run a report on that data?

Recommendation 6 – Performance Working Group:

A Performance Working Group should be established comprising representatives from the DfI Planning Division; the DfI's Analysis, Statistics and Research Branch; and District Council planning departments (primarily managers/leaders but with a small representation from Admin/Technical Support staff too). The Group should meet regularly (suggest quarterly) to:

- review performance indicators and definitions and to agree targets for the next year based on lessons learnt, trends, priorities and aspirations;
- to review the benefits of measuring the arithmetic mean in addition to the median for PI3-PI7 (as in Scotland);
- to identify a mechanism for measuring performance relating to 'intermediate' applications (15+ dwellings) separately using existing taxonomy categories. If beneficial, consideration should be given to amending PI3 and PI4 to create new PI measures for intermediate scale development;

- to monitor statistics relating to applications subject to S.76 agreements and review if any associated changes should be made (e.g. stopping the clock when a resolution to approve is made);
- to consider options for an additional enforcement indicator to measure the end-to-end customer (complainant) experience.

Recommendation 7 - Clock-stopping:

It is not recommended that the clock should stop or pause for any reason. Although there are numerous factors that can stall the Council's ability to determine an application, what matters to the customer is the end-to-end time. LPAs could record the reasons applications go beyond the target decision deadline and use this information to review and improve their procedures/systems/performance via their APR as applicable, or simply report on it as a reason for the performance figures being what they are. This will require a change to the NI Planning Portal which may not be possible in the immediate future.

Recommendation 8 – Customer satisfaction survey:

That Councils consider implementing a standardised NI-wide customer satisfaction survey and using the results as part of identifying best practice and benchmarking, for incorporation into their APRs. The survey should be at least annual, although ideally it would be issued as soon as the Decision Notice is dispatched to maximise meaningful customer feedback.

Planning Performance Framework for Northern Ireland

Final Report March 2017

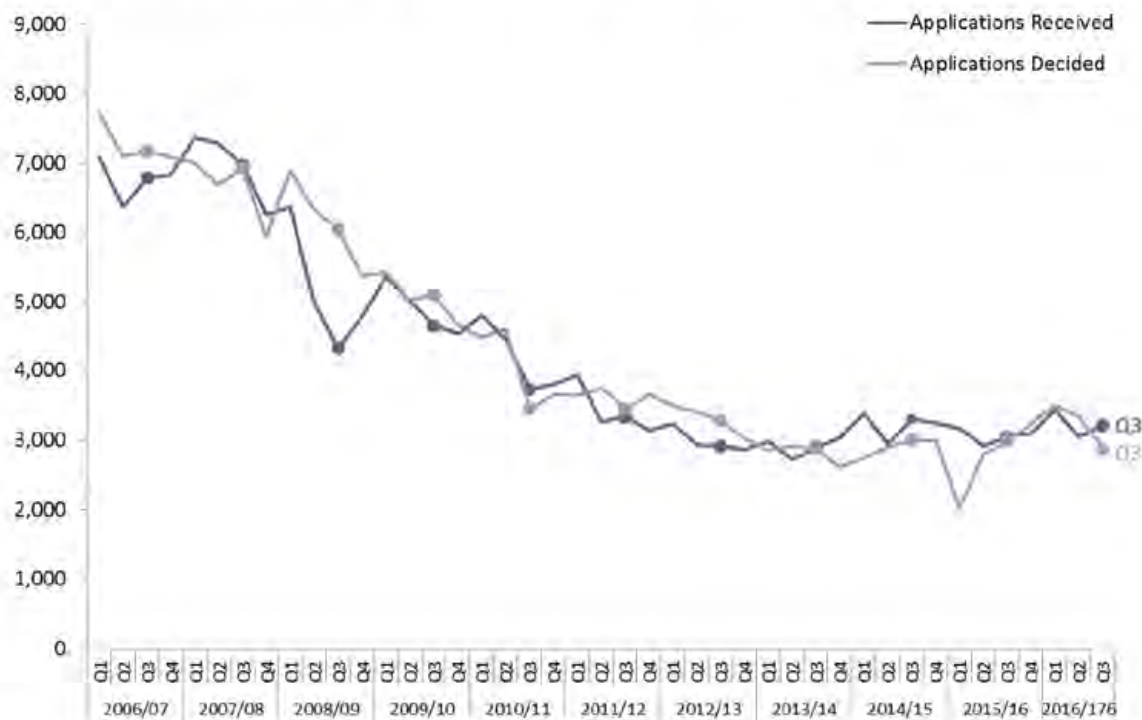
1.0 Introduction:

- 1.1 This report sets out proposals for a Planning Performance Framework for Northern Ireland, including suggested indicators and definitions, timescales and other matters for consideration.
- 1.2 The objective of this report is to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework should be fair, consistent, clear and achievable. It should also help to drive efficiency and self-improvement and establish a consistent basis for comparison and benchmarking purposes. Where possible it should make use of existing reporting arrangements. It should also be expected to evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- 1.3 The recommendations have been formulated following discussions and a workshop with the Department for Infrastructure (DfI), Heads of Planning and relevant senior Local Government officers; consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking 93 regular planning agents/developers what is important to them in terms of an effective planning system; and feedback from Heads of Planning, Enforcement Officers and the DfI's Analysis, Statistics and Research Branch on the draft report issued in January 2017.

2.0 Background Context:

- 2.1 The planning system in Northern Ireland has undergone a period of significant change over the last 18 months. On 1st April 2015, the planning function was devolved from the Northern Ireland Government's former Department of the Environment (DoE) to 11 newly re-organised District Councils. The previous arrangement of 26 District Councils had been in place since the early 1970s.
- 2.2 This period since April 2015 has involved three key areas of significant culture change:
 - Newly merged District Councils establishing their governance, purpose and priorities as new organisations;
 - Former Civil Servants from the DoE transferring to a different working environment and public interface within the new 11 Councils; and
 - District Councils adapting to their new role as decision-maker on planning applications rather than simply being a consultee.
- 2.3 Both actual and anecdotal evidence suggests that the new planning system and Council reorganisation are now bedding-in, but it is important that any proposed performance management measures have regard to the context of recent significant change: the

introduction of significant further change and/or additional resource demand at this time could be self-defeating. In terms of the evidence, the number of applications determined in NI dropped sharply in Q1 2015/16, coinciding unsurprisingly with Local Government reform and the transfer of planning powers. Decision numbers have since increased and are now back to 2011/12 levels. Both decision numbers and the number of planning applications lodged remain significantly below pre-2007 levels. The latter is not within the control of District Councils and is not unique to Northern Ireland, rather being a result of the wider



economic climate.

Source: Figure 1.1 Northern Ireland Planning Statistics Quarter 3 2016/17, DfI

3.0 The Current Situation:

3.1 At present, planning performance is measured against three statutory performance indicators:

PS1: Average time taken to determine major planning applications.

3.2 The target set by the DfI is for the average time taken to determine applications for major development to be less than or equal to 30 weeks. Time is measured from receipt of a valid application to issuing the decision, or withdrawal of the application. The 'average' is calculated as the median, to reduce the skewing effect of significant outliers. A 'major' application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#)⁶.

⁶ A 'major' application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#) but is essentially:

- Residential: 50 or more units or the site is or exceeds 1 hectare;
- Retailing, Community, recreation or Culture: creation of 1000sqm+ floorspace or the site is or exceeds 1 hectare;

- 3.3 Average determination times for major applications have been getting worse since April 2015. It should be noted that this definition changed significantly in 2014/15 so an analysis of historic trends is not readily achievable.
- 3.4 For the 2015/16 period⁷, the average processing time for major applications was 46.4 weeks, which is well over the 30 week target. Only one District Council achieved this target during 2015/16 (Antrim and Newtownabbey). No Council achieved the 30 week target in the first half of 2016/17⁸, and the average processing time during this period increased significantly to 70.4 weeks. This can be partly attributed to District Councils progressing long-standing inherited legacy applications: if the 65 determined legacy applications are excluded, the average processing time for the first half of 2016/17 reduces to 46.1 weeks (but this is still well above target).
- 3.5 During the 2015/16 period:
- 286 major applications were determined, of which 243 were legacy applications;
 - 87% were approved;
 - 16 applications were withdrawn;
 - 145 new applications were received.

PS2: Average time taken to determine local planning applications.

- 3.6 The target set by the DfI is for the average time taken to be less than or equal to 15 weeks. Time periods and averages are measured in the same way as for PS1 above. A 'local' application is defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#)⁹.
- 3.7 Average determination times for local applications have recently improved each quarter, falling from 21 weeks in Q3 15/16 to 16 weeks in Q2 16/17.
- 3.8 During the 2015/16 period:
- 11,188 local applications were determined, of which 4931 were legacy applications;
 - 94% were approved;

-
- Business, industry, storage and distribution: creation of 5000sqm+ floorspace or the site is or exceeds 1 hectare.
 - Minerals working: site is or exceeds 2 hectares (but, generally, is less than 25 hectares);
 - Energy generation exceeding 5MW (but is less than 30MW).

⁷ Source: <https://www.infrastructure-ni.gov.uk/system/files/publications/infrastructure/planning-statistics-2015-16-tables.XLSX> . The data in table 8.2 was used (this differs slightly from the data in table 3.1).

⁸ Source: <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-july-september-2016> . The data in table 8.2 was used (this differs slightly from the data in table 3.1).

⁹ 'Local applications' means an application defined as local development in the Planning (Development Management) Regulations (Northern Ireland) 2015, and any other applications for approval or consent under the Planning Act (Northern Ireland) 2011 (or any orders or regulations made under that Act). Applications to discharge conditions are excluded.

- 444 applications were withdrawn;
- 12,069 new applications were received.

PS3 Proportion of enforcement cases progressed to the target conclusion within 39 weeks.

3.9 The target set by the DfI is for 70% of enforcement cases to be concluded within 39 weeks. Enforcement cases are investigations into alleged breaches of planning control under Part 5 of the Planning Act (Northern Ireland) 2011 (or under any orders or regulations made under that Act). Target conclusion means the achievement of one of the following outcomes of an investigation:

- (i) Case closure;
- (ii) Submission of a retrospective planning application;
- (iii) Enforcement action under Part 5 of the Planning Act (Northern Ireland) 2011 (or under any orders or regulations made under that Act) which is measured as the date on which the appropriate enforcement notice or breach of condition notice was issued);
- (iv) Summons to court – which is measured as the date on which the District Council instructs its solicitor to progress summons action to court.

3.10 During the 2015/16 period:

- 2712 enforcement cases were concluded;
- 77.2% were concluded within 39 weeks, which comfortably exceeds the 70% target. Only one District Council failed to achieve the target);
- Of the 2712 concluded cases, 2640 enforcement cases were closed, of which:
 - 695 were remedied/resolved;
 - 406 were granted planning permission;
 - 438 were not expedient to pursue;
 - 918 cases did not represent a breach of planning control;
 - 179 were immune from enforcement action; and
 - 4 were allowed at appeal/the Enforcement Notice was quashed;
- 2914 new enforcement cases were opened.

Other Indicators

3.11 In addition to the above indicators, the DfI records its own performance in terms of average time taken to determine regionally significant planning applications for which it has jurisdiction. The Departmental targets and indicators are currently under review.

Data Analysis

3.12 Data for indicators PS1 to PS3 is collated via a shared Planning Portal IT system. Data quality is checked by the DfI's Analysis, Statistics and Research Branch. The Branch then publishes a quarterly statistical bulletin with a comprehensive commentary about actual performance and past trends. This publication fulfils its purpose of statistical reporting and analysis, although the content reflects process rather than outcomes. This topic is considered further below.

3.13 It is noted that most of the statistical analysis is based on comparing the latest quarterly returns with the same quarter in the previous year. This approach seems to inherently imply that workload or performance fluctuates on a seasonal basis, and that Q2, for example,

should be expected to reflect Q2 last year. It is accepted that there are aspects of the construction industry that are seasonal and might track backwards through project management timetables into the planning system, for example:

- Launching sales on a housing development in Spring when people start thinking of 'nest building';
- Avoiding concrete pours or significant excavations during freezing or very wet weather;
- Opening a business to coincide with peak trade e.g. Christmas;
- Opening a new school to coincide with the academic year.

However, the biggest impacts on workload and performance in the last decade have related to the global economic downturn, the introduction of new legislation (such as pre-application consultation on major applications) and the transferring of planning powers to District Councils. There is no seasonal aspect to those events, and it might be more beneficial to compare the latest quarter's performance with the preceding quarter or a rolling 12 month period, for example.

4.0 Performance Management:

4.1 Before making recommendations for a Planning Performance Framework for Northern Ireland, it is important to consider two interrelated issues. Firstly, what can performance management achieve, and secondly what does 'good' look like? Essentially, effective performance management needs to carefully consider what is being measured and why, what the results tell us, and whether or not the results will inform future behaviour, priorities or service delivery.

What can performance management achieve?

4.2 It must be recognised that while performance management is a vital tool for improving the planning service, it does not in itself deliver better outcomes. If used improperly, performance management can actually drive perverse outcomes. For example, an unhealthy focus on decision speed can result in either quick refusals¹⁰ (which help no-one), or the approval of mediocre development, which fails to achieve the objective of creating attractive places to live and work in: sustainable places for the well-being of current and future generations. However, it must also be recognised that unduly slow decisions hinder economic development and create uncertainty for all parties. A balance needs to be struck.

4.3 Performance management does, however, provide an important opportunity to reflect on performance, benchmarking against previous performance, the NI average, and also making comparisons with other Authorities. By identifying and investigating areas of best practice, Planning Authorities can share with each other areas of success and, where applicable to local circumstances, that best practice can be applied to, or adapted to suit, other planning departments.

What does 'good' look like?

4.4 The planning system can be a complex mix of legislation, politics and public opinion. Its purpose is to deliver sustainable development by making balanced judgements informed by

¹⁰ This was documented in the DCLG's 2008 *Planning for Homes* publication in England in 2008 based on evidence collated by the National Audit Office. Reported in *Planning* magazine 09 January 2009 (page 4).

the often competing objectives of numerous stakeholders. In terms of outcomes, the planning *system* has numerous customers.

4.5 However, it is sometimes worth trying to distil matters back to simple concepts. In its most basic sense:

- The customer of the planning *service* is the applicant. If there were no applicants wanting to carry out development, there would be no planning applications to determine, nothing to consult on, no need for a Development Plan, and no planning service to provide;
- Ultimately, the customer wants one thing: to get planning permission;
- Ultimately, the Planning Authority wants one thing: to give planning permission for acceptable development. 'Acceptable' relates to quality, design and location, all of which would normally be the aims of planning policy.

4.6 In terms of enforcement:

- The customer is the complainant. This might be a resident, Councillor, interest group or Council officer, but if nobody ever spotted and reported unauthorised development, there would be no enforcement complaints and therefore no enforcement service;
- Ultimately, the customer wants the material planning harm to be addressed (this might be via removal of the breach, amendments to the development/use, or simply regularisation, as sometimes the reason for the complaint is that something is unauthorised rather than actually causing harm);
- Ultimately, the Planning Authority wants the material planning harm to be addressed.

4.7 While this is clearly an overly simplistic view, it does illustrate that in most cases, the customer and the planning department share the same goal. The main disagreement comes over whether or not a development is acceptable in planning terms.

4.8 To both the Planning Authority and the immediate customer, therefore, 'good' could be defined as:

- Quick approval of acceptable development;
- Prompt and robust enforcement action against unacceptable unauthorised development.

To the Planning Authority, 'good' is also the robust refusal of unacceptable development and defence at appeal, although applicants may not recognise this as 'good'.

The wider community and other stakeholders would probably generally agree with the above statements, although the definition of 'acceptable' development would be disputed, and the focus would likely be more on a quality outcome than speed. However, it is considered that most people would recognise the importance of timely decisions in terms of

certainty for all parties and to avoid deterring economic growth or regeneration. Acceptability and quality are relatively subjective and inherently difficult to measure.

4.10 Feedback and discussion at the Heads of Planning workshop identified the following as traits of a good service:

- Customer focus;
- Communication/engagement;
- Accessibility of advice and information;
- Certainty of outcome and timescales;
- Equality

4.11 To help inform the Performance Framework, 93 regular planning agents and developers were contacted by email and asked, very simply:

"What is important to you as a customer of the Northern Ireland planning service?"

A detailed questionnaire was deliberately avoided so that responses were not led in any way by the questions. For example, if options are given or references made to, for example, decision speed, the respondent instantly has decision speed in their mind as a potential issue. 14 responses were received. Although a poor response rate, this should not detract from the value of the responses received which contained a number of consistent themes.

4.12 The top 5 characteristics of a good service were:

1. Timely, honest and open communication with customers;
This does not lend itself to a performance indicator however it is recommended that complaints and complements are reported on in the Council's APR.
2. Prompt decisions and an appreciation of the economic implications of delays;
This will be measured by PI3-PI7.
3. A positive outcome (i.e. obtaining planning permission);
This will be measured by PI9.
4. Properly resourced planning departments;
This does not lend itself to a performance indicator, however APRs in Wales contain information about staff structures and resources and the same approach could be adopted in Northern Ireland.
5. Confidence to interpret policy and make decisions.
This does not lend itself to a performance indicator directly, although there are links to the proposed indicators on decision speed, Committee overturns, and appeal success rate. The proposed customer survey would also provide further customer insight.

5.0 Previously proposed changes and ideas from elsewhere:

5.1 In February 2015, the DfI consulted on a proposed Performance Management Framework and suite of proposed additional indicators¹¹. Unfortunately the timing of this work coincided with Local Government reorganisation and therefore only three of the new 11 Councils submitted a response. The DfI considers that the time is now right to re-examine this topic, and the District Council planning departments are now able to actively engage in the discussion.

¹¹ See Appendix 1

5.2 Notwithstanding the low response rate in 2015, the replies have been taken into account. In particular:

- Respondents sought a more collaborative approach between the DfI and District Councils in setting out the framework. The DfI has sought to implement this request via the Heads of Planning workshop and future engagement associated with this report and draft proposals;
- Concern was raised regarding the number of proposed indicators and the associated resource implications. Regard has been had to this feedback in producing the draft Framework;
- It was agreed that, to inform this work, the Department should set out its strategic objectives for planning in Northern Ireland. These objectives would then be used as a framework to help identify suitable measures of outcomes. Regard has been had to the Strategic Planning Policy Statement published in September 2015 in producing the draft Framework.

5.3 Although the DfI advises that the proposed Planning Performance Framework need not be constrained by the previous 2015 proposals, some of the 18 initial suggestions had merit, in particular those relating to Plan-making and those relating to the quality of decisions made (Committee overturns, appeal decisions and Ombudsman/Judicial Review decisions). Others are considered to add little value to shaping improved services (for example the number of Planning Committee meetings held).

Strategic objectives for planning in Northern Ireland

5.4 The Strategic Planning Policy Statement was published in September 2015 and states (paras 2.1-2.2) that the objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Planning Authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of built and natural environments for the overall benefit of society.

5.5 Planning Authorities should prioritise timely and predictable decision-making to support positive place-making and effective stewardship that contributes to shaping high quality sustainable places in which to live, invest, work and spend leisure time. The SPPS identifies economic growth as a key dimension of sustainable development for Northern Ireland. This requires the planning system to continue to provide protection to the most cherished aspects of the built and natural environment, while unlocking development potential, supporting job creation and aiding economic recovery for the benefit of all.

5.6 Paragraph 4.2 identifies the core planning principles of the two-tier planning system as:

- Improving health and well-being;
- Creating and enhancing shared space;
- Supporting sustainable economic growth;
- Supporting good design and positive place-making; and
- Preserving and improving the built and natural environment.

Wales

5.7 The 2015 Planning (Wales) Act marked the introduction of a desire to create a positive planning system, facilitated by culture change from all parties involved. The new legislation

has built upon previous performance measurements and introduced various new measures, such as a requirement on Local Planning Authorities to produce an Annual Performance Report (APR), the ability for Authorities to agree extended deadlines with the applicant for determination of their application, a requirement for LPAs to refund the application fee if the application is not determined within a deadline, and the power for the Welsh Government to step in if an LPA is consistently poorly performing. Not all of these measures are welcomed by Local Planning Authorities and concerns are often expressed that they have the potential to drive perverse behaviour and do not align with the aspiration for place-making.

5.8 A Planning Performance Framework¹² has been developed in close partnership with Local Planning Authority representatives via a working group. The framework comprises 19 performance indicators and a further 7 Sustainable Development Indicators. The 19 performance indicators fall into five categories:

5.8.1 Plan-making:

- Is there an adopted (in date) Development Plan?
- Is the LDP progressing in accordance with the original Delivery Agreement timetable?
- If the LDP has been adopted, has an Annual Monitoring Report been submitted?
- Does the LPA have a 5 year housing land supply (NB the way this is now measured is causing a significant issue for LPAs)?

5.8.2 Efficiency:

- % major¹³ applications determined within 56 days (8 weeks) or within the agreed timescale¹⁴;
- Average time¹⁵ in days to determine major applications;
- % all applications¹⁶ determined within 56 days or within the agreed timescale;
- Average time in days taken to determine all applications;
- Proportion of applications determined under delegated powers;

5.8.3 Quality:

- % decisions made under delegated powers;
- % decisions made by Planning Committee that were against officer advice;

¹² See Appendix 2

¹³ A major application is defined as 10 or more dwellings, 1000sqm + of additional commercial floorspace or a site area of 1 hectare or more (or 0.5ha if an outline application for residential development but the number of dwellings is not known).

¹⁴ The agreed timescale is 8 weeks from date of receipt of a valid application, or any other deadline agreed in writing with the applicant. It is worth noting that the only time the clock is paused is if the application fee cheque bounces. It is not paused for any other reason (for example if extra information is required). If a S106 planning agreement is required (equivalent to NI's S76), the clock stops when a formal resolution is made to grant planning permission subject to that legal agreement.

¹⁵ Unlike NI, the average is measured as the arithmetic mean (i.e. total number of days divided by the number of applications). This means outliers are included in, and can heavily skew, the result.

¹⁶ 'All applications' includes a very similar if not identical range of applications to the NI 'local development' category, however importantly it also includes major applications too, so majors are effectively counted twice in Welsh statistical returns.

- % appeal decisions that upheld the Council's decision;
 - Number of cases where costs were awarded against the Council at appeal;
- 5.8.4 Engagement:
- Can the public speak at Planning Committee meetings?
 - Is there a 'Duty officer' service to provide public advice?
 - Does the LPA website allow applications to be viewed and commented upon?
- 5.8.5 Enforcement:
- % enforcement cases 'investigated'¹⁷ within 84 days;
 - Average time taken to investigate enforcement complaints;
 - % enforcement cases 'resolved'¹⁸ within 180 days;
 - Average time taken to resolve enforcement cases.
- 5.9 The Sustainable Development Indicators attempt to measure the contribution of planning to wider Welsh Government objectives, namely:
- Floorspace approved/refused for new economic development on allocated employment sites;
 - Planning permission granted for low carbon energy development (number of applications for stand-alone renewable energy schemes exceeding 5MW, and the number of megawatts approved/refused);
 - Number of dwellings approved (market/affordable);
 - Planning permission granted/refused for development within flood zones (number of dwellings/amount of floorspace);
 - Amount of development approved on greenfield vs brownfield sites;
 - Amount of public open space lost or gained as a result of planning permissions;
 - The amount of money secured via planning contributions.

These Sustainable Development Indicators have been useful in illustrating the positive contribution of planning as well as providing evidence to counteract 'planner-bashing' by politicians, developers or the media. However, data collection has been particularly problematic and still (two years in) requires a considerable amount of manual collation, for example counting how many of the approved homes lie within the designated flood plain. The measures combine data retrieval with spatial analysis, for example identifying decisions relating to economic development (easy), identifying which of those are located within LDP allocated employment sites (manual check due to limitations of IT systems) and then extracting the floorspace area for those applications. Approximately 40% of planning applications in Wales are submitted electronically via the Planning Portal. Where back-office systems are capable, the information from the application form can be automatically uploaded. In all other cases, the data must either be manually entered (which is resource

¹⁷ 'Investigated' means the time taken from receipt of complaint to notifying the complainant of whether or not a breach of planning control has occurred, and what action the LPA proposes to take. The 84 day period is an unusually generous period carried forward from when this indicator measured 'Cases resolved', which was very similar to NI's PS3.

¹⁸ 'Resolved' means that the enforcement case is fully closed, e.g. there is no breach; action is not expedient; planning permission has been granted; an Enforcement Notice has been complied with; or the breach has otherwise ceased or been removed.

intensive) or manually checked for relevant cases for statistical returns. Some of these difficulties would be reduced or avoided if all Authorities used the same IT system, a significant benefit in Northern Ireland. To date, full statistical returns are still not being provided by all LPAs, limiting the use of the data that is collected.

- 5.10 It is worth noting that data quality is not checked by the Welsh Government. LPAs are expected to take responsibility for their own data and carry out any necessary checks before submitting it. There is an opportunity to explain errors in the Annual Performance Report, but the published data remains the published data after a cut-off date. This approach is still bedding-in, but in principle is supported: the data should be right the first time and it is the LPA's responsibility to ensure this is the case. It is, after all, their data.

England

- 5.11 In England, there is a mix of two tier (County and District) Councils and Unitary Authorities. Statistics are reported separately for the two systems, which makes any meaningful understanding of the wider planning system unduly complicated. Local Planning Authorities are not required to produce an Annual Performance Report; however the Department for Communities and Local Government (DCLG) does produce a quarterly statistical report on key performance data.
- 5.12 A significant number of performance indicators are reported upon, and split between County and District decision-making, including:
- Number of applications determined and the approval rate;
 - % major applications determined within 13 weeks (91 days) or within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
 - % non-major¹⁹ applications determined within 8 weeks (56 days) or within an agreed deadline;
 - % householder applications determined within 8 weeks (56 days) or within an agreed timescale;
 - Proportion of applications determined under delegated powers;
 - Appeal success rate;
 - Enforcement activity (number of formal notices issued or injunctions taken out);
 - As contextual information only, the number of applications approved for residential development is recorded. This data is submitted by LPAs. However, a private company (Barbour ABI) is contracted to extract and collate supplementary information for the DCLG on the number of units granted permission;
 - Traveller pitches approved and time taken to determine the applications;
 - Data is also recorded on England's new controversial and complicated system of prior approvals for larger household extensions, and conversions of offices, warehouses, agricultural buildings, casinos etc. to residential units. The submitted information records how many cases were deemed to not require prior approval, and of the remainder, in how many cases prior approval was refused or granted.

¹⁹ 'Non-major' developments includes the categories previously referred to as 'minor', 'householder' and change of use.

- 5.13 The quality of data submitted is checked by the DCLG and queried with the LPA if necessary, similar to the approach in Northern Ireland.
- 5.14 Since April 2014, 'extensions of time' or performance agreements can be used for all application types, not just major applications, although anecdotal evidence from conversations with colleagues in English LPAs suggests many were unaware of this provision until late 2015/16 so the results are likely to only now be evident in published statistics. The effect on 'in time' major decisions is clear, with 0% of major applications having an EoT agreement in Q2 2009/10 rising to 55% in Q2 2016/17. During that period performance has 'improved' from 70% to 80% of major applications determined within time, albeit with a trough in the middle reflecting the economic downturn that is also reflected in NI and Welsh performance statistics. The phrase 'improved' is used in inverted commas because the applications have not been determined more quickly, they have simply been outside of the 13 week target but with the applicant's agreement. This is, however, an important reflection of the importance that applicants place on getting a positive decision over simply a quick decision.

Scotland

- 5.15 Scotland introduced a Planning Performance Framework in 2012 which measures:
- Number of applications determined and the approval rate;
 - % major applications²⁰ determined within an agreed deadline, both as an inclusive figure and separating out those with an extension of time (EoT) or planning performance agreement (PPA);
 - Average time²¹ taken to determine major applications (but this measure excludes any applications subject to separate processing arrangements e.g. EoT or PPA);
 - % local development²² applications determined within 2 months;
 - Average time taken to determine local development applications (excluding legacy cases);
 - % householder applications determined within 2 months;
 - Average time taken to determine householder applications (excluding legacy cases);
 - Proportion of applications determined under delegated powers;
 - Success rate at local review appeals and appeals to the Scottish Ministers;
 - Enforcement activity:
 - Number of formal notices issued or injunctions taken out;
 - Number of breaches taken up (i.e. there is a breach of planning control);
 - Number of cases resolved

The latter two items were recently added because LPAs considered that recording only formal notices meant a lot of informal negotiation, mediation and action was 'hidden'.

²⁰ Major developments include applications for 50 or more homes or where the site area exceeds 2 hectares, as well as certain waste, water, transport and energy-related developments (20MW+), larger retail developments, and other types of major developments (10,000sqm +).

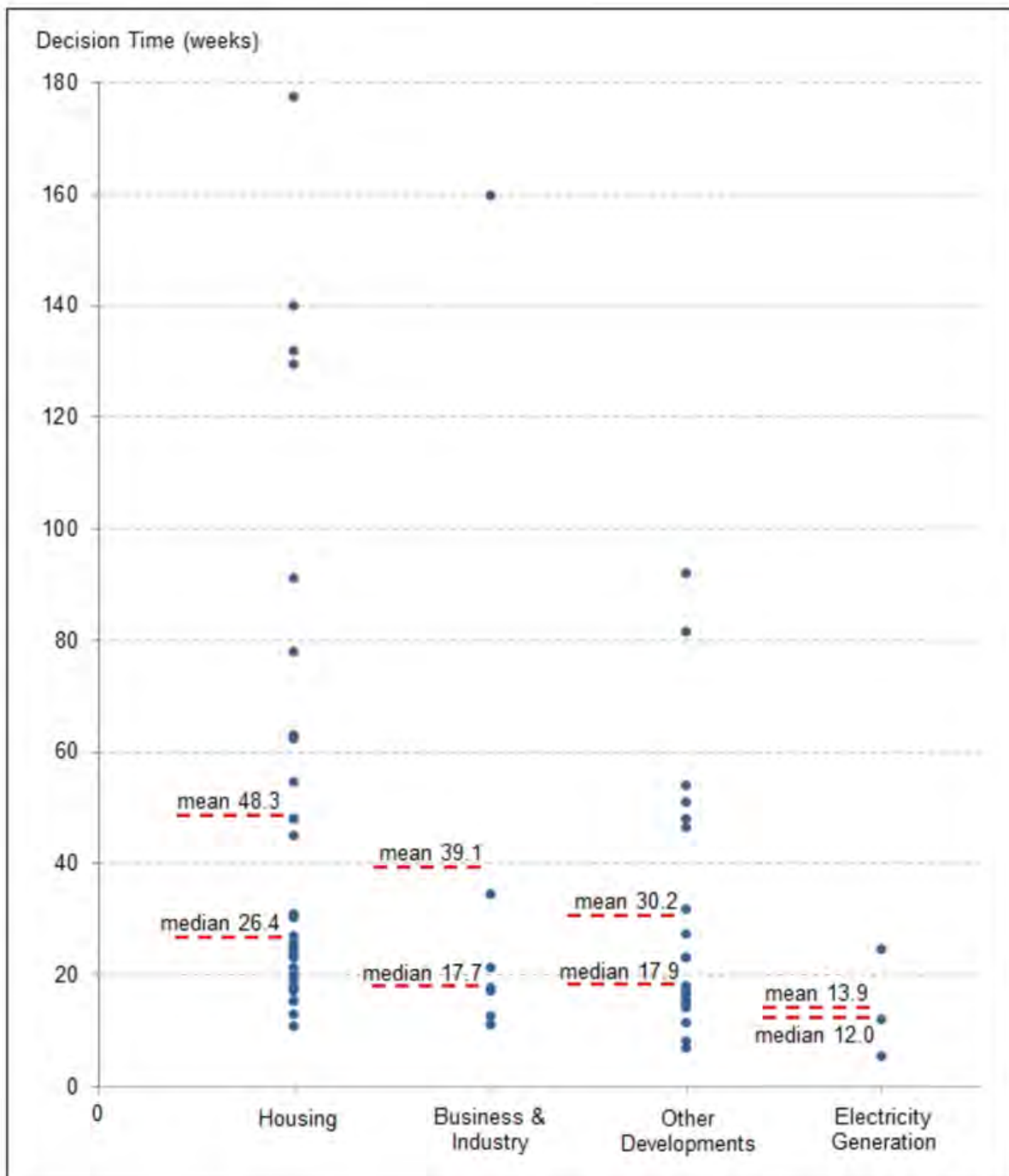
<http://www.gov.scot/Resource/Doc/278390/0083657.pdf>

²¹ Both the arithmetic mean and the median are measured. However, unlike Wales, applications subject to Processing Agreements are excluded. Applications involving a legal agreement are recorded separately.

²² The definition of 'local development' appears to be identical to the NI definition.

5.16 Of note:

- The Scottish data for LPA performance excludes legacy cases (those registered prior to 3rd August 2009). These are reported separately on the basis that they can badly skew results;
- The PI definitions allow the clock to be stopped when issues arise that are beyond the LPA's control. In Q1 2016/17, this occurred on 289 out of 9327 determined applications, and the average period for which the clock was stopped was a not insignificant 18.6 weeks. Actual results for that quarter ranged from 0 (4 LPAs out of 34 did not stop the clock at all) to 185.6 weeks. The clock can only be stopped when additional information has not been provided within a reasonable specified period. Reasons for stopping the clock include:
 - Inactivity while the land transaction was on hold (correspondence to that effect from the developer must be provided as evidence);
 - Applicant failed to provide amended drawings on time despite repeated requests and meetings. Correspondence from planning authority to applicant, chasing up the request (minimum one reminder) must be provided as evidence;
 - Site survey required in relation to European Protected Species that must await a particular season. Correspondence showing that survey was necessary, requesting survey from applicant and demonstrating when it was carried out must be provided as evidence;
 - Delay in consultation response from external consultee. Correspondence from planning authority to consultee chasing up the request (minimum one reminder) must be provided as evidence.
- The published statistics reports both the mean and median time taken to determine major applications, and also reports the percentage of decisions that were quicker than the mean, rather than the percentage within a specified target. The graph below for Q1 2016/17 usefully illustrates the effect of using these two different figures as an average and gives an idea of how this different approach between Wales and Northern Ireland affects the published figures;



Distribution of decision times for major applications in Scotland Q1 2016/17

- 5.17 National developments are mainly large public works (for example, the regeneration of the former Ravenscraig steelworks) and are identified in the National Planning Framework (<http://www.gov.scot/Topics/Built-Environment/planning/National-Planning-Framework>). National Developments are not included in the published planning performance statistics.
- 5.18 In addition, a number of 'Markers' are reported on by the Scottish Government in relation to Plan-making. These are detailed further below. In its report, the Scottish Government scores Planning Authorities on their performance:

RED - Where no information or insufficient evidence to meet the markers has been provided, a 'red' marking is allocated;

AMBER - An amber marking shows that some evidence has been provided and that work is ongoing in the area, with further improvements needed; or that there is a commitment to move this work forward; and

GREEN - Green signifies that an authority is meeting the requirements of the marker on all levels.

Strengths and weaknesses of performance management indicators elsewhere²³

5.19 The following matters are considered to be strengths and weaknesses of existing systems in Northern Ireland, Wales, England and Scotland which could inform the Northern Ireland Planning Performance Framework:

5.20 General

- The collaborative approach to setting and defining performance indicators and reviewing targets operating in Wales has helped provide generally meaningful, measurable and robust indicators and secure buy-in from both parties.
- The use of Annual Performance Reports in Wales and Scotland encourages LPAs to reflect on performance against previous years. The APR also provides an opportunity for each Authority to tell the story behind their statistics. This might include a conscious decision corporately to prioritise quality rather than speed, or might highlight a particular resource issue, or identify training needs. In Wales, they are used to compare performance against other LPAs and the Welsh average, and the Planning Officers' Society for Wales is seeking to use them to identify and learn from best practice elsewhere. In contrast, Scotland's APRs seem to focus on internal benchmarking only.
- Notwithstanding the benefits of APRs, they tend to be process and performance oriented, rather than outcome focused. However, this is within the gift of the LPAs, as authors, to change. Heads of Planning Scotland suggest that their APRs are more outcome focused rather than procedural/process focused. Glasgow's 2015-16 APR provides a good example containing several case studies of positive outcomes²⁴. This approach would benefit from further research.
- The headings used in Wales provide a logical and comprehensive framework.
- Feedback from the workshop expressed concern regarding the resource implications of having too many, or unduly complex, indicators. The 26 indicators used in Wales was considered by most present to be too many. This is definitely the case when supplemented by over 60 indicators contained in the LDP Annual Monitoring Report. While England has a lower number of performance indicators, they are reported in two groups against County (or Unitary) and District Councils, making it difficult to get an overall picture of performance.
- Feedback from the workshop was that the Welsh Sustainable Development Indicators were a good idea but the difficulties in collating the information made them impractical. It is recommended that a small number of similar measures are introduced in Northern Ireland now to measure three priorities identified in the SPPS: housing delivery (especially affordable housing), economic growth and renewable energy. In

²³ These comments about strengths and weaknesses represent the author's personal opinion.

²⁴ [Glasgow's APR.pdf](#)

the longer term, these measures should be recorded via LDP AMRs. However, there is significant merit in District Councils agreeing a consistent indicator definition to provide a Northern Ireland-wide figure (see APR section below).

5.21 Plan-making

- The Scottish Government's annual report²⁵ includes an indicator relating to LDP age, and another reporting on LDPs less than 5 years old (Markers 6 and 7). The merit of such an indicator is debatable: if an LDP is delivering on its objectives, and those objectives are still relevant and appropriate, the Plan's age is arguably of limited importance. In contrast, a young LDP might not be delivering but would score highly against this indicator. It is considered that an LDP Annual Monitoring Report is a better indicator of the quality or effectiveness of an adopted Plan;
- Notwithstanding the above, in a Plan-led system there should be paramount importance placed on each Council having an in-date adopted Development Plan. The Welsh indicator is simple and effective in monitoring this;
- The Welsh Framework includes an indicator to measure progress of emerging LDPs against a timetable formally agreed by the relevant Welsh Minister (the Delivery Agreement (DA)). Authorities are able to request approval of revised Delivery Agreements, however this indicator measures against the original DA, which seems odd given that a new timetable has been approved. There is merit in monitoring how long LDPs take to adopt, but caution must be exercised in assuming that quick equates to good. The benefit of measuring LDP production against a bespoke timetable for each Council is that this acknowledges local complexities and resource challenges;
- Scotland includes two indicators (Markers 9 and 10) to seek to measure Elected Member and other stakeholder engagement in the early stages of the LDP. This appears to rely on very subjective judgements on statements about engagement. This is perhaps better covered via APR commentary in relation to an indicator regarding the Statement of Community Involvement.

5.22 Efficiency

- The use of both % 'in time' and average speed indicators gives a rounded picture. In Wales, previously only % in time was recorded, which resulted in a temptation to put older applications to one side to chase quick decisions on new applications;
- The use of extensions of times allows a balance to be struck between speed and outcome. An applicant can agree to allow more time to secure their desired outcome, but has the ability to refuse a further time extension if matters are not progressing quickly enough. The right of appeal against non-determination would then kick-in. this approach was welcomed by the workshop;
- Punitive measures (such as application fee refunds in Wales) should not be introduced. These incentivise perverse behaviours and focus limited resources in avoiding mistakes: resources that would be better used delivering a positive service. In a similar way, a combination in England of the introduction of powers to remove LPA powers/apply directly to the Government and the use of financial incentives for 'highly performing' LPAs resulted in a demonstrable focus on decision speed. This does not equate to positive outcomes or good customer service: a refusal the day before a deadline simply

²⁵ See for example <http://www.gov.scot/Topics/Built-Environment/planning/Roles/Scottish-Government/Service-Improvement/Performance-Annual-Report>

to meet a target means the customer must reapply and start the process from the beginning. This benefits no-one;

- The Scottish approach to measuring both the mean and median is considered to be worth replicating;
- The Scottish approach to measuring legacy applications separately is sensible and should be replicated in Northern Ireland. Similarly, the Welsh approach to excluding withdrawn applications from statistics is sensible.

5.23 Quality

- The indicators relating to appeal decisions and sustainable development indicators seek to measure aspects of quality and/or outcome;
- A measure relating to complaints upheld (internal, Ombudsman, JR) was supported at the workshop. However, it is considered that this information could be included in the APR as contextual information rather than forming a performance indicator. The number of complaints or challenges might reflect the nature of the local community as much as it reflects the quality of service offered by the District Council. A high number of judicial reviews but low number of successful challenges might be considered to show a robust decision-making, or it might reflect a lack of trust in the decision-making process;
- Although not a performance indicator, the Planning Officers' Society for Wales has agreed a standardised customer survey, the results of which are used for benchmarking and service improvement purposes. LPAs voluntarily choose to include the results from this survey as part of their APR. The questionnaire itself is based on one developed by the Planning Advisory Service in England. It is not perfect, but is worth consideration in a Northern Ireland context as additional information for the APR (not a performance indicator). It is recommended that this decision be left to the planning departments themselves.

5.24 Engagement

- Scotland's indicator relating to Member and community involvement in the LDP is considered to be something better reported as commentary alongside the proposed indicator relating to the CIS;
- The Welsh indicators relating to engagement offer a degree of insight into ways in which members of the public can engage with the planning service, and involve limited effort in terms of providing the information for the APR;
- There was discussion at the workshop regarding the merits of an indicator measuring the number of objections or comments of support on a planning application. However, this would be difficult to capture and is also not necessarily a good measure of the planning department's performance.

5.25 Enforcement

- The recent changes to the Welsh enforcement indicators are unclear. There are multiple different PI definitions in different documents/locations, the variations in data submitted make it clear that the indicator is not being measured consistently or accurately in some Authorities, and the relevance of the answer is debatable;

- The English measure simply records instances where formal enforcement action has been taken, which fails to capture the majority of work which is focused on resolving breaches of planning control via informal action;
- The current NI indicator (PS3) is considered to work well.

5.26 Sustainable Development Indicators

- The sustainable development indicators in Wales are well-intentioned but unwieldy and impractical to measure properly. This is not helped by the fact that the 25 Local Planning Authorities use a variety of back office IT systems;
- The workshop expressed concern at too many indicators. The SDIs were considered to be too much too soon. It is recommended that key matters such as housing approvals and completions could be recorded via LDP AMRs using a Northern Ireland-wide agreed definition.

5.27 LDP Annual Monitoring Report

- It is recognised that the Regulations require Northern Ireland's District Council planning department so produce an Annual Monitoring Report following adoption of their LDPs. Experience in Wales in particular has shown that there is a widespread tendency to set an excessive number of targets and indicators in the LDP and accompanying Sustainability Appraisal, many of which are subsequently found to be of limited meaning and/or very difficult to collect. Moreover, a number of indicators are similar to but subtly different from the Sustainable Development Indicators which can cause confusion;
- A suggestion was raised at the workshop regarding the merits of measuring the number of decisions made that are contrary to the adopted LDP. In theory these should be few in number and it is considered that these are better measured via the AMR process.

5.28 Other

- The following potential performance measures were discussed at the Heads of Planning workshop:
 - Including a measure relating to the number of applications that are invalid when submitted. This would record an area of work that is typically hidden, however it is more a measure of the applicants/agents than of the performance of the planning department. Planning departments may wish to measure this informally and use the information gathered to provide improved guidance or training for agents;
 - There was a discussion regarding the impact of planning decisions on increasing Council Tax/Business Rates income, however this should not be a material planning consideration when making decisions, and to record it as a performance indicator could give communities the impression that this matter is given undue consideration when granting planning permission;
 - Reference was made to the Republic of Ireland's cut-off deadline of 5 weeks within which comments on applications must be lodged, as well as the €5 charge for objecting. A cut-off deadline might well resolve an issue with slow consultee responses delaying planning decisions, but it would arguably not improve or assist decision quality. Such a cut-off would require a legislative change which is not within the remit of this report;

- A measure was suggested which records the proportion of applications that were subject to pre-application discussions and were subsequently approved. This could measure the effectiveness of pre-application discussions and the impact it has on speeding up the planning application process. This would be a valuable measure, but might be difficult to collate. It is worthy of further discussion.

5.29 The draft Planning Performance Framework indicators were presented to a meeting of the Heads of Planning on 13th January 2017 as well as being considered by the DfI Planning Division and Analysis, Statistics and Research Branch. Feedback from those parties has shaped the final Framework. Appendix 3 summarises the issues raised and resulting changes.

6.0 Proposed Performance Framework:

Having considered the measures used elsewhere, the current NI measures, customer feedback and feedback from the Head of Planning workshop, the following performance framework is proposed.

The following performance indicators are proposed, based primarily on those from the February 2015 DfI consultation and/or Welsh indicators. While it is acknowledged that most of these measures will be a yes/no/not applicable response, they mark important aspects of the planning service and are therefore worth reporting on. The resource implications for providing this information will be minimal.

Plan-making:

PI1 Has the Council:

a) had its Statement of Community Involvement (SCI) agreed by the Department?

Yes/Submitted but awaiting DfI decision/No. The Annual Performance Report (APR) can include an explanation if applicable, including consideration of the extent to which the SCI is operating effectively.

b) Published its Preferred Options Paper?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

c) Published its Plan Strategy?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

d) Published its Local Policies Plan?

Yes/No. The Annual Performance Report (APR) can include an explanation if applicable.

Rationale: This indicator directly relates to the primacy of the Plan-led system as per Section 6(4) of the 2011 Act and paragraph 5.11 of the SPPS. In a Plan-led system, the production of up-to-date Local Development Plans is essential to deliver sustainable development. This indicator measures progress towards Plan adoption.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?

Yes/Not applicable/No. The APR can include an explanation if applicable. The AMR would detail the extent to which the objectives set out in the Local Development Plan are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

Rationale: In a Plan-led system, the effective operation of adopted Local Development Plans is essential to deliver sustainable development. This indicator ensures adopted LDPs are monitored annually to ensure they are delivering on priority targets.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017 (acknowledging that the response will be 'not applicable' for a number of years until emerging LDPs are adopted).

Efficiency:

PI3 Average time taken to determine major applications

This indicator is the existing PS1 but amended to:

- exclude legacy applications, as per the Scottish system. Legacy applications should continue to be recorded as they are still applications determined, however they currently distort the picture of District Council performance. Legacy applications should be recorded separately as a new indicator. This need not have any additional resource implications for District Councils, because it should be possible to electronically separate out legacy applications based on the date valid being before 1st April 2015;
- exclude withdrawn applications from the measurement: the decision to withdraw an application is made by the applicant not by the District Council. Withdrawn applications have normally stalled for a significant period due to circumstances beyond the Council's control. These applications should not be recorded anywhere other than as a number of applications withdrawn each quarter/reporting period.

The 'agreed timescale' would be a set target or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. The current 30 week average target might be an appropriate starting point, with the target being reviewed in liaison with District Council representatives via a working group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

PI4 Percentage of major applications determined within the agreed timescale

This indicator would measure the proportion of applications determined either within a set target or within a deadline agreed in writing by the applicant/agent on a case by case basis. Legacy and withdrawn applications should be excluded. PS1 measures performance against trends rather than against an 'acceptable' time period. Paragraph 5.45 of the SPPS identifies the importance of timely decisions on major applications due to the important economic, social and environmental benefits that they can deliver.

The 'agreed timescale' would be a set target (currently 30 weeks) or an alternative deadline agreed in writing between the applicant/agent and planning department on a case by case basis. This allows a balance to be struck between making timely decisions, the applicant obtaining planning permission and securing good outcomes. The applicant can decline the requested time extension and retain their right of appeal against non-determination once any agreed time period has passed. Based on current performance, the existing 30 week average target is an appropriate starting point²⁶. With time, the target can be reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 30 week target date for reporting on PI3. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

PI5 Average time taken to determine local applications

This indicator is the existing PS2 but amended as per PI3 (PS1) above to exclude legacy and withdrawn applications.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. The average time indicators measure speed of decision-making.

Resource implications: Minimal. The DfI's Analysis, Statistics and Research Branch can easily electronically exclude legacy applications based on the date valid and exclude withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

PI6 Percentage of local applications determined within the agreed timescale

²⁶ From April to December 2016, the Northern Ireland average (median) time taken to determine major applications was 45.8 weeks (it was 70.0 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

As per PI4 above. The current 15 week average target is an appropriate starting point based on current performance²⁷, with the target being reviewed in liaison with District Council representatives via a Performance Working Group. Legacy and withdrawn applications should be excluded.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to balance measuring speed against securing a positive outcome for both the customer and stakeholders.

Resource implications: Moderate. It will be necessary to record performance against an agreed extension of time, while retaining the 15 week target date for reporting on PI5. At present, the Portal IT system cannot record a decision deadline and an agreed extended deadline. The options are to either record this data separately from but alongside the Portal, or await a future update to/replacement of the Portal (estimated 2019).

Timescale: Only if a parallel data recording system is adopted can this PI can be measured from April 2017.

PI7 Average time taken to determine legacy applications

As per the existing PS1 but excluding withdrawn applications, and reporting only on applications that have a date valid prior to 1st April 2015. Given the age of these applications, a target is rather meaningless. It is acknowledged that this PI might capture applications lodged on 31st March 2015 and therefore technically a legacy application but in reality dealt with wholly by the District Council but the number of such cases should be low. In all likelihood, those easier and newer legacy applications have probably now been determined in any case. If desired, the legacy applications could be subdivided between major and local applications. APRs should include commentary on progress made in determining legacy applications and the number still undetermined.

Rationale: One of a suite of indicators that, when taken together, provide a comprehensive picture of the efficiency of the planning service. This indicator seeks to measure progress on determining legacy applications.

Resource implications: Low. The DfI's Analysis, Statistics and Research Branch can easily electronically separate out legacy applications based on the date valid and exclude out withdrawn applications based on the decision type.

Timescale: This PI can be measured from April 2017.

Resource implications: Low. It should be possible for the DfI to run a report to extract this data based on information already collated.

Quality:

PI9 Percentage of applications approved

Rationale: Alone this performance indicator does not say much, but read in conjunction with PI3-PI8 it provides a picture regarding the balance of speed versus a positive/quality

²⁷ From April to December 2016, the Northern Ireland average (median) time taken to determine local applications was 15.0 weeks (it was 16.4 weeks including legacy applications). Source: DfI Q3 16/17 statistics.

outcome. It also provides evidence that the planning system is not blocking development and economic growth.

Resource implications: Minimal as this data is already recorded by Dfl in its Statistical Reports.

Timescale: This PI can be measured from April 2017.

PI10 Percentage of Committee decisions made against the Officer recommendation

Rationale: When considered in conjunction with PI11 and PI12 the data provides a rounded picture of the quality of decisions, gives an indication of Officer-Member working relationships and could identify potential training needs. For example if Committee overturns are not upheld at appeal, this might indicate a training need for Committee Members. Conversely, if the overturns are upheld at appeal, it might indicate a training need for Officers.

Resource implications: Minimal. This data is already available via the Portal and can be collated and reported on by the Statistical Analysis and Reporting Branch.

Timescale: This PI can be measured from April 2017.

PI11 Percentage of appeals against refusals of planning permission that are dismissed

Rationale: It is suggested that this indicator should measure appeals against planning refusals only. Appeals against Enforcement Notices are low in number and can be discussed in the APR if desired. Appeals against non-determination of the application relate more to the absence of timely decision-making rather than the quality of the District Council's decision and so these should be excluded. This PI measures the quality of decisions made, as the PAC either upholds or overturns the Council's decision. The limitation is that this applies to refusals only, but this is unavoidable as there is no third party right of appeal against the grant of planning permission. It is recommended that Council APRs include information and commentary regarding corporate complaints and compliments, upheld Ombudsman complainants and Judicial Reviews, but it is not considered appropriate to include those items as a performance target.

Resource implications: Minimal. This data can be obtained from the Planning Appeals Commission.

Timescale: This PI can therefore be measured from April 2017.

PI12 Number of appeal costs awards

This indicator measures the number of occasions where a Planning Appeals Commissioner awards costs at appeal. Costs could be awarded against the Council, if for example the Commissioner considers that the District Council's decision cannot be substantiated or its behaviour has been unreasonable during the appeal proceedings. Alternatively, costs can be awarded in favour of a Council if the appellant has behaved unreasonably or their case has no prospect of success.

The indicator measures the number of instances where costs are awarded, not the amount of costs awards (£). In response to feedback from the Heads of Planning, partial costs award will be recorded separately.

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

Rationale: This indicator seeks to measure the quality of decisions made and/or the quality of service provided in terms of defending decisions at appeal in an open and timely way.

Resource implications: Low. This data can be obtained from the Planning Appeals Commission. Alternatively, these instances will be very low in number and so can be manually recorded if necessary.

Timescale: This PI can be measured from April 2017.

Engagement:

It is accepted that the following indicators arguably provide limited information; however it is considered that they are helpful in indicating appropriate measures of enabling public engagement with the planning service. Measuring the number of comments made on an application does not necessarily indicate good performance: a low level of comment might be because effective pre-application engagement means the community is happy with the proposal, or it might mean that they are unaware or disenfranchised. Conversely a significant response rate might not reflect the planning merits of the case. The benefit of reporting on the engagement information is that it highlights those Authorities where good practice is not in place, and the experience in Wales has shown that this has prompted LPAs to step up, for example only one out of 25 LPAs in Wales does not allow public speaking in Committee meetings. The resource implications of providing this information are limited.

PI13 Does the District Council allow public speaking at Planning Committee meetings?

Yes/No. The DfI has produced best practice guidance for a protocol for public speaking rights. Quite rightly, this is simply guidance, and each District Council has discretion to set its own rules to meet the needs of its communities.

Rationale: allowing public speaking is considered to be best practice and an important way of ensuring engagement in decision-making.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017

PI14 Does the District Council have a planning officer on duty to provide general planning advice to customers?

Yes/Partial/No. Consideration should be given to the level of service that should be provided to score a 'yes' (09:00-16:30 every working day is suggested). Offering a service but for fewer hours/days would be recorded as 'partial'. The duty officer service could comprise arrangements to allow pre-booked or drop-in appointments to meet an officer, or simply a telephone service. The choice of service is at the discretion of the District Council based on its customer needs, geographic area and resources.

Rationale: Research elsewhere has identified that access to planning advice is important to customers: a customer survey could test whether or not the same is true in Northern Ireland: if not, this indicator could be deleted.

Resource implications: Minimal. The PI response requires a simple factual position update.

Timescale: This PI can be measured from April 2017.

Enforcement:

PI15 Percentage of enforcement cases resolved within the target deadline:

This is identical to the existing PS3 indicator, which is considered to work perfectly well in terms of measuring the initial stages in formally resolving a breach of planning control that lie fully within the Council's control. An enforcement case is 'resolved' when one of the following actions has been taken:

- a) it has been concluded that no breach of planning control has occurred;
- b) it has been concluded that formal enforcement action is not expedient;
- c) a retrospective planning application has been submitted;
- d) an enforcement notice has been issued (to include Enforcement Notice, Breach of Condition Notice, Stop Notice, Unsightly Land Notice, Fixed Penalty Fine, Enforcement Warning Notice requiring submission of a retrospective application. It does not include issuing a Requisition for Information);
- e) the breach has ceased (use ceased, building demolished etc.).

Rationale: timely and appropriate enforcement action is an essential part of the planning service. The steps are fully within the Council's control. Reference to the 39 week target deadline has been removed from the PI title to allow greater flexibility to adjust this target in the future. Any such changes to the target should be agreed by the Performance Working Group.

Resource implications: none.

Timescale: This PI can be measured from April 2017.

Outcomes:

PI16 Planning outcomes:

- i. Number of affordable housing units granted consent;
- ii. The proportion of affordable housing units granted consent that are located within defined settlement boundaries²⁸;
- iii. Number of market housing units granted consent;
- iv. The proportion of market housing units granted consent that are located within defined settlement boundaries²⁹;
- v. Total number of housing units completed³⁰;
- vi. Amount of office floor space granted (net increase in sqm);
- vii. Amount of retail floor space granted (net increase in sqm);
- viii. Amount of industrial floor space granted (net increase in sqm);

²⁸ A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

²⁹ A settlement boundary is that as defined in an adopted Area Plan or Local Development Plan

³⁰ This would be calculated using Building Control data

ix. Number of megawatts of renewable energy approved.

Rationale: The number of housing units approved, the amount of employment floorspace approved, and renewable energy promotion are considered to be important planning outputs that align with the Minister's core objectives for the Northern Ireland planning system as set out in the SPPS. This indicator seeks to report on delivery against those priorities.

Resource implications: Moderate. Some of this data is already measured by some Councils but other data, while included on the application form (vi-viii) is not entered into the Portal at present and therefore cannot be retrieved without an inefficient manual search.

Renewable energy production (ix) is not currently captured on the application form unless volunteered by the applicant. This data would in any case reflect the maximum potential output: the real output would depend on wind speed/hours of sunlight etc. so the data would need to be treated with an element of caution.

Timescale: It is recommended that this PI be introduced during 2017/18 as a trial run, with a view to collecting the data properly from 1st April 2018.

Other matters:

ix. **Equalities:**

The approval of Gypsy and Traveller sites forms an important part of addressing a specific housing need and meeting equalities objectives. However, it is recommended that this is best reported via LDP AMRs as delivery against the evidenced need in each Council area. In addition, it is understood that this is already reported on via each Council's equalities reporting.

Consideration was given to whether or not other indicators would be appropriate to capture planning's role in ensuring equality for Northern Ireland's communities. However, the planning system primarily considers the land use implications of uses of land/buildings or physical development. Use of land is divided into use classes, so for example a religious institution could be used for any religious group: the permission would not be specific to a particular religion or group. The planning service sometimes has an important role to play in making timely decisions on adaptations to homes to allow people with disabilities to remain living safely and comfortably in their own homes, however most such works are 'permitted development' and do not require a planning application, so would not be captured by an indicator.

Recommendations:

Recommendation 1 - District Council Annual Performance Reports:

That each year the DfI's Analysis, Statistics and Research Branch produces a template Annual Performance Report for each Council and populates it with that Council's statistics, using the data collation system already in place. Each Council would then add narrative to explain their performance and identify successes and areas for improvement/actions. Each Council would be responsible for publishing its APR on its website and submitting it to the DfI by an agreed deadline (31st October is suggested).

It is recommended that the APR should include:

- promotional information celebrating successful outcomes, for example regeneration projects that have gained planning permission or key development projects that are under way. This is an opportunity to publicise the value of the planning service for example in delivering quality and sustainable environments and enabling much needed house-building and job creation (see Recommendation 2);
- information and commentary regarding corporate complaints, compliments, upheld Ombudsman complainants and Judicial Reviews, to provide additional information about the quality of both decisions and the planning service. This data should be readily available within each Council;
- the number of undetermined legacy applications. This data is already collated by the DfI; and
- information regarding the number of withdrawn applications, including their duration within the planning system (0-6 months; 6-12 months or >12 months). This will capture information about potentially significant amounts of work that would otherwise go unreported. Withdrawn applications are already captured by the DfI's statistical and the three proposed time bands are used in relation to renewable energy schemes and legacy applications.

Recommendation 2 - Annual Performance Reports:

That the Heads of Planning or an appropriate sub group reviews a small sample of APRs from Wales and Scotland (suggest 4-6 in total) to identify best practice and, in particular, ways of emphasising outcomes of the planning system, not just performance data.

Recommendation 3 – Northern Annual Performance Report:

That the DfI produces an Annual Performance Report summarising the performance of Northern Ireland as a whole including reporting on the Department's and Planning Appeal Commission's performance. This report would be produced following submission of the District Council APRs. Given the low number of Regionally Significant Development applications, it is suggested that the APR includes commentary about the proposal and outcome in addition to decision speed and any relevant explanation for the time taken, if appropriate. This NI APR should also include information on call-in decisions (number and decision speed) and appeal decision speed by PAC.

Recommendation 4 – Data analysis:

That the DfI's Analysis, Statistics and Research Branch continues to provide data analysis support, including accuracy checks of the data submitted: this support is invaluable to provide robust, consistent and meaningful data analysis, as well as reducing the resource burden on Councils.

That consideration should be given to reporting both the arithmetic mean and the median, as per Scotland. The median figure may become less relevant if legacy applications and withdrawals are excluded. This should be reviewed by the Performance Working Group once the changes have bedded-in (see Recommendation 6).

Recommendation 5 – IT systems:

That the 'Discovery Project' should continue to review the best way of delivering an effective back-office planning IT system to replace/improve upon the Portal. Based on the experience in Wales, the use of corporate systems within individual Councils has caused considerable (and costly) problems when indicators or regulations are changed, necessitating amendments to multiple IT systems throughout Wales. Whatever IT system is procured, the software should be capable of measuring the new performance indicators, be sufficiently flexible to allow future

amendments to those definitions (ideally free of charge), and enable improved access to performance management information for line managers. It should also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch. Consideration should be given to future performance management tools, for example would it be helpful to be able to record the reason an application missed the target deadline, and then run a report on that data?

Recommendation 6 – Performance Working Group:

A Performance Working Group should be established comprising representatives from the DfI Planning Division; the DfI's Analysis, Statistics and Research Branch; and District Council planning departments (primarily managers/leaders but with a small representation from Admin/Technical Support staff too). The Group should meet regularly (suggest quarterly) to:

- review performance indicators and definitions and to agree targets for the next year based on lessons learnt, trends, priorities and aspirations;
- to review the benefits of measuring the arithmetic mean in addition to the median for PI3-PI7 (as in Scotland);
- to identify a mechanism for measuring performance relating to 'intermediate' applications (15+ dwellings) separately using existing taxonomy categories. If beneficial, consideration should be given to amending PI3 and PI4 to create new PI measures for intermediate scale development;
- to monitor statistics relating to applications subject to S.76 agreements and review if any associated changes should be made (e.g. stopping the clock when a resolution to approve is made);
- to consider options for an additional enforcement indicator to measure the end-to-end customer (complainant) experience.

Recommendation 7 - Clock-stopping:

It is not recommended that the clock should stop or pause for any reason. Although there are numerous factors that can stall the Council's ability to determine an application, what matters to the customer is the end-to-end time. LPAs could record the reasons applications go beyond the target decision deadline and use this information to review and improve their procedures/systems/performance via their APR as applicable, or simply report on it as a reason for the performance figures being what they are. This will require a change to the NI Planning Portal which may not be possible in the immediate future.

Recommendation 8 – Customer satisfaction survey:

That Councils consider implementing a standardised NI-wide customer satisfaction survey and using the results as part of identifying best practice and benchmarking, for incorporation into their APRs. The survey should be at least annual, although ideally it would be issued as soon as the Decision Notice is dispatched to maximise meaningful customer feedback.

Appendix 1

DOE February 2015 proposed non-statutory planning measures

Measures	Data source
Community involvement <ul style="list-style-type: none"> Has the council submitted its statement of community involvement to the Department for agreement? 	As part of statutory requirement – information will be obtained from returns made to the Department by councils.
Local development plan <ul style="list-style-type: none"> Has the council submitted its local development plan timetable to the Department for agreement? Has the council submitted its annual monitoring report which details the extent to which the objectives set out in the local development plan are being achieved? Is the council on track to deliver the local development plan in accordance with agreed timetable? 	As part of statutory requirement – information will be obtained from returns made to the Department by councils
Development management <ul style="list-style-type: none"> Percentage of applications taken to planning committee where decisions are made contrary to officer recommendation. 	Planning portal / council.
<ul style="list-style-type: none"> Number of decisions made contrary to officer recommendation which are overturned on appeal. 	Council.
<ul style="list-style-type: none"> Number of Judicial Reviews and number found against the council. 	Council.
Enforcement <ul style="list-style-type: none"> Does the council have an enforcement strategy in place? 	Council.
Planning committees <ul style="list-style-type: none"> Number of times planning committee meets. 	Council.
Delegated decisions <ul style="list-style-type: none"> Has the council prepared a scheme of delegation? 	As part of statutory requirement – information will be obtained from returns made to the Department by councils.

<ul style="list-style-type: none"> Percentage of all planning applications determined under delegated powers. 	Council.
<ul style="list-style-type: none"> Number of local applications called-in for determination by the planning committee. 	Council.
<p>Deferrals</p> <ul style="list-style-type: none"> Number of applications deferred by the planning committee. 	Council.
<p>Appeals</p> <ul style="list-style-type: none"> Percentage of applications appealed to the Planning Appeals Commission (PAC). Percentage of applications appealed to the PAC because of a failure to take a planning decision. Percentage of decisions upheld by the PAC. Number of appeals where costs have been awarded against council. 	PAC/council.
<p>Quality</p> <ul style="list-style-type: none"> Number of complaints received and responded to (in line with councils' complaints procedures). Number of complaints referred to the Ombudsman. 	Council.
<p>Other</p> <ul style="list-style-type: none"> Number of planning staff in post. 	Council.

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Appendix 2 – Welsh Planning Performance Framework

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE <small>(Will be available from WG website)</small>	[Authority name] LAST YEAR	[Authority name] THIS YEAR
Plan making						
Is there a current Development Plan in place that is within the plan period?	Yes		No			
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+			
Annual Monitoring Reports produced following LDP adoption	Yes		No			
The local planning authority's current housing land supply in years	>5	4-4.9	<4			
Efficiency						
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set			
Average time taken to determine "major" applications in days	Not set	Not set	Not set			
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60			
Average time taken to determine all applications in days	Not set	Not set	Not set			
Quality						
Percentage of decisions made under delegated powers	Not set	Not set	Not set			
Percentage of Member made decisions against officer advice	Not set	Not set	Not set			
Percentage of appeals dismissed	>66	55.1-65.9	<55			
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2			
Engagement						
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No			
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No			
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No			
Enforcement						
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	Not set	Not set	Not set			
Average time taken to investigate enforcement cases	Not set	Not set	Not set			

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MEASURE	GOOD	FAIR	IMPROVE
Percentage of enforcement cases where an Enforcement Notice is complied with, planning permission is granted, or the breach of planning control ceases, within 180 days from the start of the case (in those cases where it was expedient to enforce)?	Not set	Not set	Not set
Average time taken to take enforcement action	Not set	Not set	Not set

WALES AVERAGE (Will be available from WG website)	[Authority name] LAST YEAR	[Authority name] THIS YEAR

Appendix 3: Feedback from Heads of Planning meeting 13/01/2017

This is a summary of the key points about the proposed Planning Performance Framework arising from discussion with Northern Ireland's Heads of Planning. Developments since the January meeting are shown in *italics*.

Plan-making:

PI1 Has the Council:

- e) had its Statement of Community Involvement (SCI) agreed by the Department?
- f) Published its Preferred Options Paper?
- g) Published its Plan Strategy?
- h) Published its Local Policies Plan?

Agreed.

PI2 Has the Council submitted its Local Development Plan (LDP) Annual Monitoring Report (AMR)?

Agreed.

PI3 Deviation in months from the agreed Local Development Plan timetable

Agreed. *Following further consideration and discussion with the DfI, this suggested PI has since been deleted. Unlike the system in Wales, which measures progress against the original Delivery Agreement despite amendments having been approved by the Minister, the proposed NI indicator was going to measure performance against the latest revised Delivery Agreement. However, given that the legislation allows Councils to update the timetable, on reflection all this indicator would tell anyone is that Councils have gone through an approval process. It doesn't seem to add any value. Councils will know in-house if they are falling behind on the timetable and why, and what they propose to do about it (nothing, extra resource to catch up, or revised timetable etc.).*

Efficiency:

The separate recording of legacy applications was welcomed;

Following discussion, the exclusion of withdrawn applications was welcomed. It was noted that many withdrawn applications have been subject to significant officer work. In order to ensure this work is not 'hidden', it is suggested that APRs report on the number of withdrawn applications and include any additional commentary deemed relevant by the District Council.

- *It is recommended that the APR records the number of applications withdrawn after 0-6 months, 6-12 months, or over 12 months. This will give an indication of the amount of resource put into an application that has not been progressed. This data I already recorded for renewable energy and legacy applications.*

There was discussion around whether or not applications subject to a S.76 agreement:

- should be recorded separately under their own PI; or
- the clock should stop when there is a resolution to approve subject to a S.76 agreement; or
- whether they should be counted in the PIs without clock-stopping as per the current situation (either because this represents the whole customer experience, or because there are so few instances, the other options introduce complexity for little benefit).

There was discussion about how exclusion or clock-stopping would be reported, as there is currently no 'flag' in the IT system to indicate that a S.76 agreement is involved.

- In response to this feedback, it is recommended that the clock does not stop when a resolution is made to approve an application subject to a S.76 agreement. This is partly because from the customer's perspective, the application is not determined until the S.76 agreement is signed and the planning permission is dispatched, and partly due to the disproportionate effort of introducing this change for a low number of S.76 agreements. However, it is recommended that data (resolution date and a tick box) is recorded in the Portal to record these cases. This will allow the merits or otherwise of this change to be reviewed in the future, and will also allow Councils to report in their APRs the impact of S.76 agreements on their performance statistics if they wish. Two redundant data fields have been identified that could be utilised as a temporary measure until the IT system is upgraded in c.2019.*

Validation issues: concerns were raised that the threshold for submitting a valid application is very low, and that at present District Councils cannot determine applications without additional information, but are penalised for time delays. Examples include bat surveys and traffic impact assessments. A brief discussion ensued about the English and Welsh experience of introducing local lists (they are applicable to major applications only in Wales: no Local Planning Authorities are known to have adopted one). The introduction of local lists would require legislative change.

PI4 Average time taken to determine major applications

Agreed subject to the general points raised above.

PI5 Percentage of major applications determined within the agreed timescale

Welcomed in principle but potentially impossible to record until the Portal system is upgraded or replaced in 2019. The number of agreed extension of time agreements would make manual recording impractical. It was clarified that Planning Performance Agreements would be recorded in the same way as extension of time agreements: both provide a new, agreed decision deadline, against which performance should be measured.

PI6 Average time taken to determine local applications

Agreed, as per PI4. However, there was some discussion around the broad definition of 'local' application, and a view that the old 'intermediate' category (15+ dwellings) should be reintroduced.

It was clarified that it is not possible to extract this data unless application types are reclassified. It was queried whether or not the former 'major', 'intermediate', and 'local' categories still exist.

- It has subsequently been confirmed that this suggestion would require the old (pre-April 2015) classification hierarchy to be reinstated into the Portal. Without this, however, it would still be possible to split the 'local' category into more homogenous groups using the existing taxonomy codes. This could be progressed via the proposed Performance Working Group.*

PI7 Percentage of local applications determined within the agreed timescale

As per PI5. It was agreed that extensions of time are still applicable to local applications. This was partly due to the broad definition of 'local', which includes, for example, up to 49 dwellings, and partly due to the view that the purpose of the measure is to balance speed against customer service and quality, which is equally relevant to local applications.

PI8 Average time taken to determine legacy applications

Agreed. This indicator was welcomed.

Quality

It was accepted that, while a number of these indicators mean little in isolation, when read in conjunction with the other indicators they paint a wider picture of service/performance (for example as an explanation of decision speed, or regarding Officer-Member trust/relationships);

There was consensus that the upgraded/replacement Portal due in 2019 needs to enable a greater level of performance management, including reporting on individual case officer performance against the proposed performance indicators. This information would be for normal line management purposes, not for APRs/kPIs;

There was a discussion about ways of measuring the quality of approvals, given that PI12 measures only the quality of refusals. It was agreed that it is not possible to write a performance indicator to measure this. While it is not considered suitable as a performance indicator, APRs should include commentary on the number of customer complaints, Ombudsman complaints and JRs upheld, noting any key learning points as appropriate. There was a brief discussion about the widespread practice of 'Design Tours' in Wales, in which Officers and/or Members spend a day visiting completed developments to learn from what has worked and what would be done differently next time.

PI9 Percentage of applications determined under delegated powers

Agreed, on the basis set out above.

- *It has since been confirmed that this data is already recorded in the Portal so it can easily be reported on.*

PI10 Percentage of applications approved

Agreed.

PI11 Percentage of Committee decisions made against the Officer recommendation

Agreed. It was clarified that this indicator would measure instances where the published Officer recommendation (some Councils might call this the Group recommendation) is overturned by the Planning Committee.

- *It has since been confirmed that this data is already recorded in the Portal so it can easily be reported on.*

As an aside, it was noted that the ability to run a report on the number of times a Group recommendation overturns an Officer recommendation could be a useful line management tool and evidence possible training needs. Fields exist in the Portal to record the Officer,

Group and Committee recommendation/decision, so this should be easy to measure. (This would be for line management, not for inclusion in APRs).

PI12 Percentage of appeals against refusals of planning permission that are dismissed

It was agreed that this indicator will be easy to measure, using data from the Planning Appeals Commission.

PI13 Number of appeal costs awards

Agreed, subject to an amendment to also record the number of instances where costs are awarded in favour of the Council as well as against. It was clarified that the indicator measures the number of instances (# appeal decisions) not the amount of costs awards (£). There was some discussion around whether partial costs should be separated out from full awards, or if this could simply be clarified in the APR commentary. The suggested re-worded indicator is shown below:

	No. instances full costs awarded	No. instances partial costs awarded
For the Council		
Against the Council		

Engagement:

PI14 Does the District Council allow public speaking at Planning Committee meetings?

Agreed. It was noted that it might be interesting to use this data to see if there is a correlation between public speaking at Committee and overturned recommendations / approval rates.

PI15 Does the District Council have a planning officer on duty to provide general planning advice to customers?

Agreed. The majority consensus was that yes/partial/no was an appropriate categorisation, with APR commentary providing further detail if applicable. However, the suggested threshold for 'yes' should be amended to '09:00-16:30 every working day'.

Enforcement:

PI16 Proportion of enforcement cases progressed to the target conclusion within 39 weeks:

Agreed, however the consensus was that this PI (which matches the existing PS3) only measures part of the enforcement service. For the customer (complainant), the important matter is the time taken to fully conclude an enforcement case. PI16 alone does not reflect the considerable amount of time and resource put into fully closing down breaches of planning control. An additional PI was therefore requested. It was concluded that information about Court action and fines could be included as commentary in the APR.

- *Following further consultation with the Heads of Planning and NI Planning Enforcement Group, considerable concerns were raised that the proposed indicator options, which sought to measure the end to end enforcement process, would not reflect fairly on Councils because significant (and lengthy) parts of the process are beyond Council control (including appeals and prosecution timescales). There was no consensus on alternative indicators, with some Councils not wanting an additional*

indicator and others proposing a raft of detailed measures. It is therefore proposed that no additional enforcement indicator be added at present, but that the Performance Working Group and Enforcement Group continue to consider options for possible future measurement.

Outcomes:

PI17 Planning outcomes:

- i. **Number of affordable housing units granted consent within defined* settlement boundaries (*defined in an adopted Development Plan)**
- ii. **Number of market housing units granted consent within defined* settlement boundaries (*defined in an adopted Development Plan)**
- iii. **Number of affordable housing units completed within defined* settlement boundaries**
- iv. **Number of market housing units completed within defined* settlement boundaries**
- v. **Proportion of approved housing units on brownfield sites**
 - **Amount of office floor space granted (net increase in sqm)**
 - **Amount of retail floor space granted (net increase in sqm)**
- vi. **Amount of industrial floor space granted (net increase in sqm)**
- vii. **Number of megawatts of renewable energy approved**

An alternative proposal was discussed briefly at the meeting, using the former terms of 'urban footprint' and 'settlement boundary/limit'. Widespread concerns were raised regarding the clarity of these definitions, their meaningfulness, and the resource implications of recording this data. This indicator requires more thought.

Notwithstanding the above, the following issues were discussed:

- It was clarified that 'affordable housing' is as defined in PPS12/the emerging PPS22;
- Housing completions should be measured using Building Control completion notice records and LPS data on rates. However this cannot distinguish between market and affordable housing. It is commonplace for completed developments to contain more affordable housing than the approved scheme, and it is not possible to measure this. PI17iii is therefore impossible to measure. *Consequently, PI17iii and PI17iv have been merged to simply record all completions;*
- The old 'urban footprint' terminology is not meaningful;
- It may be possible to measure whether application sites are within or beyond settlement boundaries using GIS overlays, however not all Area Plan settlement boundaries are plotted on GIS;
- It may be possible to collate some of this data via the evidence base for emerging LDPs rather than as a DM performance indicator. The data could then be measured in an appropriate fashion via LDP Annual Monitoring Reports;
- Information about commercial floorspace is provided on the planning application form but is not entered anywhere on the Portal. Attendees do not think there is anywhere to record this data in the Portal, so this would need to be incorporated as part of the upgrade/replacement system.

Recommendations:

Recommendation 6 should avoid potentially constraining the 'discovery project' and should make it clear that whatever IT system is procured, the software must be capable of measuring the new performance indicators, be sufficiently flexible to allow future amendments to those definitions, and enable improved access to performance management information for line managers. It must also enable the centralised capture and analysis of performance by the DfI's Analysis, Statistics and Research Branch.

There was widespread support for a customer survey, as per Recommendation 10. A previous Survey Monkey questionnaire may still be available for use. To clarify, the survey would not form a performance indicator: it is simply a suggestion for Heads of Planning to agree to undertake and include the results in their APR. To allow any benchmarking, the survey needs to be consistent across Northern Ireland.

Newry, Mourne & Down District Council – June 2017

367

1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976

3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	67
May	62
June	58

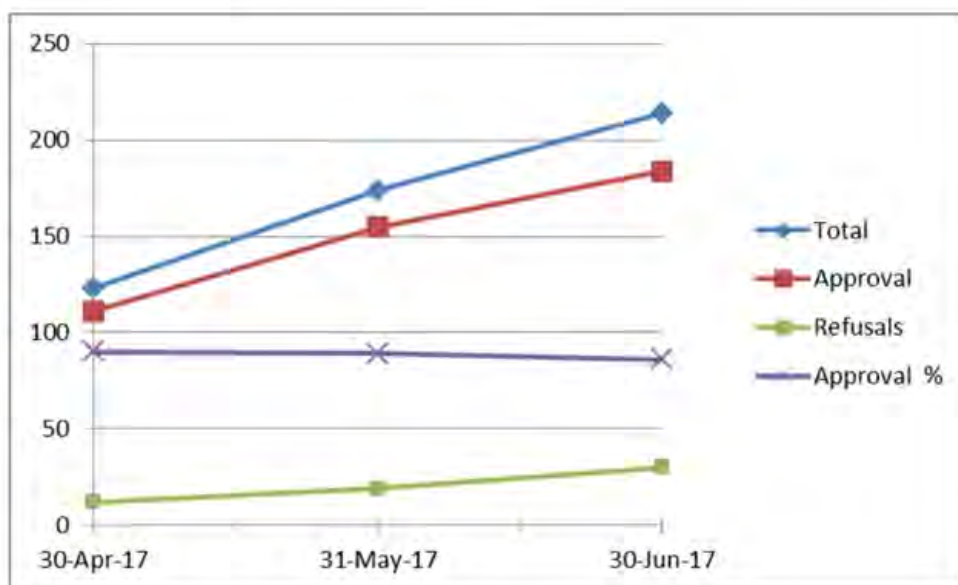
4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170

Newry, Mourne & Down District Council – June 2017

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%



6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758

Newry, Mourne & Down District Council – June 2017

369

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April 2017	26	19	7
24 May 2017	39	28	11
21 June 2017	34	18	16
Totals	99	65	34

8. Appeals

Planning Appeal Commission Decisions issued during May 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	22	7	1	6	-
Down	11	1	0	1	-
TOTAL	33	8	1	7	-

Statutory targets monthly update - up to May 2017 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	37	20	64.2	60.0%
May	2	2	110.4	0.0%	145	157	18.0	43.9%	32	46	61.1	56.5%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	2	3	92.6	0.0%	272	270	18.3	41.9%	69	66	61.1	57.6%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives 2017-2018

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

372

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
31/3/17	Cllr T Andrews		Query possible erection of a fence	A McAlarney	Direct e mail	5/4/17
3/4/17	Cllr A McMurray	-----		A McAlarney	Call transferred	3/4/17
" "	M Ritchie MP Office		Has A McKay left for site meeting?	M McIlhone	Call answered	3/4/17
" "	Cllr S Doran		Update requested	G Kerr	Direct e mail	4/4/17
" "	M Ritchie MP		Request for Site visit.	A McKay	Direct e mail	5/4/17
4/4/17	Cllr S Doran		Advice about a potential infill site	A Davidson 21/3/17 – G Kerr 30/3/17	Direct e mail	4/4/17
" "	C McGrath MLA		Request for PAD meeting.	A McAlarney	Direct e mail	4/4/17
" "	C McGrath MLA		Cancel meeting request	K Cunningham	Direct e mail	5/4/17
" "	Cllr s Doran		Delay with processing applications	A McKay	Direct e mail	5/4/17
5/4/17	Cllr P Brown		Update requested	A McAlarney	E mail sent	5/4/17
" "	M Ritchie MP Office		Meeting requested	A McAlarney	Direct e mail	5/4/17
" "	Cllr P Brown		Query re referral by Councillor	A McAlarney	E mail sent	5/4/17
6/4/17	Cllr W Clarke		Query Condition	M Keane 22/3/17	Direct e mail	6/4/17
" "	M Ritchie MP		Update requested	A McAlarney – G Kerr	Direct e mail	6/4/17
" "	Cllr L Kimmons		Update requested	A Davidson	Direct e mail	6/4/17
" "	Cllr L Devlin		Query	A McAlarney	E mail sent	6/4/17
" "	Cllr L Devlin		Query	A McAlarney	E mail sent	6/4/17
" "	Cllr B O'Muir		Update requested	A Davidson	E mail sent	7/4/17
" "	M Ritchie MP		Update on revocation	A McAlarney	E mail sent	7/4/17
7/4/17	C McGrath MLA		Dates for meeting?	A McAlarney	Direct e mail	7/4/17
7/4/17	M Ritchie MP		Question on conditions for carrying out work	J Campbell - A McAlarney	Direct e mail	7/4/17
" "	Cllr G Sharvin		Update requested	A McAlarney	Direct e mail	7/4/17
10/4/17	M Ritchie MP		Meeting re PAD	A McAlarney	Direct e mail	10/4/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

373

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	C McGrath MLA		Meeting arranged 27/4/17	A McAlarney	Direct e mail	10/4/17
" "	M Ritchie MP		Update requested	A McAlarney	Direct e mail	10/4/17
" "	S Bradley MLA		Information requested	O Rooney	Direct e mail	10/4/17
" "	M Ritchie MP		Request for meeting re PL/C/P/3/17.	A McAlarney	Direct e mail	24/4/17
11/4/17	Clr G Craig			A McAlarney	Call Transferred	11/4/17
" "	Clr Pol O'Gribben			A McAlarney	Call Transferred	11/4/17
" "	Clr D Taylor			A Davidson	Call Transferred	11/4/17
" "	Clr G Fitzpatrick		Query re: objections	G Kerr	Direct e mail	11/4/17
" "	Clr W Walker		Update requested	A McAlarney	Direct e mail	11/4/17
" "	M Ritchie MP		Clarity requested re: conditions	A McAlarney	Direct e mail	11/4/17
" "	Clr G Hanna		Can application be sorted urgently?	G Kerr	Direct e mail	13/4/17
12/4/17	M Ritchie MP		Advise on current position. (No application received)	A McAlarney	Direct e mail	12/4/17
" "	W Irwin MLA office		Update requested	G Kerr - A Davidson	E mail sent	14/4/17
13/4/17	W Irwin MLA office		Update requested	A Davidson	E mail sent	14/4/17
" "	C McGrath MLA		Update requested	A McAlarney	Direct e mail	26/4/17
" "	M Ritchie MP		When will application go to Committee?	A McAlarney	Direct e mail	26/4/17
14/4/17	W Irwin MLA		Update requested	A Davidson	Call transferred	14/4/17
19/4/17	M Ritchie MP Office		When going to Committee?	M McIlhone	Call answered	19/4/17
" "	M Ritchie MP Office		Site meeting 21/4/17?	M McIlhone	Call answered	19/4/17
20/4/17	M Ritchie MP		Advice on PAD re PL/C/P/3/17	A McAlarney	Direct e mail	24/4/17
21/4/17	Gareth – W Irwin's office		Update requested	A Davidson	E mail sent	
" "	Clr H Reilly		Update requested	G Kerr	Direct e mail	24/4/17
24/4/17	Clr D Curran		Update requested.	A McAlarney	Call transferred	24/4/17
24/4/17	M Ritchie MP		Update on progress with	A McAlarney	Direct e mail	24/4/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

374

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			revocation.			
" "	ClIr D Curran		Update requested	A McAlarney	Call transferred	24/4/17
" "	ClIr H Reilly		Update requested	G Kerr	Direct e mail	24/4/17
" "	ClIr Mulgrew			A Davidson	Call transferred	24/4/17
" "	ClIr Megan Fearon		Call for P Manley	Emailed A Davidson and G Kerr to return call	E Mail	-----
25/5/17	J McNulty MLA		General enquiry	P Rooney	Call transferred	25/4/17
" "	ClIr L Devlin		General enquiry	A McAlarney	Call transferred	25/4/17
26/4/17	ClIr R Mulgrew		Returning missed call	A Davidson	E mail sent	-----
" "	ClIr W Clarke		Land zoning enquiry: Newcastle	A Hay	Direct email	4/5/17
" "	ClIr R Mulgrew		Returning missed call	A Davidson	E mail sent	-----
" "	M Ritchie MP		Request for site meeting	A McAlarney	Direct e mail	2/5/17
27/4/17	ClIr G Craig		-----	A McAlarney	Call transferred	27/4/17
" "	C McGrath MLA		Running late for meeting	A McAlarney	Telephone call	27/4/17
" "	ClIr Sean Doran			Emailed A Davidson and G Kerr to return call	E-Mail	27/4/17
" "	ClIr H McKee		Would like to discuss further.	P Rooney	E mail sent	-----
28/4/17	C McGrath MLA		-----	D Watson	E mail sent	28/4/17
" "	ClIr O'Muiri		Update requested	P Rooney	E Mail sent	-----
" "	C McGrath MLA		-----	D Watson	E mail sent	28/4/17
" "	ClIr M Murnin		-----	A McAlarney	E mail sent	28/4/17
" "	M Ritchie MP		Update requested	A McAlarney	Direct e mail	2/5/17
" "	ClIr Mark Murnin		-----	A McAlarney	Call transferred	28/4/17
" "	C McGrath MLA		Enforcement Issue	D Watson	Call transferred	28/4/17
30/4/17	M Ritchie MP		Update requested	A McAlarney	Direct e mail	2/5/17
1/5/17	ClIr L Devlin		Mountainview, Burrenwood Rd., Castlewellan	A McAlarney	Direct e mail	2/5/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

375

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
2/5/17	C McGrath MLA		Updates requested on Michael Smiths (Agent) Planning Applications	A McAlarney	Direct e mail	2/5/17
3/5/17	M Ritchie MP	-----		A McKay	Call transferred	3/5/17
3/5/17	William Irvine	-----		A Davidson	E-Mailed	-----
5/5/17	Chris Hazzard's Office	Advice required		A McAlarney	E mail sent	5/5/17
" "	Cllr H Reilly	Who is the Case Officer dealing with this application?		G Kerr	Direct email	5/5/17
" "	M Ritchie MP	Update requested		A McAlarney	Direct e mail	11/5/17
8/5/17	Cllr R Mulgrew	-----		A Davidson	E Mail	-----
" "	C McGrath MLA	Update requested		A McAlarney	Direct e mail	11/5/17
" "	M Ritchie MP	Update requested		A McAlarney	Direct e mail	11/5/17
" "	C McGrath MLA	Update requested		A McAlarney	Direct e mail	11/5/17
9/5/17	Cllr S Doran	Update requested		A McAlarney	E mail	9/5/17
10/5/17	Cllr S Doran	Update requested		G Kerr	Call transferred via A Davidson	10/5/17
10/5/17	Justin McNulty	Update		P Rooney	Call transferred	10/5/17
11/5/17	Cllr D Taylor	Andrew Henry, Newtownhamilton		A Davidson	E mail	-----
" "	Cllr W Clarke	Main St., Killough- Is wall protected?		A McAlarney	Direct e mail	11/5/17
" "	C McGrath MLA	Update requested		A McAlarney	Direct e mail	11/5/17
" "	Cllr W Clarke	Main St., Killough - Is wall protected?		A McAlarney	Direct e mail	11/5/17
15/5/17	Cllr W Walker	Update requested		A McAlarney	Direct e mail	15/5/17
" "	Cllr W Walker	Update on Kirkland Rd., Toye		A McAlarney	Direct e mail	15/5/17
16/5/17	C Hazzard MLA office	Meeting 19/5/17 at 2pm		A McAlarney	Call transferred	16/5/17
" "	Justin McNulty	-----		P Rooney	E-mailed	-----
" "	Cllr L Deylin	General enquiry re timeframe		A Hay	Direct phone call	16/5/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

376

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	16/5/17	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	17/5/17	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	19/5/17	
17/5/17	M Ritchie MP	Opinion of Planning requested	A McAlarney-G Kerr	Direct e mail	18/5/17	
18/5/17	Justin McNulty		A Davidson	Call transferred	18/5/17	
" "	Cllr W Walker	Deferral requested	A McAlarney	Direct e mail	18/5/17	
" "	M Ritchie MP	Progress with Social Housing app	A McAlarney	Direct e mail	19/5/17	
" "	Cllr M Murnin	Land zoning enquiry	A Hay	Direct email	19/5/17	
19/5/17	Cllr M Murnin	Enquiry re field level increase	A McAlarney	Call transferred	19/5/17	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	19/5/17	
19/5/17	Cllr M Murnin	Land zoning enquiry (follow up)	A Hay	Direct email	19/5/17	
23/5/17	M Ritchie MP	Update requested	A McAlarney	Direct e mail	23/5/17	
" "	C McGrath MLAs office	Question about Planning Committee tomorrow	A McAlarney	Call transferred	23/5/17	
" "	M Ritchie MP	Concerns re access	A McAlarney	Direct e mail	23/5/17	
24/5/17	M Ritchie MP	Request to defer 2 x apps at today's Committee meeting	A McAlarney/A McKay	Direct e mail	24/5/17	
25/5/17	C McGrath MLA	Update	A McAlarney	Direct e mail	25/5/17	
" "	Cllr G Fitzpatrick	Update re meeting	P Rooney	Direct e mail	25/5/17	
" "	Cllr G Fitzpatrick	Additional information provided	P Rooney	Direct e mail	25/5/17	
25/5/17	S Bradley Office	General query about Local Development Plan	M McQuiston	Call transferred	25/5/17	
" "	M Ritchie's office	Can C McGrath MLA meet with A McKay on 1 June 2017?	M McIlhone	Call answered	25/5/17	
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	31/5/17	
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	30/5/17	
26/5/17	Cllr S Doran	Updates requested	G Kerr	E mail sent	26/5/17	
" "	M Ritchie MP	Appl. Rec'd for windfarm in Hilltown by ABO?	A McAlarney-G Kerr 30/5/17	Direct e mail	30/5/17	

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

377

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Clr G Fitzpatrick		Request for planning history	P Rooney	Direct e mail	26/5/17
30/5/17	Clr G Fitzpatrick		Enquiry re new site lines req'd?	P Rooney	Direct e mail	30/5/17
30/5/17	M Ritchie MP		Appl. rec'd opposite Monabot?	A McAlarney	Direct e mail	30/5/17
30/5/17	M Ritchie's' Office		-----	A McKay	Direct e mail	31/5/17
" "	Clr W Clarke		Update requested	A McAlarney	Direct e mail	30/5/17
" "	Clr W Clarke		Meeting request.	A McAlarney	Direct e mail	30/5/17
" "	M Ritchie's' Office		1 June at 3pm with C McGrath MLA	A McKay/M McIlhone	Direct e mail	31/5/17
" "	Clr W Walker		Update requested	A McAlarney	Direct e mail	30/5/17
" "	C McGrath MLA		No application details provided	A McAlarney	Direct e mail	31/5/17
" "	Clr W Clarke		Update requested	A McKay	Direct e mail	31/5/17
31/5/17	M Ritchie's' Office		-----	A McKay	Call transferred	31/5/17
" "	Clr R Mulgrew		Update requested	A Davidson	E mail	-----
" "	W Irwin MLA		And a recently discussed application	A Davidson	E Mail	6/6/17
" "	Clr H Reilly		Update requested	G Kerr	Direct e mail	1/6/17
" "	Clr H Reilly		Update requested	G Kerr	Direct e mail	1/6/17
" "	Clr T Hearty		Update requested	P Rooney	Direct e mail	1/6/17
1/6/17	M Ritchie MP		Update requested	M McIlhone	Direct e mail	1/6/17
" "	M Ritchie MP		Respond to proposal.	A McAlarney-A McKay	Direct e mail	1/6/17
" "	M Ritchie MP		Timeline requested	A McAlarney	Direct e mail	1/6/17
" "	M Ritchie MP		Update requested	G Kerr	Direct e mail	5/6/17
5/6/17	W Irwin MLA		Called 31/5/17	A Davidson	Telephone call	6/6/17
" "	Clr M Murnin		-----	M Keane	E mail sent	5/6/17
" "	Clr H Reilly		Query with Application	G Kerr	Direct e mail	7/6/17
" "	Clr T Andrews		Re: 39 Ardigon Rd, Killyleagh	A McAlarney	Direct e mail	19/6/17
6/6/17	Clr D Taylor		Setting up a PAD	A Davidson	E mail sent	6/6/17
" "	W Irwin MLA		Called 31/5/17	A Davidson	Call Transferred	6/6/17
" "	Clr D Taylor		Setting up a PAD	A Davidson	Call transferred	6/6/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

378

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
7/6/17	Clr S Doran	Query re: Permission lapsed	G Kerr	Direct e mail	7/6/17	
" "	Clr S Doran	Update requested	A McKay	Direct e mail response	7/6/17	
" "	Clr S Doran	Update requested	G Kerr	Direct e mail	8/6/17	
" "	Clr T Hearty	Update following meeting	P Rooney	Direct e mail	8/6/16	
12/6/17	Clr T Hearty	Decision needed	P Rooney	Direct e mail	12/6/17	
" "	Clr S Doran	Update requested	G Kerr	E mail sent	12/6/17	
" "	Clr D Taylor	Further to recent meeting	A Davidson	Call transferred	12/6/17	
" "	J McNulty MLA	-----	P Rooney	Call transferred	12/6/17	
" "	C McGrath MLA	Query re meeting	A McAlarney	Direct e mail	19/6/17	
13/6/17	Clr H Reilly	Meeting requested	G Kerr	Direct e mail	13/6/17	
" "	Clr L Devlin	Has objectors requested speaking rights?	C McAteer	Call transferred	13/6/17	
" "	S Ennis MLA	Update requested	P Rooney	Direct e mail	-----	
14/6/17	Clr T Hearty	Meeting requested	P Rooney	Direct e mail	14/6/17	
15/6/17	Clr S Doran	Update requested	G Kerr	E mail sent	15/6/17	
" "	Clr P O'Gribin	Tommy Mullans, application Mayobridge	G Kerr	E mail sent	15/6/17	
" "	Clr T Hearty	Meeting date agreed	P Rooney	Direct e mail	15/6/17	
16/6/17	M Ritchie's office	2 calls requesting to speak to A McKay	A McKay	Informed Anthony Margaret requested him to call her		
19/6/17	M Ritchie's office	Requesting to speak to A McKay	A McKay	Informed Anthony Margaret requested him to call her BY Email		

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

379

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	ClIr P Brown	Query	A McAlarney	Call transferred		19/6/17
20/6/17	ClIr P Brown	Update requested	A McAlarney	Call transferred		20/6/17
20/6/17	ClIr M Ruane	Further to conversation last Thursday 15/6/17	A McKay	Email sent RMcC		29/06/17
" "	C McGrath MLA	Meeting dates requested	A McAlarney	Direct e mail		20/6/17
" "	ClIr W Walker	dates provided	A McAlarney	Direct e mail		20/6/17
21/6/17	ClIr S Burns	Update requested	A McAlarney	Call transferred		21/6/17
" "	Thomas for J McNulty MLA	Wishes to confirm tomorrow's meeting	A Davidson	E mail sent		-----
22/6/17	C McGrath MLA	Update on position re legal advice?	A McAlarney	Direct e mail		22/6/17
22/6/17	C McGrath MLA	Contact name re legal advice?	A McAlarney	Direct e mail		23/6/17
23/6/17	ClIr D McAteer	Enforcement query	C Miskelly	Call transferred		23/6/17
" "	C Hazzard MLA Office	Update on applications	A McAlarney	Call transferred		23/6/17
" "	ClIr L Kimmins	Update requested	P Rooney	Direct e mail		26/6/17
" "	ClIr G Fitzpatrick	Update requested	P Rooney	Direct e mail		26/6/17
26/6/17	ClIr L Kimmins	Timescale for decision?	P Rooney	Direct e mail		26/6/17
27/6/17	ClIr R Mulgrew	Query	A Davidson	E mail sent		-----
27/6/17	ClIr Harte	Update requested	P Rooney	E mail sent RMcC		29/6/17
" "	ClIr G Fitzpatrick	Update requested	P Rooney	Direct e mail		27/6/17
" "	ClIr T Hearty	Update requested	A Davidson – A McAlarney	Direct e mail		29/6/17
" "	ClIr S Ennis	Update requested	P Rooney	Direct e mail		3/7/17
28/6/17	ClIr Taylor		D Watson	Call transferred		27/6/17
" "	C McGrath MLA	Update requested	A McAlarney – G Kerr	Direct e mail		5/7/2017
29/6/17	ClIr Mulgrew	Update requested	A Davidson	Directly informed		29/06/17
29/6/17	W Irwin MLA	Update requested	P Rooney	Directly informed		29/6/2017
29/6/17	ClIr Declan McAteer		A Davidson	Call transferred		29/6/2017
29/6/17	William Irwin MLA		A Davidson	Call transferred		29/6/2017

CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2017

380

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
------	--------	-----	-------	-------------	------	-----------------

29/6/17	C Hazzard MLA	F.A.O A McKay	A Davidson	Call transferred		29/6/2017
30/6/17	Cllr Patrick Brown		D Watson	Call transferred		30/6/2017
30/6/17	Cllr D Curran	Query re decision to refuse	M Keane	Call back		30/6/2017

Current Appeals

381

AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0005
Planning Ref:	P/2014/0303/O	DEA	The Mournes
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newry} Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	05/04/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2016/A0041
Planning Ref:	P/2014/0853/F	DEA	Crollieve
APPELLANT LOCATION	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
PROPOSAL	Retention of two light industrial units, erection of three light industrial units.		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	01/07/2016
Appeal Procedure	Informal Hearing		
Date of Hearing		16/09/2016	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

382

ITEM NO	3	PAC Ref:	2016/A0135
Planning Ref:	P/2014/0649/O	DEA	The Mournes
APPELLANT	Mr Joseph Walls		
LOCATION	60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
PROPOSAL	Site for Farm Dwelling (amended address)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2016/A0148
Planning Ref:	LA07/2015/0877/F	DEA	The Mournes
APPELLANT	Mr Diarmid Sloan		
LOCATION	10 Tullybrannigan Brae Newcastle BT33 0DG		
PROPOSAL	Roof space conversion, replacement roof and 2 storey extension		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	01/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

383

ITEM NO	5		
Planning Ref:	LA07/2015/1244/F	PAC Ref:	2016/A0166
APPELLANT	Barney Mackin	DEA	Crotlieve
LOCATION	19.3m North-East Of No27B Derrycraw Road Derrycraw		
PROPOSAL	^{Newly} Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2016/1041/C	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	^{Newly} Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

384

ITEM NO	7	PAC Ref:	2016/A0185
Planning Ref:	LA07/2016/0381/C	DEA	Crotlieve
APPELLANT	Mr Matt Burns		
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2016/A0192
Planning Ref:	LA07/2016/0802/C	DEA	Crotlieve
APPELLANT	Darren O'Hagan		
LOCATION	60m NE Of 11a New Line Road Hilltown		
PROPOSAL	^{Newrv} Site for dwelling and detached garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	30/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

385

ITEM NO	9		
Planning Ref:	P/2014/0972/O	PAC Ref:	2016/A0197
APPELLANT	Edward Ryan	DEA	Crotlieve
LOCATION	15 Ryanstown Road Newry		
PROPOSAL	RT34 2NG Site for dwelling (additional information submitted)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	11/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2016/0510/C	PAC Ref:	2016/A0204
APPELLANT	Robert Laurence Annett	DEA	The Mournes
LOCATION	Adjacent And West Of 60 Corcreaghan Road Kilkeel		
PROPOSAL	RT34 4SI Dwelling on a farm		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	23/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

386

ITEM NO	11	PAC Ref:	2016/A0211
Planning Ref:	LA07/2016/0826/C	DEA	Slieve Gullion
APPELLANT	Kevin Donaghy		
LOCATION	Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely Beeshbrook		
PROPOSAL	Proposed erection of detached dwelling and garage		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	02/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2016/A0214
Planning Ref:	LA07/2015/0647/C	DEA	Rowallane
APPELLANT	PR Jennings		
LOCATION	15m North Of 39 Listooder Road Crossgar		
PROPOSAL	Erection of farm dwelling (additional information received)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	10/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

387

ITEM NO	13		
Planning Ref:	LA07/2016/0732/C	PAC Ref:	2016/A0217
APPELLANT	Mrs Mary Carr	DEA	Newry
LOCATION	Lands To The Rear And South Of No. 6 Railway Road Meigh		
PROPOSAL	Killeavy Proposed erection of a farm dwelling		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	16/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2016/0365/C	PAC Ref:	2016/A0224
APPELLANT	Mr And Mrs McCluskey	DEA	Rowallane
LOCATION	Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

388

ITEM NO 15
Planning Ref: LA07/2015/1317/C **PAC Ref:** 2016/A0225
APPELLANT Paul And Dianne Kelly **DEA** Slieve Gullion
LOCATION 25m South Of 162 Tandragee Road
 Jerrettspass
PROPOSAL ^{Newry}
 1 No. infill 1.5 storey dwelling and garage

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Written Reps** **Date Appeal Lodged** 27/02/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 16
Planning Ref: LA07/2016/0477/F **PAC Ref:** 2016/A0226
APPELLANT Mr Caolan Quinn **DEA** Slieve Gullion
LOCATION 50m South-east Of No 106 Carrickgallogly Road
 Carrickgallogly
PROPOSAL ^{Belleek}
 Erection of dwelling

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 28/02/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

389

ITEM NO	17		
Planning Ref:	LA07/2016/0561/F	PAC Ref:	2016/A0238
APPELLANT	Mr & Mrs Samuel Duke	DEA	Rowallane
LOCATION	19 Inishbeg Killyleagh		
PROPOSAL	Downpatrick Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	16/03/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	P/2015/0147/LDP	PAC Ref:	2016//E0005
APPELLANT	Mr Gabriel McEvoy	DEA	Newry
LOCATION	14m South West Of No 255 Dublin Road Killeen		
PROPOSAL	Newry Erection of agricultural building and associated hardstanding area, including removal of existing stone wall to provide access from existing agricultural yard.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	02/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

390

ITEM NO	19		
Planning Ref:	LA07/2016/0396/L	PAC Ref:	2016/E0032LDC
APPELLANT	Michelle McGivern	DEA	Crotlieve
LOCATION	26A Greenan Lough Road (on Lands Associated With 26 Greenan Lough Road)		
PROPOSAL	Dwelling of temporary construction within the curtilage of an existing dwelling		
APPEAL TYPE	Plg Conditions		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2015/0166/L	PAC Ref:	2016-E0045
APPELLANT	Mr Ronald Sloan	DEA	The Mournes
LOCATION	29 Leitrim Road Kilkeel		
PROPOSAL	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

391

ITEM NO	21		
Planning Ref:	LA07/2015/0429/F	PAC Ref:	2017/A0002
APPELLANT	Rory And Kerri Farrell	DEA	Crotlieve
LOCATION	Site 11 The Avenue Rurren		
PROPOSAL	New two storey house with attached garage and associated external works		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	04/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2016/0150/C	PAC Ref:	2017/A0016
APPELLANT	Alan & Ronald Davidson	DEA	Crotlieve
LOCATION	Adjacent And Immediately South Of No.17 Ardaragh Road Newry Co. Down BT34 1NY		
PROPOSAL	Erection of managers dwelling and domestic garage		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	21/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

392

ITEM NO	23	PAC Ref:	2017/A0020
Planning Ref:	LA07/2015/0093/F	DEA	Slieve Croob
APPELLANT	Maurice Walsh		
LOCATION	14A Belfast Road Dundrum Newcastle		
PROPOSAL	Change of use of existing shed from light industrial for storage and distribution associated with oyster/mussel farming. (retrospective)		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	28/04/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2017/A0026
Planning Ref:	LA07/2016/1147/C	DEA	Rowallane
APPELLANT	Noel Ross		
LOCATION	Between 1 Drumgiven Road And 37 Creevyargon Road Ballynahinch		
PROPOSAL	Infill site for 2 dwellings and associated domestic garages.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	08/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO 25
Planning Ref: LA07/2016/0736/F **PAC Ref:** 2017/A0027
APPELLANT Mr Noel Ritchie **DEA** Slieve Croob
LOCATION To The Rear 102 Drumsnade Road
 Drumaness
 RT24 RNI
PROPOSAL Retrospective application for retention of timber frame domestic dwelling on site of storage shed

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 09/05/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 26
Planning Ref: LA07/2015/0946/F **PAC Ref:** 2017/A0028
APPELLANT Mark Rice **DEA** Newry
LOCATION Lands Adjacent And North Of No.46 Lower Foughill Road
 Jonesborough Armagh.
PROPOSAL Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description)

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 10/05/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

394

ITEM NO	27	PAC Ref:	2017/A0030
Planning Ref:	LA07/2016/0557/F	DEA	Slieve Gullion
APPELLANT LOCATION	Mr And Mrs Oliver Reavey 85 Newtown Road Camlough		
PROPOSAL	Newry Retention of dwelling as constructed previously approved under planning ref P/2015/0186/RM		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2017A0030
Planning Ref:	LA07/2016/0557/F	DEA	Slieve Gullion
APPELLANT LOCATION	Mr And Mrs Oliver Reavey 85 Newtown Road Camlough		
PROPOSAL	Newry		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	15/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

395

ITEM NO	29	PAC Ref:	2017/A0033
Planning Ref:	LA07/2017/0092/F	DEA	The Mournes
APPELLANT	Mr Fintan McMullan		
LOCATION	16 Mourne View Avenue Newcastle		
PROPOSAL	Newcastle Extension to front of dwelling (Retrospective)		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	22/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2017/A0044
Planning Ref:	LA07/2016/1323/F	DEA	The Mournes
APPELLANT	Cathal Sloan		
LOCATION	14 Sandy Brae Attical Kilkeel		
PROPOSAL	Partial conversion of existing domestic garage to provide ancillary residential accommodation.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	08/06/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

396

ITEM NO	31	PAC Ref:	2017/A0045
Planning Ref:	LA07/2016/0762/C	DEA	Downpatrick
APPELLANT	Mr G Sharvin		
LOCATION	Lands 10m West Of 89 Killard Road Ballyhornan		
PROPOSAL	Downpatrick Proposed one and half storey bungalow and detached garage (Amended Site Location)		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	08/06/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2017/A0047
Planning Ref:	LA07/2017/0199/F	DEA	Downpatrick
APPELLANT	Paul Burke		
LOCATION	12 Marshallstown Ballynoe Road		
PROPOSAL	Downpatrick Retention of portion of existing domestic store as replacement for substandard aged domestic stores		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	08/06/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

397

ITEM NO	33	PAC Ref:	2017/A009
Planning Ref:	LA07/2016/1296/C	DEA	Slieve Croob
APPELLANT	Mr And Mrs John Curran		
LOCATION	Opposite 2 And 4 Magheralone Road Drumaness Rallvnahinch		
PROPOSAL	Proposed 1No. dwelling and garage with associated site works		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	11/04/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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

Appeal Reference:	2016/A0201
Appeal by:	Mr & Mrs Eamon Quinn
Appeal against:	The refusal of an application for outline planning permission
Proposed Development:	Off-site replacement dwelling and garage
Location:	Land adjacent to and north east of No 20 Crohill Road, Cobane, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/1217/O
Procedure:	Written Representations with Accompanied Site Visit on 31 May 2017
Decision by:	Commissioner Pamela O'Donnell, dated 8 June 2017

Decision

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

Reasoning

2. The main issues in the appeal are: (i) whether the proposal is acceptable in principle in the countryside, (ii) whether it is capable of being visually integrated into the landscape and (iii) whether it would adversely impact on rural character.
3. The Planning Act (Northern Ireland) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the local development plan for the area where the appeal site is located. The BNMAP places the appeal site outside any settlement limit and within the countryside. The BNMAP contains no material policies for the type of development proposed. There are, however, relevant regional policies applicable and these are discussed below.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing planning policy statements. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is amongst the retained documents. Policy CTY1 thereof lists types of development which are acceptable in principle in the countryside. It states that other types of development will be permitted only where there are overriding reasons why that development is essential. Policy CTY1 goes on to say that planning permission will be granted for an individual dwelling house in six

cases. One is a replacement dwelling in accordance with Policy CTY3. It follows that if the proposal complies with Policy CTY3, it will comply with Policy CTY1.

5. Paragraph 6.73 of the SPPS is no more prescriptive than the text of PPS21 in relation to replacement dwellings. Thus the retained policies of PPS21 take precedence in decision making in accordance with the transitional arrangements outlined in the SPPS. Policy CTY3 of PPS21 indicates that proposals for a replacement dwelling will only be permitted subject to certain criteria. Bullet point two is of relevance in this case. It requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and the new dwelling should not have a visual impact significantly greater than the existing building.
6. The appeal site is accessed from the Crohill Road and the dwelling and shed to be replaced are located to the south east along the road frontage. The proposal is for an off-site replacement that seeks to locate a new dwelling and garage within the field to the east of the existing dwelling and outbuilding. This field is set back off the road and the proposed access would pass through the site of the existing buildings. The field is slightly elevated from the road but there is a gentle decrease in the gradient from east to west. The northern boundary is delineated by vegetation of around 1 - 1.5m high and there is vegetation along the eastern and western boundaries that extends to around 3m in height. The southern boundary is partially comprised of hedging at around 2m in height. A previous off-site replacement dwelling was approved on a site to the north of the existing buildings (P/2005/0913/O & P/2006/2371/RM). This approval has since expired.
7. The Council argued that the proposal would result in development that would have a visual impact significantly greater than the existing development due to the undulating landscape. At the site visit, it was clarified that this opinion was predicated on critical views of the site from the Sheeptown Road. The Council also argued that the proposal would be a prominent feature in the landscape and that it would not respect the traditional settlement pattern contrary to policies CTY13 and CTY14 of PPS21.
8. Development to the south of the appeal site can be appreciated from the Sheeptown Road due to the topography of the area and the lack of intervening vegetation. However, the appeal site is adequately enclosed by vegetation from the critical views identified and the boundary vegetation of the site could be retained at its present height by imposition of a condition. Given this, if the height of the proposal was restricted to no more than 6.0m from ground level and the dwelling had a footprint of no more than 1800sq ft, it would not be prominent or unduly prominent from the Sheeptown Road. Whilst development in the immediate area consists of mostly road frontage buildings, if the proposal was situated in the eastern part of the site, it would be in broad alignment with the building line of the development to the south. It would also be visually integrated from the Crohill Road and the proposed set back would not be so pronounced that it would unacceptably impact on the traditional pattern of development in the area. While the proposal would have a greater visual impact than that of the existing development when viewed from the Sheeptown Road, it would not be significantly greater if the stated restrictions were imposed.
9. For the reasons stated, the proposal does not offend policies CTY3, CTY13, CTY14 and CTY1 of PPS21. The reasons for refusal are not sustained.

10. The justification and amplification to Policy CTY3 requires all permissions for a replacement dwelling to be subject to a condition requiring demolition of the existing dwelling. The drawings show visibility splays and Transport NI raised no concerns with the access arrangements. Accordingly, and in the interest of road safety, it would be necessary to attach a negative condition to ensure the retention of the required visibility splays at the road junction before development commences. As there is a change in levels across the site, details of proposed and existing levels within the site would be required as part of the reserved matters application. In the interest of visual amenity, it would also be necessary to attach landscaping conditions to ensure existing boundary vegetation be retained.
11. The Council sought a negative condition requiring the Appellant to submit a copy of consent to discharge prior to commencement of development. They relied on Policy CTY16 to support their position and indicated that such a condition was routinely placed on all approvals for dwellings relying on non-mains sewerage systems. Policy CTY16 is a material consideration in the appeal. It states that planning permission will only be granted for such development where the Applicant can demonstrate that this will not create or add to a pollution problem. It goes on to say that applicants will be required to submit sufficient information on the means of sewerage disposal to allow a proper assessment of such proposals to be made. In this case, the Appellant did not submit such information so there is no certainty that the proposal would not cause groundwater pollution. Accordingly, in the interest of pollution prevention, it would be necessary to attach a negatively worded condition seeking approval of the detailed proposals for effluent disposal prior to the dwelling being occupied.
12. A third party raised concerns about his prospects of securing planning permission for a dwelling in future on an adjacent site. Each planning application is considered on its own merits and this proposal has been found acceptable for the reasons stated. The merits of any possible future planning application on neighbouring land would be a matter in the first instance for the Planning Authority at that time.

Conditions

1. Except as expressly provided for by Conditions 3, 4 and 6 the following reserved matters shall be approved by the Council - the siting, design and external appearance of the dwelling and the means of access thereto.
2. The dwelling and shed coloured green on attached plan marked PAC1 shall be demolished and all resultant rubble removed from the site prior to the commencement of the approved dwelling and garage.
3. The dwelling and garage shall be located in the hatched area on the plan marked PAC1 and the footprint of the dwelling, measured externally, shall not exceed 1800 sq ft.
4. The ridge height of the dwelling and garage shall not exceed 6.0m above the existing ground level at the lowest point within each of their respective footprints.

5. Any application for approval of reserved matters shall include plans indicating floor levels of the proposed dwelling and garage in relation to existing and proposed ground levels, all in relation to an identified datum point on Crohill Road.
6. Visibility splays of 2m by 33m shall be laid out in both directions on Crohill Road before any building operations commence and shall be permanently retained thereafter.
7. No development shall take place until detailed proposals for disposal of storm water and foul sewerage have been submitted to, and approved in writing by, the Council. The dwelling shall not be occupied until the approved arrangements are in place.
8. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for:-
 - the retention of the vegetation at no less than 3m high along the western and eastern site boundaries and the retention of the vegetation along the northern site boundary at no less than 1m high.

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
9. Application for approval of the reserved matters shall be made to the Council before the expiration of three years from the date of this decision.
10. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision approves the following drawings:-

Site Location Plan 1:1250 @ A3 and Plan marked PAC1 1:500 @ A3.

COMMISSIONER PAMELA O'DONNELL

2016/A0201

List of Appearances

Planning Authority:- Ms L Grant (Newry, Mourne and Down Council)

Appellant(s):- Mr G Tumelty (Agent)
Mrs B Quinn (Appellant's wife)

Third Parties:- Mr N Kearney
Mr D Kearney

List of Documents

Planning Authority:- "A" Statement of Case
"D" Planning History
"E" Critical Views Map

Appellant(s):- "B" Statement of Case
"C" Rebuttal

Third Parties:- None



Appeal Decision

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

Appeal Reference:	2016/A0186
Appeal by:	Seamus McLoughlin
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed Dwelling on a farm
Location:	70m north west of no. 10 Mayo Road, Mayobridge
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/1391/O
Procedure:	Written Representations with Accompanied Site Visit on 24 th May 2017.
Decision by:	Commissioner Mandy Jones, dated 15 th June 2017.

Decision

The appeal is dismissed.

Reasoning

1. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would have a detrimental impact on visual amenity and rural character of the area.
2. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is located within the rural area as designated within the Banbridge, Newry and Mourne Area Plan 2015. There are no policies in the Plan of relevance to the appeal proposal.
3. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy or when the SPPS is silent or less prescriptive on certain policies. Other than an inconsequential update in the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) regarding dwellings on farms. Therefore, PPS 21 provides the policy context for this appeal.

4. Within PPS 21, policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted for a dwelling house on a farm where all of a number of criteria are met. In this case, the Planning Authority argued that the appeal proposal fails to comply with criterion (a), (b) and (c) of policy CTY 10.
5. Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to policy CTY 10 states that new houses on farms will not be acceptable unless the existing farm business is both established and active. It goes on to say that the applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.
6. In this case, the appellant applied for a house on a farm. The appeal site forms part of a roadside field which fronts onto the Mayo Road. It is one of 5 fields which forms an agricultural holding of 3.73 hectares. Within the background papers submitted, form P1C states that the appellant owns this 3.75 hectares of land which is let out in conacre and that he 'has maintained the boundaries and fencing on the farm.' A farm business ID number of 186132 was quoted. However, the Department of Agriculture and Rural Development (DARD) consultee response dated 22.3.2016 states that there is no farm business ID number and no single farm payments had been claimed in the last 6 years. Under the comments section it is noted that the number quoted on form P1C is only an Applicant Ref. The appellant does not have a DARD farm business ID number.
7. A DARD farm map dated 10.12.2012 for Mr James Morgan with a Farm Business ID number 633105 indicated that this 3.75 parcel of land is part of a larger holding. The Council stated that copies of the letting arrangement were provided - a number of bills for the letting of land dating from 2009 and the letting agent confirmed that the land has been let on a conacre basis for over 20 years. The 3.75 hectares owned by the appellant comprising the 5 fields are part of the farm business of Mr Morgan which is farmed under his farm business number.
8. Policy requires the farm's DARD farm business ID number along with other evidence (my emphasis) to prove active farming over the required period. Para 5.39 states that 'for the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition'. This is in broad conformity with the definition as set out in paragraph 6.73 of the SPPS. In terms of ' other evidence ', whilst the appellant states that he maintains the land in a state which makes it suitable for grazing or cultivation as defined as an agricultural activity, no evidence was presented to substantiate this.
9. The appellant referred to a letter dated 12.12. 2014 from the Chief Planners Office which quoted, *'the Department may accept suitable alternative evidence of active farming. However, this will be the exception and as advised in the previous correspondence the general position will be that applicants will be required to provide the farms DARD business ID as evidence that the farm is both active and*

established'. The letter goes on to say, *'There is no prescriptive list of circumstances where it is not required to produce a farms DARD business number ID, rather the onus is on the applicant to submit suitable information to support their submission'*.

10. It was argued by the appellant that he should be recognised as an active farmer of his holding and it was contended that he meets the requirements of SPPS paragraph 6.73 which refers to 'agricultural activity' as defined by Article 4 of the European Council Regulations No. 1307/2013. However, the onus is on the appellant to demonstrate that his farm business is both active and established. In the evidential context of the limited information provided by the appellant it has not been demonstrated that the appellant has a farm business that is currently active as well as established for the last 6 years. The 5 fields in themselves do not constitute an active and established farm for the purposes of Policy CTY 10. This was also the conclusion of a previous appeal decision for the appellant (reference 2012/A0262) for a dwelling on a farm within the 3.75 hectare holding but within a different field.
11. The appellant submitted a photocopy of the final page of a previous case officer's report for application P/2011/1026/0 which stated 'farming need accepted'. This application was subsequently appealed and dismissed and is referred to above. I would agree with the Council that it does not overcome the fact that the appellant presently does not have a farm business ID number or has not provided any other evidence to prove active farming over the required period. The appeal proposal does not comply with a fundamental requirement of Policy CTY 10 as criterion (a) has not been met. As was found in appeal decision 2012/A0262, as the appeal site is not within an established farm business, as defined in Policy CTY 10, it follows that criteria (b) and (c) would not be complied with either. The appeal proposal does not therefore represent a dwelling on a farm in accordance with Policy CTY 10 of PPS 21.
12. It is not one of the types of development that is acceptable in principle in the countryside under Policy CTY 1 of PPS 21 and no overriding reasons have been put forward as to why the development is essential. Accordingly, the Council's first reason for refusal based on policies CTY 1 and CTY 10 of PPS 21 is sustained.
13. Policy CTY 13 – Integration and Design of Buildings in the countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It goes on to state that a new building will be unacceptable in a number of circumstances and sets out seven criteria. The Council argue that the proposal is unacceptable because (a) it is a prominent feature in the landscape and (b) that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
14. The appeal site is located immediately adjacent to the roadside. It is part of a larger agricultural field. The roadside boundary is defined by a grass embankment approximately 1.5m high with a number of semi mature trees along the frontage. To the south is no. 10 Mayo Road and the boundary is defined by a post and wire fence and a row of trees. The rear boundary and the northern boundary of the appeal site are undefined. A dwelling with a ridge height of 7.0m is proposed. The appeal site has a frontage of approximately 60m onto the Mayo Road. The Council

- identified critical views from the Mayo Road along the frontage of the host field. The submitted site plan indicates that to provide the required visibility splays of 2.4m x 60m the roadside vegetation and banking would be required to be removed across the entire frontage of the appeal site and the host field. This would allow clear and open views of a dwelling on the appeal site from the critical viewpoints. There is only one defined boundary to the south. I consider that this would be insufficient to provide a suitable degree of enclosure for a dwelling to integrate into the landscape.
15. Travelling the Mayo Road from the north along the frontage of the host field, the appeal site is at a higher level and notwithstanding the presence of the southern boundary which provides a backdrop, due to the removal of the entire frontage vegetation a dwelling would also appear open, exposed and prominent within a much larger host field. Proposed landscaping would take time to establish to provide enclosure and integration of the proposal. Given this lack of enclosure, a dwelling would appear as a prominent feature in the landscape and as such the Council's second reason for refusal based on policy CTY 13 has been sustained.
 16. Policy CTY 8 – Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Ribbon development has consistency been opposed and will continue to be unacceptable.
 17. The Council argue that the proposal will extend a ribbon of development which comprises no 10 and its garage and the farm building at the roadside. Paragraph 5.33 states that a ribbon does not necessarily have to be served by individual accesses nor have continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. I note that policy refers to buildings (my emphasis) and not dwellings.
 18. Travelling the Mayo Road, a dwelling on the appeal site would be read with no. 10 and its garage and then the farm building which is at the roadside. Policy does not specify a minimum number of buildings required to comprise a ribbon. I would agree with the Council that the proposal would extend the ribbon of buildings to the north. As such, the Council's third reason for refusal based on policy CTY 13 is sustained.
 19. Policy CTY 14 Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It states that a new building will be unacceptable in a number of circumstances and lists five criteria. The Council argue that (a) it is unduly prominent in the landscape and (d) it creates or adds to a ribbon of development.
 20. As I have previously concluded that a dwelling on the appeal site would be unduly prominent in the landscape and would add to a ribbon of development, the appeal proposal is contrary to policy CTY 14. As such, the Council's fourth reason for refusal is sustained.

21. The appellant referred to 'numerous cases where permission has been granted for a dwelling on a farm under CTY 10 where there are no farm buildings and the farmer has no business number.' Reference was made to application P/2011/0668 where the appellant claims that permission was granted on a farm with no farm buildings to link with. Reference was also made to another approval – P/2009/1532/O where the appellant claims that permission was granted for a dwelling adjacent to the development limit and there was no farm buildings to link with. However, it was not made clear if either of these approvals had a farm business ID number. In any case, each appeal must be assessed on its own merits.

As all of the Council's reasons for refusal have been sustained and are determining the appeal must fail.

This decision relates to the following:

- PAC 1; Site Location Plan, scale 1:1250 date stamped refused 28.10. 2016.

COMMISSIONER MANDY JONES

2016/A0186

List of Documents

- | | |
|----------------------------|---------------------------------------|
| Planning Authority: | 'A' Statement of Case with appendices |
| | 'B' Rebuttal |
| Appellant: | 'C' Statement of Case with appendices |
| | 'D' Rebuttal |

2016/A0186

Appearances at the Accompanied Site Visit

Newry, Mourne and Down District Council
Planning Authority: Gareth Kerr.

Appellant: Aiden Cole (agent)
Seamus McLoughlin (appellant)



Appeal Decision

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

Appeal Reference:	2016/A0219
Appeal by:	J Graham & Sons (Kilkeel) Ltd
Appeal against:	The refusal of full planning permission
Proposed Development:	One and half storey dwelling
Location:	Between 32 and 34 Eliza Close, Newcastle
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0268/F
Procedure:	Written representations and accompanied site visit on 1 st June 2017
Decision by:	Commissioner Diane O'Neill, dated 12 th June 2017

Decision

1. The appeal is dismissed.

Reasons

2. The appellant previously submitted an appeal against the refusal of planning permission for a one and half storey dwelling on the appeal site (2011/A0052). The appeal was dismissed on 1st May 2012 on the basis that the Commissioner found that the limited size of the site and width of the dwelling would not be in keeping with the surrounding context and character of this area. It is clear from the decision in 2011/A0052 that there is no fundamental difference in the current proposal. The appellant did not submit any written submissions to support his case however when submitting his planning application to the planning authority he referred to another appeal at Grahamville Estate, Kilkeel where a similar proposal has since been allowed (2012/A0002).
3. The main issues in this appeal are the impact of the proposed development on the character and appearance of the locality and on the privacy of adjoining properties.
4. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 is the local development plan for the area where the appeal site is located. The plan identifies the site as being unzoned within the development limit of Newcastle. The Ards and Down Area Plan does not however contain any material policies for dealing with such an incidental parcel of land; it therefore must satisfy prevailing policy requirements.

5. As in the previous appeal 2011/A0052, the relevant policy context for this proposal is provided by Policy QD 1 of PPS 7: Quality Residential Environments which requires that all proposals for residential development will be expected to conform to specified criteria. The Council contended that the proposal offends against criteria (a) in that it would harm the character and appearance of the locality through inappropriate layout, form and design. Objectors also raised concerns in relation to criterion (h) in that the design and layout would create conflict with adjacent land uses and would have an unacceptable adverse effect on existing properties in terms of overlooking and other disturbance.
6. The appeal site consists of an abandoned roadway which is approximately 9m wide and located between two bungalows. As the front elevation of the proposed dwelling would measure approximately 7m, it would be at variance with the length of the front elevation of adjacent properties which measure approximately 12m. With approximately 1m between the side elevations of the dwelling and the adjacent boundaries pedestrian access would be possible to the rear of the dwelling. However, as concluded in the previous appeal decision, the proposal would appear cramped and would not respect the character of the residential area. The length of the plots in the vicinity of the site range between 16-20m which is considerably longer than the appeal site (approximate 9m). The majority of the dwellings in the development also have driveways and garages to one side or have parking within the plots. The appeal proposal would have two parking spaces to the front of the dwelling with no provision for a garage or driveway. The reduced length of the plot together with the variance in the parking arrangement would also not respect the surrounding context and be out of keeping with the established residential character.
7. The objectors also raised concerns in relation the ridge height of the proposal however given its proposed step-down from No.32 it would respect the existing streetscape. The proposed finishes of the dwelling would respect that in Eliza Close.
8. Appeal 2012/A0002, referred to by the appellant, was for a dwelling of a similar design and on a vacant plot of land located within two dwellings. The site, being located within a housing estate within Kilkeel, however was located in a different context to the current appeal proposal. In that case the Commissioner considered that the dwelling would not have a cramped appearance and that the spacing between the proposal and the existing buildings on either side would not be substantially different than others in the vicinity. It was also considered that the provision of car parking to the front of the dwelling would not be unacceptably visually disruptive. The circumstances of the site in Kilkeel are therefore different from this case and are not directly comparable.
9. Therefore, as I consider that the proposal would be out of keeping with the character and appearance of the area it would not comply with Policy QD1 of PPS7. The reason for refusal is therefore sustained.
10. The objectors raised concerns that the proposal would compromise the privacy of adjacent properties. In terms of the impact on No. 23 Tollymore Brae, the ground floor bedroom on the rear return of the proposed dwelling would be approximately 9m from the common boundary and approximately 13.5m from the small windows on the side elevation of No.23 Tollymore Brae. The proposed kitchen/dining room

ground floor glass doors would be approximately 13m from the common boundary and approximately 17.5m from the side elevation of No.23 Tollymore Brae. Given these separation distances, the intervening fencing and the fact that No.23 is positioned on a higher ground level, their amenity would not be unsatisfactorily compromised by the appeal proposal. In terms of the privacy of the existing dwellings on either side of the proposal, there are no windows on the side elevation of No.34 Eliza Close. No. 32 Eliza Close and the appeal proposal would both have modest first floor bedroom windows on their neighbouring side elevations however given that there would be a separation distance of approximately 4m between the dwellings, the intervening vegetation and the urban context, in this case it would be acceptable.

11. In terms of the road safety objections raised by the objectors, I am not persuaded that the appellant could not construct the dwelling without compromising road safety or that emergency vehicles could not turn safely elsewhere within this residential development. Transport NI has also not raised any objections in relation to the proposal.
12. At the site visit the appellant stated that he was satisfied that NIE infrastructure cabling was only located along the frontage of the appeal site. However, even if it were located within the appeal site, this would be a matter for the appellant to address during construction and any legal access issue would be a civil matter between the parties. No substantive evidence was presented to support the claim that neighbouring properties would be structural damaged during the construction of the property. Concern that the proposal would lead to a devaluation of neighbouring properties was also not substantiated with persuasive evidence. Claims in relation to the existing development being overdeveloped and not having public open space provision are beyond the remit of the appeal.

This decision is based on Drawing 2841 PL location map, site plan, elevations and floor plans and section dated 23rd February 2016.

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority Newry, Mourne and Down District Council:-	Ms Catherine Moane
Appellant:-	Mr David Graham Mr Aidan Cole (Cole Partnership)
Objectors:-	Mrs Kathleen Flynn (No.2 Eliza Close) Ms Catriona Flynn (No.2 Eliza Close)

List of Documents

Planning Authority:-	Newry, Mourne and Down District Council SOC	DC 1
Third Parties:-	Mrs Kathleen Flynn: letter to Council SOC	Obj 1 Obj 6
	Mr and Mrs Alan Stewart: letters to Council SOC	Obj 2&3 Obj 7
	Mr and Mrs Donal Rogan: emails to Council SOC	Obj 4&5 Obj 8



Appeal Decision

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

Appeal Reference:	2016/A0228
Appeal by:	Ms Naoimh Morgan
Appeal against:	The refusal of full planning permission
Proposed Development:	Dwelling
Location:	Adjacent to No.13 Crieve Road, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0523/F
Procedure:	Written representations and accompanied site visit on 20 th June 2017
Decision by:	Commissioner Diane O'Neill, dated 26 th June 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impact of the proposed development on the character and appearance of the locality and on the amenity of adjoining properties.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. The site is the side garden of a residential property (No.13) and is unzoned within the development limit of Newry. Whilst BNMAP acknowledges that such windfall sites can arise and contribute to the housing land supply over the Plan period, it does not contain any material policies for dealing with such a proposal. The plan identifies that a historic monument (DOW 046:052) is located in close proximity to the appeal site however no objection was raised in relation to this issue. The proposal therefore must satisfy prevailing regional policy requirements.
4. The relevant policy context for this proposal is provided by PPS 7: Quality Residential Environments and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas. Policy QD 1 in PPS 7 requires that all proposals for residential development conform to specified criteria. The Council contend that the proposal offends against criterion (a) in that it would harm the character and appearance of the locality through inappropriate layout, form and design. As this is an established residential area, it also raised concern in relation to criterion (b) of Policy LC 1 in the Addendum to PPS 7: Safeguarding the

Character of Established Residential Areas as they consider that the pattern of development would not be in keeping with the overall character of the established residential area. It also considers that the proposal would not meet criterion (h) of Policy QD1 in PPS 7 in that its design and layout would have an adverse effect on existing properties due to overshadowing and dominance.

5. The appeal site is the elongated side garden of the appellant's single storey dwelling at No.13 Crieve Road. In order to access the proposal and achieve the required visibility splays it is now proposed to pair the access with that of No.13. From the double entrance the driveway to the proposed dwelling would sweep through the front garden area of No.13. Given the urban context, the presence of sweeping driveways in the locality and the positioning of other entrances in close proximity to each other, the proposed access arrangement would not appear out of keeping or unsightly in the area.
6. This side and section of Crieve Road has predominantly single storey dwellings set back from the carriageway on elevated wide mature plots. Whilst the frontage of the appeal site is wider than the rest of the plot, where the dwelling would be located would be approximately half the width of the remaining plot of No.13. Whilst some plots along the road may be slightly wider than others, where the dwelling would be positioned would be approximately 10m narrower than the average width of plot located along this side and stretch of Crieve Road. Although the argument was presented that more contemporary developments have narrower frontages, in this instance the appeal proposal would be out of keeping with its context.
7. As a result of the limited width of the majority of the plot, the proposed dwelling would be approximately 2m from the shared boundaries of the neighbouring houses. The dwelling would therefore appear cramped within the plot. Due to the limited plot width, the proposal has also been designed so that the front of the dwelling facing the road would be approximately 11m wide with the kitchen area being contained within an outshot area to the east. The bulk of the dwelling would be 21m long and located along the western boundary of site adjacent to the dwelling at No.11. Whilst the proposed dwelling may be of a similar design and size to others in the locality, its orientation, with the narrower elevation facing the road, would be uncharacteristic of this area. The slight change in the orientation of the road and the presence of dispersed trees along the site's lower road frontage would not prevent the design arrangement being apparent from Crieve Road and appearing out of keeping with the area.
8. Whilst the appellant would not wish to harm her own property or the locality, as the proposal would be out of keeping with the character and appearance of this established residential area it would not comply with criterion (a) of Policy QD 1 of PPS 7 and criterion (b) of Policy LC 1 of the Addendum to PPS 7. The second reason for refusal and the first reason for refusal, in so far as it relates to these matters, are sustained.
9. Concern was also raised in relation to the dominant and overshadowing impact that the proposal would have on the neighbouring single storey properties at Nos. 11 and 13 Crieve Road. The western elevation of the proposed dwelling would measure approximately 21m in length and be positioned in close proximity to the boundary of the dwelling at No.11. However, the proposed 5.4m high dwelling

would have a hipped roof and measure approximately 3m to the eaves. This modest height together with the shared 2m high boundary hedgerow and the set back and angle of the proposed dwelling in relation to No.11 would mean that it would not have a dominant impact on the residents of No.11. It would also not adversely affect their enjoyment of the amenity space located to the south of the dwelling. Whilst the planning authority stated at the site visit that the proposal would result in an unsatisfactory level of light entering the rear rooms of No.11, no details of the light test were provided. Given the existence of the dense hedgerow and the height and positioning of the proposed dwelling in relation to No.11, I am not however persuaded that the proposal would result in an unacceptable level of overshadowing or loss of light for the residents of No.11. In terms of the impact of the proposal on existing and future residents of No.13, the eastern elevation of the proposed dwelling is broken up into a number of elements with the more substantial western section being approximately 8m from the dwelling. Given this separation distance and the positioning and design of the dwelling, the proposal would not have an adverse effect on the inhabitants of No.13. The concerns in relation to criterion (h) of Policy QD 1 are therefore not sustained.

10. Whilst it is appreciated that the appellant is seeking to provide residential accommodation for her mother, the adverse impact that the proposed development would have on the character and appearance of the area is determining in this case. The appeal must therefore fail.

This decision is based on drawing 01Rev 1 site location map, drawing 02 Rev 2 proposed elevations, floor plan and access arrangement and drawing 03 Rev 1 1:200 proposed site layout which were all date stamped received by Newry, Mourne and Down District Council on 14th November 2016.

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority Newry, Mourne and Down District Council:-	Mr Pat Rooney
Appellant:-	Ms Naoimh Morgan Mr Joe Lynam, architect

List of Documents

Planning Authority Newry, Mourne and Down District Council:-	Statement of Case	PA 1
Appellant (J Lynam, architect):-	Statement of Case Rebuttal	A 1 A 2



Appeal Decision

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

Appeal Reference: 2016/A0157
Appeal by: Mr John Morgan
Appeal against: The refusal of full planning permission
Proposed Development: 225kW Wind turbine with 30m and 29m rotar
Location: 220m west of 6 Tamary Road, Mayobridge
Planning Authority: Newry, Mourne & Down District Council
Application Reference: P/2013/0938/F
Procedure: Hearing on 23 March 2017
Decision by: Commissioner Brigid McGlinchey dated 12 June 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impact of the proposal on the visual amenity and landscape character of the area both individually and cumulatively with other turbines.
3. The appeal site lies within the open countryside outside any settlement development limits as defined in the Banbridge Newry & Mourne Area Plan 2015. The plan shows that the site lies within the Slieve Croob & Mourne Area of Outstanding Natural Beauty (AONB). The plan has no material provisions in respect of the site or wind energy developments. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are material in all decisions on individual planning applications and appeals. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements. The relevant retained policy document in this case is 'Planning Policy Statement 18: Renewable Energy' (PPS18). PPS18 is supported by a 'Best Practice Guide: Renewable Energy' (BPG) and a supplementary planning guidance document 'Wind Energy Development in Northern Ireland Landscapes' (SPG).
4. Paragraph 1.12 of the SPPS indicates that any conflict between it and any retained policy must be resolved in favour of the SPPS. Policy RE1 of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given 'significant' weight in determining whether planning permission should be granted. Paragraph 6.225 of the SPPS however requires that 'appropriate' weight be attached to such benefits in the overall planning balance.

5. Paragraph 3.1 of PPS18 states that its aim is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. However, this is moderated by the objectives set out at Paragraph 3.2 which include ensuring that the environment, landscape and visual amenity impacts associated with or arising from renewable energy developments are adequately addressed and that there is adequate protection of the region's built and cultural heritage features. These objectives are reflected in Policy RE1 which indicates that proposals to generate energy from renewable resources will be permitted provided they do not result in an unacceptable adverse impact on a number of identified criteria. Criterion (b) of Policy RE1 of PPS18 requires that there should be no unacceptable adverse impact on visual amenity and landscape character. With respect to wind energy development, the policy stipulates that compliance with an additional seven criteria is required. Criterion (i) requires demonstration that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines whilst criterion (ii) requires that the development has taken into consideration the cumulative impact of existing wind turbines including those which have permissions.
7. Paragraph 6.230 of the SPSS indicates that wind turbines are by their nature highly visible and the ability of the landscape to absorb them depends on careful siting and inherent landscape characteristics such as landform, ridges, hills, valleys and vegetation. Paragraph 1.3.25 of the BPG acknowledges that whilst it will normally be unrealistic to seek to conceal turbines, developers should seek to ensure that through good siting and design, the landscape and visual impacts are limited and appropriate to the location. Paragraph 1.3.33 states that the cumulative impact of neighbouring developments is an important material consideration. It goes on to state that the nature and character of the location, and the landscape in which a development is located, will in part determine the acceptability or otherwise of siting proposals in proximity to each other.
8. The site is located within LCA72: Slieve Roosley Landscape Character Area which forms part of Mourne AONB. Para 1.3.23 of BPG indicates that a cautious approach is necessary in relation to those landscapes which are of designated significant value such as AONBs. The SPG attributes a high overall sensitivity rating to wind energy development within this LCA. The SPG however acknowledges that there is considerable variation in sensitivity level across any area and that areas of higher or lower sensitivity may also exist. In respect of LCA72, it indicates that although the vertical scale of the landscape reduces sensitivity, the narrowness of the upland ridges and wide visibility makes them highly sensitive to wind energy development. It identifies that the lower foothills to the west and north are somewhat less sensitive although their smaller landscape pattern and function as a setting to the Mourne are key constraints. The appeal site is located within the northwest section of the LCA on a ridge between Tamar Road and Ballydoo Road. The ridge extends northwards and rises up to 244m AOD. Though the proposed turbine is to be positioned at a lower height of 233 AOD, it would nonetheless be positioned close to the crest of the ridge at that location. A key objection is that the proposal would have an unacceptable adverse impact on the visual amenity and landscape character of the area.

9. Concerns were also expressed that the proposed development has the potential to cause a cumulative impact as it would be visible in the context of other turbines from viewpoints along the surrounding road network. Undoubtedly, cumulative impacts become increasingly relevant as the number of existing and consented wind energy development grows. An existing turbine with a blade tip height of 55.5m is sited 1.2km northeast of the appeal site (P/2012/0342/F) whilst a turbine with almost similar dimensions was approved in November 2016 on a site 1km north of the appeal site (P/2013/0322/F). Though the appeal proposal with a blade tip height of 44.5m is relatively smaller, it is to be sited on higher ground compared to the position of the two approved turbines. Whilst the objectors also referred to two other proposed single turbines the planning applications for these (P/2014/0077/F and P/2014/0893/F) have been withdrawn and therefore are not pertinent to my assessment.
10. The appellant referred to photo montages he submitted during the processing of the planning application to illustrate how the proposed turbine would appear in the landscape and in the context of the existing turbine situated close to Leode Quarry. He however provided no accompanying map or details on the location of the view points to allow a proper assessment. A location map identifying the various viewpoints (VP1-13) was only submitted after the appeal hearing. Due to the shortcomings in the submitted information, the planning authority indicated that its assessment had relied on the Cumulative Visualisation Images (CV1-11) received as part of the concurrent planning application for P/2013/0322/F and which had included reference to the appeal proposal. My assessment of the individual and cumulative visual impact of the appeal proposal has been informed by both sets of images and has been aided by the reference point in the landscape provided by the existing turbine.
11. From the identified long range viewpoints over 3kms from the appeal site (VP3 and CV10 on Ballyvally Road, VP9 and CV4 close to the GAA grounds on Glenhone Road, VP10 on Drumlough Road and VP13 on the Newry Road) the appeal proposal would be perceptible on the skyline and in tandem with either one or both of the approved turbines. I consider however that given the separation distance, the visual impacts of the appeal proposal would be moderate and therefore would not be fatal to the proposal. The appellant identified only one perspective within 1-3km of the appeal site where the proposed turbine would be visible. From his VP8 on Drumlough Road, only the blades of the proposal would be discernible against the skyline with the existing turbine commanding a more prominent position. The planning authority's evidence however indicates that the proposal would also be visible from four other closer aspects within this range. From CV2 on Tamary Road, the proposal would be seen in isolation on the skyline with no backdrop. From the other viewpoints (CV3 on Ballykeel Road, CV6 on Carmeen Road and CV7 on Crossan Road) the proposal would be viewed in tandem with either one or both of approved turbines. These show that the appeal proposal would be a relatively more prominent feature being positioned on an elevated location and that its visual impact would unacceptably detract from the landscape. The addition of the proposed turbine higher up on the slope and in the context of the other two turbines as seen in CV3 and CV7 would significantly reduce the scenic quality of this part of the AONB.
12. The appellant identified five close range viewpoints approximately 1km or less from the appeal site. Though the appeal proposal would be viewed against rising

land from VP1 on Tamary Road, from all the other four viewpoints (VP2 on Edentamary Road, VP5 on Old Road, VP6 on Bavan Road and VP11 on Leode Road), the appeal proposal would appear as a prominent entity on the skyline. The Leode Quarry is not intervisible with the appeal proposal from any of these perspectives and thus it has no bearing on my assessment. VP6 shows that the appeal proposal would be sited on much higher ground close to the top of the ridge on the skyline relative to the position of the existing turbine albeit that it would also be viewed on the skyline. From these close range views, I consider that the appeal proposal would be overly dominant and have an unacceptable detrimental visual impact on the character of the immediate landscape. Notwithstanding the moderate impacts from the longer range views, I consider that the individual and cumulative visual impacts of the proposal when viewed from the other identified closer perspectives would adversely detract from the landscape amenity of this part of the AONB and render the proposal visually unacceptable.

13. Paragraph 6.225 of the SPPS indicates that the wider environmental, economic and social benefits of proposals for renewable energy projects will be given appropriate weight in determining whether planning permission should be granted. The appellant identified a number of benefits from the proposal including the provision of electricity for the equivalent of c.100 houses, contribution to government's targets for renewable energy supplies, creation of jobs for those involved with the construction and maintenance of the turbine and indirect benefits to the local economy. Whilst I accept that the appeal proposal would undoubtedly provide benefits, I have identified adverse harm to this designated landscape. In the overall planning balance, I find that the adverse impact would not be outweighed by the identified benefits. I conclude that the proposal does not represent a renewable energy project in accordance with Policy RE1 of PPS18. The two reasons for refusal under this policy and the objectors' stated concerns in this regard are sustained and determining in this appeal.

This decision is based on the following drawings:-

- 01 - 1:2500 scale Site location plan;
- 02 - 1:500 scale Block plan;
- 03 - 1:100 scale Elevation;
- 04 - 1:100 scale Elevation.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- G Kerr

Appellant:-
Conor Foy, CD Consulting
J Morgan, Appellant
J McSherry, Friend of the appellant from Jerretspass

List of Documents

Planning Authority:-
C1 Statement of case + Appendices
C2 Details of planning histories for other turbines

Appellant:-
A1 Statement of case + Appendices
A2 Map showing location and direction of viewpoints



Appeal Decision

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

Appeal Reference:	2016/A0135
Appeal by:	Mr Joseph Walls
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for farm dwelling
Location:	60m east of No.20 Sandbank Road, Hilltown
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	P/2014/0649/O
Procedure:	Hearing on 12 April 2017.
Decision by:	Commissioner Brigid McGlinchey dated 19 June 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development would be acceptable in principle in the countryside.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. In the Banbridge Newry & Mourne Area Plan 2015 the appeal site is located in the rural area. The Plan contains no specific policies or designations that are of assistance in the determination of this appeal. The Strategic Planning Policy Statement for NI (SPPS) is material to all decisions on individual planning applications and appeals. It identifies policy documents that are retained including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context in this appeal. The SPPS indicates that any conflict between it and any retained policy will be resolved in the favour of the provisions of the SPPS.
4. Policy CTY1 of PPS21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. This includes a dwelling on a farm in accordance with Policy CTY10. This policy is expressed permissively stating that planning permission will be granted where three criteria are met. The planning authority accepts that the farm business is currently active and established for more than 6 years and that no development opportunities had been sold off from the farm holding thus satisfying criteria (a) and (b). Its objection is that the proposal fails to comply with criterion (c) which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Whilst paragraph 6.73 of the SPPS states that the proposed dwelling 'must' (*my emphasis*) be visually linked or sited to cluster with an established group of buildings

on the farm holding, I consider that this merely reiterates the requirement of criterion (c) of Policy CTY10 and does not indicate a shift in policy.

5. Paragraph 5.41 of the amplification of Policy CTY10 advises that a new dwelling should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The appellant sought to argue that a dwelling and garage at No.20 Sandbank Road positioned to the west of the appeal site represented a building group on the farm holding. These buildings belong to the appellant's daughter and her husband. Albeit that the daughter is involved in the farm business in an administrative capacity including dealing with health and safety matters and that her husband, a plasterer, helps out on the farm on a part-time basis, the deeds indicate that the land on which the buildings are sited was transferred off the farm holding in early 2008 and no longer forms part of the farm business. Even if the dwelling and garage are owned by an immediate family member and are surrounded by the appellant's farm land, this does not confirm that they are buildings on the farm. The definition of an 'agricultural unit' as set out in the Planning (General Permitted Development) Order (Northern Ireland) 2015 indicates that it refers to land occupied for the purposes of agriculture and "includes any dwelling house or other building occupied by the same person for the purposes of farming the land by the person who occupies the same unit". I consider that this definition of an agricultural unit would not encompass buildings sold off from the unit and which are not occupied for the purposes of farming the land. The consideration of the circumstances in appeal decision 2015/A0176 confirms that the emphasis under criterion (c) must be based on an assessment of land and buildings which form part of the farm business and does not assist the appellant's case.
6. The established group of buildings on the farm are clustered at the main farm dwelling at No.26 Sandbank Road which is set back from the road and is accessed by a laneway. The grouping includes buildings for both commercial and agricultural storage and intensive livestock facilities all located on the southern side of a yard with the farm dwelling and another dwelling positioned to the northern side of the yard. The proposal which involves siting a dwelling approximately 267m NE of one of the farm house would not cluster or be visually linked with this group of farm buildings. Criterion (c) however goes on to state that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the a farm or out-farm and where there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group.
7. There was no evidence presented regarding plans to expand the farm business. The appellant however raised a number of health and safety concerns following an audit carried out by a health and safety consultant of the existing risks and potential risks of siting a dwelling in close proximity to the farm complex. The submitted letter stated that it would be inadvisable to cluster a dwelling with this grouping due to the health and safety risks from the storage of lime and animal feed and other hazards noted as common to most businesses of this type notably chemicals, confined spaces, heights, machinery, vehicles and noise pollution. Whilst undoubtedly there would be variety of health effects from grain dust and lime dust, I note that the report was premised on the storage of animal feed and lime being "*directly behind the proposed dwelling*". It is clear from the farm map that there other are options to site a dwelling to cluster with the existing grouping without being close to the storage of these items notably on the northern side of the yard in proximity to where the other two dwellings are positioned. A dwelling could be positioned 75m away from the farm storage buildings by

clustering with the existing dwellings. It is apparent that the occupants of these family owned dwellings have overcome the identified dust risks. I am satisfied that any of the other inherent risks identified as common to any working farm could be overcome by adhering to basic health and safety regulations. This concurs with the conclusion in appeal decision 2015/A0124 and I have not been provided with any substantive evidence to persuade me otherwise.

8. It was stated that the proposed dwelling is for one of the appellant's other daughter. Whilst her partner may not be familiar with health and safety obligations on working agricultural yards, it would be presumptuous to assume that any future children they may have would be ignorant of the risks given that the daughter has grown up on the farm and could give appropriate instruction and guidance on precautions to take. I consider that this is especially so given that her sister presently carries out health and safety responsibilities for the business as part of her administrative duties on the farm. I am not persuaded by the evidence presented in this case that there are demonstrable health and safety reasons under criterion (c) of Policy CTY10 that would justify the proposed positioning of the dwelling away from the established cluster. I judge that the proposal does not meet the requirements of Policy CTY10.
9. The appellant argued that there had been inconsistent decision making taken by the planning authority in respect of its consideration of four other applications for farm dwellings where planning permission was granted for dwellings away from farm buildings within the past six months. The planning authority however advised that one of the decisions related to a replacement dwelling and it is therefore not comparable. In one of the other three quoted decisions, the same agent for this appeal was involved and the same health and safety consultant was engaged. Whilst the agent stated that there was not the same level of intensity of farming activity as the appellant's business and that the health and safety risks in the appellant's case were exponentially worse, I was given no detailed evidence to make a judgment on this. The appellant stated that no independent health and safety evidence was presented in respect of the other two decisions. However in the absence of any site specific details on the location of the approved sites relative to farm grouping in these and the other quoted decision, it has not been demonstrated that these are comparable with the appeal proposal. Notwithstanding that the planning authority's decision to approve in each of the these cited examples was against the recommendations of its planning officials, I am not persuaded that they demonstrate an inconsistency in decision making to set aside my assessment under Policy CTY10 in the particular circumstances of this case.
10. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was presented in this regard. I find that the proposal does not represent development that is acceptable in principle under Policy CTY1 and consequently is not acceptable under the SPPS. The planning authority has sustained its reason for refusal. The appeal proposal is not acceptable in principle in the countryside and the appeal must fail

This decision is based on Drawings 01 - 1:2500 scale Site location plan submitted during the processing of the planning application and date stamped received 23 September 2015.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:-	L Grant
Appellant:-	C O'Callaghan J Walls S Hanna

List of Documents

Planning Authority:-	C1 Statement of case + Appendices
Appellant:-	A1 Statement of case + Appendices



Appeal Decision

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

Appeal Reference: 2016/A0215
Appeal by: Mr Kevin Cunningham
Appeal against: The refusal of outline planning permission
Proposed Development: Dwelling on a farm
Location: 210m south of No.36 Belmont Road, Kilkeel
Planning Authority: Newry, Mourne and Down District Council
Application Reference: P/2014/0769/O
Procedure: Written representations and accompanied site visit on 1st June 2017
Decision by: Commissioner Diane O'Neill, dated 12th June 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and if it is capable of being visually integrated into the landscape.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. BNMAP identifies the site as being located within the Mourne Area of Outstanding Natural Beauty (AONB). This designation is identified for information purposes only and no objection was raised in relation to the AONB. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context for the appeal proposal. Therefore whilst it was argued by the appellant that the SPPS indicates that provision should be made for a dwelling on an active and established farm to accommodate those engaged in the farm business or any other rural dwellers, the proposal has to comply with the policies contained within PPS21.

5. Policy CTY 1 of PPS 21 sets out a number of instances when planning permission will be granted for a single dwelling in the countryside. Whilst the planning authority accepted that the proposal met criterion (a) of Policy CTY 10, they argued that it would be contrary to criterion (b) in that development opportunities had been sold off from the farm holding within 10 years of the date of the application and that it would not be visually linked or sited to cluster with an established group of buildings on a farm and therefore would be contrary to criterion (c). The planning authority also argued that the proposal would be contrary to Policy CTY 13 of PPS 21. Objection in relation to the proposal's ancillary works was withdrawn by the planning authority.
6. Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application; this provision only applies from 25th November 2008. Policy CTY 10 states that planning permission granted under this policy will only be forthcoming once every 10 years. Paragraph 5.40 of the amplification text also adds that planning permission will not be granted for a dwelling under this policy where a development opportunity has been recently sold-off from the farm such as a replacement dwelling.
7. Mr Kevin Cunningham has been granted two separate planning permissions to replace dwellings. On 28th February 2012 the appellant was granted outline planning permission (P/2010/1218/O) to replace a dwelling at 15 Dunnaval Road within field number 3/089/033/17. Mr and Mrs Gerry Morgan were granted full planning permission for this replacement opportunity on 28th January 2014 (P/2013/0705/F); they completed the accompanying certificate of ownership. This subsequent planning permission (P/2013/0705/F) was for a slightly enlarged site as Mr and Mrs Morgan had purchased an additional section of field 17 from the appellant. Whilst the appellant's solicitor's letter dated 12th April 2017 states that the dwelling and farm were originally owned by two different individuals, Nicholas Cunningham and Joseph Cunningham respectively, the ownership of both was transferred to the appellant in approximately 2008-2009. Whilst the letter adds that the dwelling was never part of the farm owned by Joseph and subsequently by Nicholas, no substantive evidence was presented to support the appellant's claim that it was not part of his farm holding. Given that at the time of being granted planning permission the appellant controlled both the dwelling and the host field (3/089/033/17) which was not disputed as being part of the farm holding, I am not persuaded that the appellant has not sold off this development opportunity from the farm holding within 10 years of the date of the application.
8. On 7th August 2012 outline planning permission for a replacement dwelling was granted on Mr Kevin Cunningham's farm in field number 3/089/033/24 (P/2012/0221/O). The detailed scheme was subsequently approved on 25th April 2016 under LA07/2015/0695/F for Mrs R Morris. The appellant argued that he applied for planning permission for the appeal proposal on 12th September 2014 which was prior to the sale of the land which completed on 16th April 2015 and hence complied with criterion (b) of Policy CTY 10. Whilst 'the date of the application' referred to in the policy would be the date that a valid application was received, 'within 10 years of' could be either before or after. In allowing planning permission once every 10 years, the policy seeks to limit the number of dwellings on the farms in the interests of the amenity of the countryside. Whilst selling the development opportunity within the ten year period would not affect the validity of

the approved development it would however impact on a further proposed farm dwelling's compliance with criterion (b). I therefore do not accept the appellant's argument in respect of the timing of the selling off of his land. The proposed development is therefore contrary to criterion (b) of Policy CTY 10 of PPS 21.

9. Criterion (c) of Policy CTY 10 states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. Paragraph 5.41 highlights that this requirement is to help minimise the impact on the character and appearance of the landscape so that it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.
10. The appeal site is located one field back from the Belmont Road and it is from the road frontage that critical views of the appeal proposal would be possible. The appeal proposal is located adjacent and to the north of an agricultural building and a wall of a building that has been replaced under LA07/2017/0695/F. Even if the planning authority took into account the demolished building when deciding LA07/2015/0695/F and despite the argument that it was in situ for eight months after the date the current proposal was submitted to the planning authority, this building is no longer there in order for the proposal to visually link or cluster with. In terms of the one remaining building, photographic evidence was presented to demonstrate that when the site was inspected by the planning authority on 24th May 2012 that it had no roof, there was mature vegetation growing within the structure and not all of its walls were intact. Further photographs taken during the planning officer's inspection in the summer 2014 showed that the majority of the walls were rebuilt and that a new roof had been placed on the structure. This evidence is supported by the appellant's acknowledgement at the site visit that, a number of years ago, following a fire, the structure was reroofed and work was carried out to the walls. No planning permission is said to have been granted for the works and no certificate of lawfulness of the existing use or development was presented to demonstrate that it is immune from enforcement action. Given the status of the building, it therefore cannot be considered as an established building on the farm. However, even if were established, it is only one building and would not represent a group of buildings on the farm. The proposed development is therefore contrary to criterion (c) of Policy CTY 10 of PPS 21.
11. As the proposal does not comply with Policy CTY 10 of PPS 21, it is not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. Accordingly, the first reason for refusal is sustained.
12. To the west of the appeal site there is mature hedgerow located along the existing laneway. A section of this hedgerow would however have to be removed in order to access the appeal site. A modest agricultural building would be located along approximately one third of the site's southern boundary however there is uncertainty in relation to its status. The remaining boundaries of the appeal site are undefined. Even if the agricultural building were to be retained, the undulating nature of the host field together with the lack of enclosure by mature vegetation would result in the proposal appearing incongruous in the landscape. Whilst the appellant argued that views would be limited due to the presence of vegetation and the dwelling under construction to the north-west of the appeal site (LA07/2015/0695/F), they would still be apparent when travelling along the parallel frontage section of the Belmont Road. The introduction of new planting along the

undefined boundaries and new access would take a considerable time to mature and aid integration. The appellant's suggested conditions would not overcome the adverse affect that the proposal would have on the amenity and character of the countryside. I have also already concluded that the proposal would not cluster with nor be visually linked to an established group of buildings on the farm.

13. As the proposed dwelling would not visually integrate into the surrounding landscape, the development would be contrary to Policy CTY 13. The second reason for refusal, in so far as it relates to this matter, is therefore sustained.
14. Whilst the appellant alluded to a development on another farm, each proposal has to be assessed on its own merits and within its own context.

This decision is based on Drawing 01 Rev 1 1:2500 site location map date stamped refused by the planning authority on 10th November 2016.

COMMISSIONER DIANE O'NEILL

2016/A0215

432

List of Appearances

Planning Authority
Newry, Mourne and Down District Council:-

Mrs Lisa Grant

Appellant:-

Mr Kevin Cunningham
Mr Aidan Cole (Cole Partnership)

List of Documents

Planning Authority
Newry, Mourne and Down District Council:-

Statement of Case 'DC1'
Rebuttal 'DC 2 and 3'

Appellant :-

Statement of Case 'AP 1'



Appeal Decision

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

433

Appeal Reference:	2016/A0197
Appeal by:	Mr Edward Ryan
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for dwelling
Location:	15 Ryanstown Road, Newry
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	P/2014/0972/O
Procedure:	Hearing on 25 May 2017
Decision by:	Commissioner Pamela O'Donnell, dated 28 June 2017.

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would detrimentally impact on the rural character of the area.
3. The Planning Act (Northern Ireland) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) operates as the local development plan for the area where the appeal site is located. The BNMAP places the appeal site outside any settlement limit and within the countryside and it contains no material policies for the type of development proposed. There are, however, relevant regional policies and these are considered below.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area and it retains certain existing planning policy statements. Amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Taking into account the transitional arrangements of the SPPS, the retained PPS21 provides the relevant policy context for the appeal proposal. Policy CTY1 thereof indicates that there are types of development acceptable in principle in the countryside. These include a dwelling based on special personal or domestic circumstances in accordance with Policy CTY6 and a dwelling on a farm in accordance with Policy CTY10. If the proposal accords with either policy, it is therefore acceptable in principle.

5. The Council argues that the proposal does not comply with criterion (a) of Policy CTY10. This requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that the applicant will therefore be required to provide the farm's Department of Agriculture and Rural Development's (DARD) Business ID number along with other evidence to prove active farming over the required period.
6. In this case, I was informed that the Appellant has a category 3 farm Business ID number (649900) and that in such circumstances DARD subsidy payments are not made. Therefore, because no payments are made, DARD does not issue farm maps. The Council accepted these points and acknowledged that in such cases no farm maps are available. The Appellant therefore submitted land registry information to show the land he owns. The folio relates solely to the appeal site on Ryanstown Road (some 0.35 Hectares). However, other land was taken in conacre. Information provided indicates that three fields were previously taken in conacre by the Appellant and details of the farm survey numbers of the fields were supplied. This information was accepted by the Council. At the Hearing, the Council accepted that the farm business ID number is valid, that the farm is currently active and that the business was set up in 2007. It was not disputed that there was farming activity from 2007 to 2014. However, the Council argue that there was a gap in activity from October 2014 to June 2016 and because of this hiatus the Council does not accept that continuous or active farming took place over the required period.
7. The Appellant has provided evidence in relation to the movement of animals from 2007-2014 and, as outlined above, the farm is considered to be currently active. I have been provided with evidence that three sheep were purchased by the Appellant in June 2016 and additional post hearing evidence demonstrating that the Appellant purchased three animals in January 2016 and four animals in January 2017. Photographs taken during the case officer's site visit around the end of 2014/early 2015 show the land at No 15 Ryanstown Road to be fenced off and in good condition. The photographs also show a hay manger and two water feeders for animals.
8. The evidence indicates that there was farming activity for seven years and seven months from March 2007 to October 2014. From then, there is a gap in activity until January 2016 when animals were purchased. Since then, there is evidence of other animals being purchased in June 2016 and in January 2017. The medical evidence indicates that the Appellant's wife suffered from vascular dementia in November 2011 when farming activity was ongoing. Nevertheless, I was told that the aforementioned gap in farming activity coincided with the time when the Appellant's wife was quite ill. The medical evidence was not disputed in this regard and the details provided broadly corroborate this. I consider it a reasonable proposition that the Appellant would have had other priorities during this time period, hence the break in farming activity. I also note the photographic evidence of late 2014/early 2015 showing the land in good agricultural and environmental condition. The policy does not refer to continuous farming. Rather, when read as a whole, it seeks evidence in addition to that from DARD, if available, to prove that active farming has taken place for at least six years. In the evidential context before me, I am satisfied that there has been activity since 2007 albeit intermittent at times from October 2014 and, as outlined above, the Council is satisfied that the farm is currently active. A gap in activity of 15 or 20 months over a period of some ten years, given the circumstances, does not mean that the policy requirement is not fulfilled. Even in

the absence of the post hearing evidence describing some additional animal purchases, I would be broadly content that the proposal satisfies the policy criterion. All in all, I find the proposal to be acceptable in principle. Accordingly, the first, second and third reasons for refusal are not sustained.

9. Policy CTY14 of PPS21 relates to the impact of a proposal on the rural character of an area. It was argued that the proposal would result in suburban style build-up and that it would fail to reflect the traditional settlement pattern of the area. Paragraph 5.78 of the Justification and Amplification to the policy states that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the intervisibility of the proposed building with existing and approved development and the siting, scale and design of the proposed development.
10. The site is restricted in size and comprises part of a field to the rear of No 15 Ryanstown Road. The proposed dwelling would be sited behind No 15 and this would result in a tandem style spatial relationship with the existing dwelling. This sort of settlement pattern is not typical of the area. While there are some instances of additional buildings positioned to the rear of dwellings in the locale, they are generally ancillary in nature and do not form a separate residential unit. No detailed information was provided by the Appellant to demonstrate that any new dwellings were approved to the rear of another, thus directly comparable to the appeal proposal. On approach to the site from the south and particularly around the frontage of No 15, one would clearly appreciate the tandem style, back-land nature of the proposal. Despite the sloping topography, the proposal would read with No 15 and the other buildings to the north at Nos 11 and 13, resulting in a suburban style build up of development. Whilst there has been some erosion of rural character to date, that does not justify approving another development that would further erode and cause a detrimental impact on the remaining rural character of the area.
11. In support of his case, the Appellant drew attention to Policy CTY10 which stipulates that new buildings should visually link or cluster with an established group of buildings on the farm. He contended that the proposal would satisfy this policy test and that this factor should be weighed in favour of the proposal. That particular requirement however, relates to the visual integration of proposals for farm dwellings which is distinct to the tests relating to rural character. I am reinforced in this view by paragraph 5.62 of PPS21. It indicates that a group of existing buildings, such as a farm complex may also provide an opportunity to sensitively integrate a new building provided this does not adversely impact on rural character. I see nothing in PPS21 that endorses suburban style build up. Appeal decision 2016/A0036 does not assist the Appellant's case as that proposal was also found to be contrary to Policy CTY14. Even though the farm buildings are located at No 15 Ryanstown Road, that does not justify approving a proposal contrary to policy. For the reasons stated the fourth reason for refusal is sustained.
12. The Appellant also put forward personal circumstances for consideration. Policy CTY6 of PPS21 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant where there are compelling and site specific reasons for this related to the applicant's personal or domestic circumstances. The policy requires two criteria to be met. Criterion (a): that the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship

- would be caused if planning permission were refused; and Criterion (b): there are no alternative solutions to meeting the particular circumstances of the case, such as an extension or annex attached to the existing dwelling or the conversion or reuse of another building within the curtilage of the property.
13. As previously indicated the Appellant's wife suffers from dementia. Accordingly she requires supervision and assistance. The letter from the Southern Health and Social Care Trust states that Mrs Ryan depends heavily on input from her daughter. However, the Appellant's daughter works full time in Warrenpoint, some 4 miles away. At the Hearing, she indicated that she attends her mother in the evenings mostly and some occasional mornings. Her husband works until 2 o'clock in the afternoon and he sometimes works nightshifts. It is argued that the proposal would enable the daughter to provide onsite care when she finishes her employment and her husband could assist during the day. In respect of the latter proposed arrangement, I fail to see how one can rest and provide an adequate amount of care at the same time. In any event, I note that the Appellant helps with care and supervision and although he is around 70 years old, his caring for his wife is not dependant on a new dwelling. Furthermore, his son lives in No15. Whilst, he may not cope well with his mother's condition, he still resides in the same house and could respond or at least alert others to any immediate medical problems.
 14. Neither the Appellant's daughter nor her husband has had to curtail their working arrangements to provide care since the Appellant's wife was diagnosed over six years ago. There is no evidence that his daughter would have to leave her current employment to provide full time care. In any event, she and her husband reside in Newry, which is located some 30 minutes away, at most, by car. They do not live in a remote location or very far from No 15 so either could be on hand in reasonable time to assist if a medical emergency arose. If such an emergency arose during working hours, the Appellant's daughter could be there in around ten minutes by car. I acknowledge the pressure on the Appellant's daughter in juggling full time employment with caring for her sick mother and that it would be more convenient to reside nearby, but there is no compelling evidence that the current circumstances are so unacceptable that genuine hardship would result without a new dwelling.
 15. In addition to the above, there are alternative solutions that could be explored. For instance, there is an outbuilding that could be converted and extended within the curtilage of No15. This could be refurbished and weatherproofed to make it suitable for occupation. Given that this is an independent building separate from No 15, I am satisfied that such works would not unacceptably disrupt the Appellant's wife routine or constitute major building works. While this building may be presently used to store farm machinery, there is enough space around No15 to erect another store, if required. The use of a mobile home, of reasonable size, for a temporary period could also be explored and the timeframe could be extended, if the circumstances were to warrant it. For the reasons stated, the personal circumstances do not satisfy policy and they do not outweigh or justify setting aside the environmental objections to the proposal.
 16. I acknowledge that the proposal is acceptable in principle. However, this combined with the personal circumstances advanced do not outweigh the failure of the proposal to meet Policy CTY14 and overcome the stated detrimental impact the proposal would have on the rural character of the area.

17. The fourth reason for refusal is sustained and is determining. The arguments advanced in respect of Policy CTY6 do not overcome this. The appeal must therefore fail.

This decision is based on the site location plan @ 1:2500 stamped refused by the Council on 28 November 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:-	Mr G Murtugh (Newry, Mourne & Down Council)
Appellant(s):-	Mr C O'Callaghan (Agent) Mr & Mrs Larkin (Representing Appellant) Ms S Hanna (Agent)
Third Parties:-	None

List of Documents

Planning Authority:-	"A" Statement of Case "C" Post Hearing Evidence
Appellant(s):-	"B" Statement of Case "D" Post-Hearing Evidence
Third Parties:-	N/A