

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

ITEM NO	18			
APPLIC NO	LA07/2016/0523/F	Full	DATE VALID	4/22/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Ms Naiomh Morgan 38 High Street Newry BT34 1HB		AGENT	J Lynam RIBA 11 Newry Road Mayobridge Newry BT34 2ET 028 30851125
LOCATION	Adjacent to No 13 Crieve Road Newry BT34 2JT			
PROPOSAL	Dwelling House			
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 criteria a and h of Policy QD 1 of PPS 7 as the development fails to respect the surrounding context in terms of the orientation of existing dwellings in the area, in that the site width is substantially less than site widths in the established residential area and the proposed access arrangements are out of character for the area; it is inappropriate to the character of the site in terms of layout and scale; and its design and layout will provide conflict and an unacceptable adverse effect on existing and proposed properties in terms of overshadowing and dominance due to the configuration of the application site and the resultant inadequate separation distances.
- 2 The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.



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

Application Reference: LA07/2016/0523/F

Date Received: 22/04/2016

Proposal:

Dwelling House.

The applicant seeks to develop a single storey dwelling on the garden of no.13 Crieve Road, Newry.

Location:

Adjacent to No 13 Crieve Road, Newry BT34 2JT.

The site is located in an urban area within the settlement development limits of Newry. The site is located in the north-eastern area of Newry.

Site Characteristics & Area Characteristics:

This narrow elongated site is currently part of the garden to no.13 Crieve Road. The site is predominantly laid in lawn, although a small section to the rear is a flower bed. The gradient of the site increases towards the south away from the Crieve Road. The western boundary with no.11 Crieve Road is comprised of a mature hedge which is over 2m tall, the southern boundary comprised of a wall and mature trees and the northern boundary with the Crieve Road is comprised of a small hedge and five trees. There is no definable boundary to the east. No.13 Crieve Road is located east of and adjacent to the site. The property is a bungalow with plastered walls painted white, a grey granite porch, black slate roof and black UPV windows and guttering.

The site is located within the settlement development limits of Newry, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned and is outside the Mourne Area of Outstanding Natural Beauty. The historic monument DOW 046:052 (prehistoric occupation site) is in close proximity to the site. This is a residential area with a number of different house types along Crieve Road. The dwellings on the southern side of Crieve Road are predominantly single storey and the dwellings on the northern side of the road are predominantly built over two storeys.

Site History:

Two previous planning applications have been submitted on this site:

1. P/1976/0420 – Proposed extension to bungalow – granted 02/07/1976.

2. P/2014/1062/F – Extension and alterations to dwelling and new detached garage – granted 22/06/2015.

Planning Policies & Material Considerations:

This planning application will be assessed under the following policies:

- Regional Development Strategy 2035.
- Banbridge / Newry & Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 3 – Access, Movement and Parking.
- PPS 6 – Planning Archaeology and the Built Heritage.
- PPS 7 – Quality Residential Environments.
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments.
- Creating Places guide.
- DCAN 8 – Housing in Existing Urban Areas.
- DCAN 15 – Vehicular Access Standards.

Consultations:

The following consultation responses have been received for this planning application:

- Environmental Health – 06/05/2016 – No objections in principle.
- Historic Environment Division – 20/05/2016 – Content the proposal satisfies PPS 6 policy requirements, subject to conditions and the implementation of a developer-funded programme of archaeological works.
- Rivers Agency – 26/05/2016 – Site does not lie in the 1 in 100 year fluvial flood plain.
- Transport NI – 05/09/2016 – No objections.

Objections & Representations

This application was advertised in the local press on 03/05/2016 and seven neighbours were notified by letter. No letters of objection or any other representations have been received.

Consideration and Assessment:

Banbridge / Newry and Mourne Area Plan 2015

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. The site is located inside the settlement development limit of Newry but is the site itself is unzoned. The Banbridge / Newry and Mourne Area Plan 2015 identifies that housing development may occur on windfall sites as a result of the subdivision of an existing plot. As there are no specific policies in the plan that are relevant to the determination of the application, the principle of the application will be considered under the operational policies of the SPPS, PPS 7 and the addendum to PPS 7 – Safeguarding the Character of Established Residential Environments.

PPS 7 – Quality Residential Environments

Policy QD 1 identifies nine criteria that new residential development is expected to conform with:

a. The proposal fails to respect the surrounding context. The width of the site is not representative of other dwellings in the area as shown in Figure 1 below:



Figure 1

Using Spatial NI mapping software, the approximate width of the site is 14.67m. The lowest existing width along the section of Crieve Road is currently 22.19m at no.3 Crieve Road which shows that the proposed site is too narrow in the context of the area. Generally the curtilage of dwellings in the area is long and narrow; however the proposed site is too narrow within the context of the area as it is well below the average site width of 26.13m (excluding the application site and no.13 Crieve road).

The site appears to be crammed and the design of the building reflects this with an unconventional footprint designed to ensure the dwelling fits on the site. There is little separation between the proposed dwelling and no.11 Crieve Road, which is approximately 2.75m east of the proposed dwelling, and no.13 Crieve Road which is approximately 2.35m from the proposed dwelling. Within the area the existing dwellings are generally well separated from one another, so this proposal would not be in keeping with the area.

The orientation of dwellings in the area is that generally the front elevation is long and the side elevation is shorter. The proposed dwelling is the opposite of this trend with a shorter elevation to the front and a longer side elevation. The side elevation of the proposed dwelling is approximately 25.0m long which is much longer than the

side elevations currently in the area and this also demonstrates how the development fails to respect the surrounding context.

The proposed access from Crieve Road is not in keeping with the area. Each dwelling along this section of Crieve Road has its own access from the main road. The proposed dwelling will be accessed immediately adjacent to the access from no.13 Crieve Road and its access sweeps across the front garden of no.13 Crieve Road. Visually this access does not respect the surrounding context and will appear unsightly.

b. The application site is in close proximity to a Neolithic occupation site (DOW 046:052). HED were consulted and in their response dated 20/05/2016, Historic Monuments Section confirmed that they are content that that proposal satisfies the policy requirements of PPS 6, however this is subject to conditions and the agreement and implementation of a developer-funded programme of archaeological works. The archaeological works will be conditioned.

c. Given the scale of the proposed development, there is no requirement for the provision of public open space. Within the proposed development provision is made for private open space with a front garden providing approximately 156m² and private space to the rear providing approximately 306m². A hedge exists along the western boundary of the site which is to be retained and a new boundary erected at the east of the site separating the site from no.13 Crieve Road.

d. The provision of local neighbourhood facilities is not applicable to this application given the scale of development.

e. Given the scale of the development, a movement pattern is not required. It is proposed that a new vehicular and pedestrian link will be created onto the existing pavement. The road access arrangements are assessed under PPS 3.

f. The proposed development will provide off-street parking for two cars and a turning circle to assist with the manoeuvring of vehicles. Transport NI has raised no concerns over these arrangements.

g. Within the local area a range of different house types are present. The proposed dwelling is a single storey bungalow which will have blue/black natural slates on the roof, smooth rendered walls painted white and charcoal grey aluminium windows. With regards the form of the proposed dwelling, it differs to the form of dwellings already present in the locality (as discussed above). The materials and detailing would not create any conflict with those already present in the area.

h. As discussed above, the orientation of the proposed dwelling differs to those already in the area. The western elevation of the proposed dwelling is approximately 25m and the northern section of this elevation is close to no.11 Crieve Road. It is unlikely that any adverse effect on this property would be caused in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Windows exist

of the western elevation, but the retention of the landscaping would ensure the privacy of no.11 Crieve Road is maintained. Therefore it will be conditioned that the hedging on the western boundary is retained.

i. The proposed development is built backing onto another dwelling and should deter crime and promote personal safety as discussed in Policy QD 1.

The proposed development fails to meet criterion (a) and as residential development is expected to conform to all the criteria, the proposal fails to meet the requirements of Policy QD 1.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments

In addition to the nine criteria of Policy QD 1 in PPS 7 that new dwellings in urban areas must conform to, Policy LC 1 identifies another three criteria that must be met by dwellings infilling sites (including garden areas):

a. The proposed density is not to be significantly higher than that already found in the area. The Addendum to PPS 7 identifies density in this context as a calculation of dwellings per hectare. Having reviewed the site location map, it is clear that the proposed density is higher than that experienced in the surrounding properties. The existing site at no.13 Crieve Road is generous; however the proposed application site is not a suitable size to be developed at a density that is the norm in this area. Although I contend that the proposed density is higher, it is not significantly higher than that found in the established residential area.

b. The pattern of development is not in keeping with the overall character and environmental quality of the established residential area. The orientation of the proposed dwelling differs from the orientation of the existing dwellings and the plot width is substantially less than the plot width of the existing dwellings, as detailed above. The access arrangements, as discussed above, also are not in keeping with the character of the area. The proposed development therefore fails this criterion.

c. The floor space of the proposed dwelling is 150.60m². Annex A requires a 5 person and 3 bedroom single storey dwelling to provide, as a minimum, 80/85m² of floor space. The proposed dwelling therefore meets this criterion as the floor space provided exceeds the minimum requirement.

The proposed dwelling can only meet two of the additional three criteria of LC 1 and therefore fails to meet the policy. The pattern of development is not in keeping with the character and environmental quality of the established residential area.

PPS 3 – Access, Movement and Parking

The proposed access has been assessed under PPS 3 and Transport NI, in their response dated 05/09/2016, stated it has no objections to the proposal. Visibility splays of 2.0m by 60m can be obtained for this site. While the access arrangements meet the requirements for Transport NI, the method by which they are obtained, as discussed above, is not in keeping with the character of the area and will look unsightly.

Recommendation:*Refusal*

The application is contrary to Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum to PPS 7.

Refusal Reasons/ Conditions:

1. The proposal is contrary to Policy QD 1 of PPS 7, Quality Residential Environments, in that the layout of the proposed development fails to respect the orientation of existing dwellings in the area, the site width is substantially less than site widths in the established residential area and the proposed access arrangements are out of character for the area.
2. The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.

Case Officer Signature:

Date: 04/10/2016

Appointed Officer Signature:

Date: 4/10/16



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0523/F.

Date Received:

22 April 2016

Proposal:

Dwelling House

Location:

Adjacent to No 13 Crieve Road, Newry, BT34 2JT.

Addendum to Case Officer Report

The main policy context for housing applications of this nature within settlement limits is provided by Policy QD1 of PPS 7.

The Planning Department has already confirmed its view that the application is contrary to Policy QD 1 of PPS 7, 'Quality residential Environments' and Policy LC1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area', for the reasons stated in the case officers report.

Following further consideration of the application it is considered that the proposed dwelling would have a negative impact on the residential amenity of adjacent properties due to dominance and overshadowing. This is due to the proposed siting of a dwelling, which measures 21 metres in length, 3 metres to the eaves and 5.4

metres to the ridge within 1 to 1.8 metres of the side boundaries of the site and within 2 to 3 metres of the existing dwellings on either side.

The dwelling, if approved would have a detrimental impact on the private amenity space to the rear of No 11 in particular due to its proximity to its boundary, an amenity space that includes a rear garden area, sitting out area and barbeque area in close proximity to the boundary. It is considered that it would create conflict with the adjacent dwellings, contrary to Policy QD 1 (h) of PPS 7. Refusal Reason No 1 should be amended to read as follows:

Refusal.

The proposal is contrary to criteria a and h of Policy QD 1 of PPS 7 as the development fails to respect the surrounding context in terms of the orientation of existing dwellings in the area, in that the site width is substantially less than site widths in the established residential area and the proposed access arrangements are out of character with the area; it is inappropriate to the character of the site in terms of layout and scale; and its design and layout will provide conflict and an unacceptable adverse effect on existing and proposed properties in terms of overshadowing and dominance due to the configuration of the application site and the resultant inadequate separation distances.

Case Officer Signature:	
Date: 16/11/2016	
Appointed Officer Signature:	
Date: 16 Nov 2016	

*Following consideration of additional information dated 27 November 2016, 2
 No change of opinion. Refused
 8 Dec 2016
 15/11/16*

**6444 Niamh Morgan - Crieve Road - Request for speaking rights - LA07/2016/0523/F
Naiomh Morgan - (item 16 on agenda)**

We propose to bring before the meeting the matters already raised (post earlier proposed rejection) of the 18th October 2016 and the 27th November 2016 together with examples of other sites which are smaller in size etc, in similar circumstances. The issue of design will also be elaborated as will issues with regard to frontage alignment and the traditional form of access.

Yours faithfully,

J. Lynam.

J. Lynam B.Sc. (Hons.) Arch., Dip. Advanced Arch. Studies, R.I.B.A.

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171

Our Ref. JL/BL/6444

Your Ref. LA07/2016/0523/F

Date: 18th October 2016.

Newry, Mourne & Down District Council Planning Committee
O'Hagan House
Daisy Hill
Newry
BT35 8DJ.

Re: Proposed New Dwelling Adjacent to No. 13 Crieve Road, Newry, BT34 2JT.
For: Ms. Naiomh Morgan.

Dear Sirs,

As Architects to the above Applicant and we note the Proposed Refusal of the Full Planning Application above referenced. To that end we wish to apply under the new procedures to the Planning Committee for Speaking Rights at the next Committee to represent our Client.

There are two proposed Refusal reasons as follows.


1. The proposal is Contrary to Policy QD of PPS 7, Quality Residential Environments, in that the layout of the proposed development fails to respect the orientation of existing dwellings in the area, the site width is substantially less than site widths in the established area and the proposed access arrangements are out of character for the area.

We propose to rebut these comments by showing that in the vicinity that the orientation of the buildings for both those directly adjoining and beyond does not have a common orientation and that there are sites of vintage nature of similar width and areas. Indeed the site is at a turning point on the Crieve Road and the Proposal accommodates an orientation angle between the immediate neighbours. Further the access arrangements have been changed from those originally proposed within the Application to adhere to the requirements of Transport NI from a road safety perspective. Additionally the paired proposal reflects the original entrances at this section of the Crieve Road, in their 1950's format.

2. The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safe Guarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established area.

We propose to rebut these comments in that it is our opinion that there is no particular established Character of the Established Residential area nor is there a firm pattern within same. The general area has been subject to extensive development since the 1960's and the design presented in the Application reflects the general portions and finishes of the 1950's adjoining dwelling to the immediate west which is of the longest standing in the area.

Yours faithfully,


J. Lynam.

JL/BL/6444

LA07/2016/0523/F

Newry, Mourne, & Down District Council
Planning Department
O'Hagan House
Monaghan Row
Newry
Co. Down.
BT35 8DL.

27th November 2016

By hand.

We confirm receipt by email of your addendum to Case Officer Report.

At paragraph 3 it is stated:

Following further consideration of the application it is considered that the proposed dwelling would have a negative impact on the residential amenity of the adjacent properties due to dominance and overshadowing. This is due to the proposed siting of a dwelling which measures 21 m in length, 3 m to the eaves and 5.4 m to the ridge within 1 to 1.8 m of the side boundaries and within 2 to 3 meters of the existing dwellings on either side.

The commentary fails to note that the proposed dwelling has a maximum width of 12.5 meters which is the significant measurement relative to frontage.. Number 11 to the west of the site is also 12.5 meters wide while number 13 is 23.5 meters wide. The site frontage of the proposal is 21 meters while the site frontage of number 11 is 21.5 meters. The site frontage of number 3 is 20 meters. The height of 3 meters to the eaves is quite normal and is it keeping with the surrounding eaves levels. The ridge height is 5.4 meters above entry level which is 44.12 relative to the site datum. Number 13 has a ridge level of 44.55 while number 11 has a ridge level of 44.46 relative to this datum. Thus ridge level is not an issue. The building depth of the proposal is less than the overall depth of the buildings on either adjoining site. Number 11 is also 1 meter from the common boundary.

the 1950's with dark slated hipped roofing and Ballycastle beach pebble dash. The proposal in the Application totally reflects this design as shown on drawing 6444/02. The general proportions, dark roofing light walls, roof pitches and chimneys completely reflect the adjoining traditional design. Photograph 644/B shows Nos. 15 & 15A which show slightly younger buildings than No. 11 but these also exhibit the proportions of the Application Proposal. This Photograph also shows the traditional entrance earlier referred to. The area of the Application site is 835 square meters (over one fifth of an acre). The area of the adjoining site at No 11 is only 675 square meters. The area of No. 15 is also only 675 square meters.

Accordingly the Applicant contends that Policy LC 1 to the Addendum to PPS 7 is satisfied.

We trust that these clarifying comments will be considered and that the Application can now be approved.

Yours faithfully,

J. Lynam.

ITEM NO	3			
APPLIC NO	LA07/2015/0148/F	Full	DATE VALID	4/2/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Owen Murphy 76 Maytown Road Bessbrook Newry		AGENT	Collins & Collins 18 Margaret Street Newry BT34 1DF
				NA
LOCATION	To the rear of 36 Chapel Road with access of Chapel Lane Meigh Newry			
PROPOSAL	New vehicular access to existing dwelling.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not sited and designed to integrate sympathetically with the surrounding countryside.



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**Newry, Mourne
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District Council

Application Reference:

LA07/2015/0148/F

Date Received:

02.04.2015

Proposal:

New vehicular access to existing dwelling.

Location:

The application site is located to the rear of 36 Chapel Road with the new access via Chapel Lane, Meigh, approximately 5.3 miles South West of Newry City.

Site Characteristics & Area Characteristics:

The site is located along Chapel Road about ¼ mile outside Meigh village. The site is comprised of a long narrow strip cut out of a larger agricultural field which runs along the rear of existing dwellings – 36, 36a, 34, 32B. The western boundary is mixed hedgerows and whin bushes and the eastern boundary is undefined – Image 1. The general area is under a lot of development pressure with a number of single dwellings located along this part of Chapel Road.



Image 1 – Application Site

Site History:

The relevant planning history is outlined below:

Planning Ref:	Address	Proposal	Decision	Decision Date
1 P/1999/0356	To the rear of 36 Chapel Road, Meigh	Site for dwelling	Permission Granted	10.05.2001
2 P/2001/1757/F	To the rear of 36 Chapel Road, Meigh	Erection of dwelling and detached garage	Permission Granted	14.01.2002
3 P/2003/0664/O	To the rear of No. 32 Chapel Road, Killeavey	Site for dwelling with detached garage	Permission Granted	29.11.2003
4 P/2004/0944/O	120m SW of 34 Chapel Road, Meigh	Site for dwelling and detached garage	Permission Refused	07.01.2005
5 P/2004/0945/O	150 metres south-west of 34 Chapel Road, Meigh	Site for dwelling and detached garage	Permission Refused	07.01.2005
6 P/2004/1773/O	To the rear of 34 Chapel Road, Meigh	Site for dwelling and garage	Permission Refused	08.04.2005
7 P/2005/0701/R M	To the rear of No. 32 Chapel Road, Killeavey,	Erection of dwelling and garage	Permission Granted	26.04.2006
8 LA07/2016/1175 /LDC	36A Chapel Road, Meigh, BT35 8JY,	Private dwelling with access to Chapel Road	Application Required	10.11.2016

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, PPS21 - Sustainable Development in the Open Countryside and the Building on Tradition Sustainable Design Guide.

Consultations:

Transport NI was consulted on 6 August 2015 and 29 April 2016 following receipt of amended plans. No objections were received subject to conditions being met relating visibility splays and forward sight distance indicated on drawing 02.

Objections & Representations

Seven neighbour notifications were issued on 7 August 2015 and the application was advertised in the local press on 27 April 2015. One representation was received from 32B Chapel Road. The issues raised include:

1. The occupier's property is incorrectly labelled on the site location map. The site location map refers illustrates 32A in the location where 32B exists. I have asked

the agent to reflect the correct numbering of properties on the plans, however no amendments have been received to date. Whilst the numbering on the plans is incorrect this will not impinge on my decision and I will consider the impact of the proposal on this dwelling.

2. The fence that is to be set back is the fence surrounding the objector's property. Whilst the applicant will need the objector's consent to move the fence this is a civil matter and not a planning matter, thus no weight will be attached to this issue.

Consideration and Assessment:

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 Meigh as illustrated on map 3/16. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS) and PPS21 – Sustainable Development in the Countryside

The SPPS outlines that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

Policy CTY 1 of PPS21 states a range of types of development which in principle are considered to be acceptable in the countryside, although it does not set out a specific policy for new accesses in the countryside. However the policy headnote states "*all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings.*"

This planning application is for a new access to serve the existing dwelling 36A. The agent has indicated that the visibility splays on the approved plans for this dwelling (P/2001/1757/F) cannot be achieved due to landownership issues, hence the reason for this application. The 2001 approval included a pre-commencement condition which stipulated that the splays should be constructed prior to any other works on the site. This did not happen as the dwelling was built first. The applicant proposes to close off the access to 36a from Chapel Road at the rear of 36, leaving it solely serving 36 Chapel Road. We note that Planning Application LA07/2016/1175/LDC submitted in August 2016, applied for a Certificate of Lawfulness for the dwelling at No. 36a Chapel Road with access to Chapel Road. We note this application was refused as sufficient evidence had not been submitted to demonstrate the dwelling and access had been used for more than five years.

Whilst I appreciate the circumstantial issues in this case, this planning application must be assessed against the policy for development in the countryside as outlined by SPPS and CTY 1. In terms of this planning policy I do not feel that the new access integrates sympathetically with the surrounding area or respects the rural character. It would add to the built up nature of this part of Chapel Road with the creation of an additional access. The proposal relies solely on new landscaping for integration along the eastern boundary, which is the most visible boundary from Chapel Road. Refusal is recommended.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside.

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

ITEM NO	16			
APPLIC NO	LA07/2016/0296/F	Full	DATE VALID	3/3/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Sean Markey 76 Maytown Road Bessbrook Newry BT35 7NF		AGENT	Collins and Collins 18 Margaret Street Newry BT34 1DF 02830266602

LOCATION 76 Maytown Road
Bessbrook
Newry
Co Down

PROPOSAL Domestic Garage/Shed with loft

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	4	0	0	0	0	0
			Addresses	Signatures	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.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing, design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/0296/F

Date Received: 11.01.2016

Proposal: Domestic Garage/Shed with loft

Location: 76 Maytown Road Bessbrook Newry Co Down

Site Characteristics & Area Characteristics:

The site is located to the rear of number 74a Maytown Road. The site access runs along the southern boundary of 74a. This access is used to serve 76. In the southern portion of the site there is a 1 ½ storey dwelling and a detached 1 ½ storey garage. The dwelling and garage are finished in rough grey render with a natural dark grey slate finish to the roofs. Along the eastern boundary between the site and 74a there is a large fenced play area. Along the western boundary the land rises in a westerly direction therefore a 1.5 metre retaining wall structure has been constructed. There was a lot of rubble and waste lying within the site.

Site History:

P/2005/2548/F- Erection of replacement dwelling and garage- approval

Planning Policies & Material Considerations:

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

SPPS

PPS 21

Consultations:

TransportNI- No objections

Objections & Representations

No. of neighbours notified= 4

Advertise expiry= 01.04.2016

No. of representations received= 4

4 objections received, 2 of which are the same letter. I have summarised the main issues raised:

- scale, massing, design and finishes of the proposal*
- Industrial design not appropriate to the rural setting*
- visual amenity within the AONB*
- not an integrated group*
- ownership*
- proposed use*
- volume of traffic*
- need for an additional garage*

I will consider all of the above issues raised within my assessment of the proposal below.

Consideration and Assessment:

The site is located within the countryside therefore the provisions of PPS 21 apply to this particular case. The proposal has been submitted for the erection of a domestic garage and shed with loft. Policy CTY 1 of PPS 21 allows for an extension to a dwelling house where this is in accordance with Add to PPS 7.

The proposal is outside the established residential curtilage (P/2005/2548/F) of the neighbouring dwelling 76 Maytown Road. The applicant is a Mr Sean Markey of 76 Maytown and he has served notices on the landowners Mr Paddy and Owen Murphy. The proposal is for a domestic shed approximately 40 metres away from the dwelling. The shed is to have a ridge height of 7.5 metres and creates a floorspace of 117 sq metres. The shed is to have a first floor loft with an external steel staircase. The ground floor walls are to be finished in sand and cement render with a green corrugated cladding to the first floor. To the front elevation the building is to have two sets of galvanised corrugated iron double doors. The roof is to be finished in a green corrugated tin.

Garages and associated outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The proposal is clearly not subordinate in terms of size and scale. The proposed design could not be considered in keeping with the style of the existing property nor the local character. The building is more industrial in design and finish. Within the countryside ancillary buildings should be designed as a part of the overall layout to result in an integrated rural group of buildings. This building as stated above is over 40 metres from the residential property with a proposed large hardcore area of yard created between the units. Although the proposal is to utilise the existing access to no. 76, it does not form an integrated rural group of buildings.

Given the size, scale and finishes of the proposal these are not sympathetic with the built form and appearance of the existing property and the proposal will detract from the appearance and character of the local area when viewed from the Maytown Road.

The proposed shed and yard are to be sited to the rear of number 74a and to the rear and south west of 74 Maytown Road. Given the change in the topography the site and associated works will sit approximately 11 metres above no. 74a. The rear elevation of 74a sits 22.5 metres from the application site with 74 sited approx. 35 metres away. Having considered the existing levels, screening and separation distances it is not considered the proposal will have a significant detrimental effect on the amenity of the neighbouring dwellings.

The applicant/agent has applied for a domestic garage in connection with 76 Maytown Road. The proposal does not seek approval for a shed for non-residential use and therefore Q21-25 of the P1 form has not been completed.

Given the proposed domestic use indicated, the proposal should not give rise to unwanted volumes of traffic into/out of the site.

It is noted from the history file- P/2005/2548/F, that the existing dwelling and garage are not built in accordance with the approved plans. The garage has also been constructed outside the established curtilage approved. From google earth it would appear that the dwelling and garage were constructed to roof level in Sept 2010. It is considered the buildings maybe immune from enforcement action. A clud would be required to regularise this development.

If this decision is to be overturned the existing layout of the dwelling and garage should be removed from the plan.

Recommendation:

Refusal- Proposal contrary to PPS 21 CTY 1 &CTY 13 and Ad PPS 7 EXT 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.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works (extension to curtilage) do not integrate with their surroundings and the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing, design and external materials of the proposal

is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.

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

ITEM NO	5		
APPLIC NO	LA07/2015/0303/F	Full	DATE VALID 5/14/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Arthur Kenny C/O Agent	AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE 02830250136

LOCATION 45m south of No. 19 Aghadavoyle Road
Jonesborough
Co. Armagh

PROPOSAL Erection of dwelling and garage on 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 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 Aghadavoyle Road.
- 2 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
 - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
 - verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

the (building) would, if permitted create or 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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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0303/F

Amended plans Date Received: 23rd Sept 2016

Proposal: Proposed erection of farm dwelling

Location: lands 45 metres south of 19 Aghadavoyle Road, Jonesborough

Consultations

EH- see report below

No objections or representations received.

Addendum to case officer report

Application previously considered and grouped in June with a recommendation to refuse. The Planning Department of the Council had previously requested that the agent amend the site location as that labelled on the plans and what was on the ground was not consistent. The Snr officer advised that the application could not be refused on lack of info as it was technically an invalid application. The agent was at this stage informed to the reasons for refusal and that the address needed to be amended to allow the application to proceed.

Following a meeting with the Snr officer, applicant, applicant's niece, Cllr Mulgrew and the agent. Additional information and an amended plan were submitted dated 23rd Sept. Consultation was issued to the Environmental Department for comment to which they responded with no objections and recommended that the proposed dwelling is situated a minimum of 75m from farm buildings, my emphasis on recommended, not a requirement. . Within the agent's submission (PAC ref 2014/E0046) the EHO at the time stated that it is generally accepted that the minimum separation distance between agricultural development (such as cattle housing with slurry tanks) and non-associated dwellings is 75 metres, my emphasis on non-associated.

In this case the proposal has been submitted for a dwelling on this farm holding and not that for personal and domestic circumstances. I do not see how the proposal could be assessed as a development not associated with the farm.

The agent has now introduced personal circumstances which relate to the applicants niece and her children who are to be the occupants of the dwelling. The applicant's niece's circumstances to justify a new dwelling away from a group of buildings on the farm have been considered. The Council is of the opinion that the risks identified by the agent in his submission are part of the common risks associated with any farm dwelling proposal. Such risks it is felt can be managed by the applicant and occupants.

It is felt that a scheme could be designed and sited within the redline to overcome all issues regarding; clustering/visual linkage, ribboning, amenity and safety whilst complying with policy.

It is considered that the siting of the dwelling does not cluster or visually link with an existing group of buildings on the farm. Although they would be intervisible, their physical separation would be evident and they would not read as being visually interlinked as required by paragraph 5.41 of PPS 21 (2014/A0249).

The agent in the revised layout seeks to address the issue regarding ribboning by leaving a gap between the proposed dwelling and no. 19. Policy CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. In this case, the proposal would have a common frontage with the dwelling north of no. 17, no. 17 and no. 19 Aghadavoyle road. The proposal will have a visual link with no. 17 and no. 19 when viewing travelling in both directions along the road irrespective of the proposed gap.

The agent refers me to PAC decision 2014/A0219. Having viewed the case it is considered different in that the siting of the proposal did visually link and cluster with a group of buildings on the farm (dwelling and garage).

It is also similar to this case in that the PAC agreed to a siting which was set back from the road frontage and to the rear of the existing dwelling and garage with the access to be taken for an existing laneway to overcome the Departments concerns at the time with suburban style build up and the existing settlement pattern.

The agent also refers me to 2014/A0260. In the commissioner consideration point 5.7 the commissioner states 'the salient points for this appeal are that neither Policy CTY1 nor CTY 10 are self contained and as policies CTY 13 and CTY 14 set out criteria for judging the acceptability of new buildings in the countryside, they are therefore relevant.'

The Councils on going approach has been to assess proposals under such policies.

Refusal-

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 addition of ribbon development along Aghadavoyle Road.

The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not

merit being considered as an exceptional case in that it has not been demonstrated that:

- the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm;
- health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm;
- verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

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 or 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	13			
APPLIC NO	LA07/2016/0226/F	Full	DATE VALID	2/15/16
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Mark Devlin C/O Agent		AGENT	Like Architects 34 Bedford Street Belfast BT1 5JG 028 90 222800
LOCATION	Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore Dundalk Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road Crossmaglen)			
PROPOSAL	Erection of residential development comprising of 19 dwellings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	35	2	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

AGENT Like Architects 34



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**Newry, Mourne
and Down**
District Council

Committee Application

Application Reference: LA07/2016/0226/F

Date Received: 15.02.16

Proposal: Erection of residential development comprising of 19 dwellings

Location: Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement. The site is adjacent to the existing housing development of Lisbeg Park, Lismore and Lismore Park as well as detached properties of 61 and 63 all of which comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)). Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11 (Application Site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016: Site is inside the development limits of Crossmaglen, majority of land zoned for housing (CM07) with ground to SW of No. 63 unzoned

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for 19 dwellings through the grant of planning permission for P/2007/0058/F approved 27.05.11 (expiring 27.05.16). The current application was submitted 15.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 26.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached and terraced housing (mixed house types), with one detached property which is accessed separately from an existing road to NE. The layout is generally reflective of original approvals at this location and is respective of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is no public amenity space included in the scheme however the majority of dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). The site is bounded by natural vegetation along the SW, NW and NE boundaries, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of

movement, adequate parking has been allocated to the proposed housing with overall design of the development supporting existing form, materials and detailing.

The detached property is self-contained and set apart from the remainder of the development with access from a separate entrance from Dundalk Road, the proposed bungalow is located on a relatively large plot and is reflective of development immediately adjacent at 61 and 63.

The position of the proposed dwellings will not adversely affect the amenity of nearest neighbours. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of 19 dwellings as part of larger residential scheme of a total of 23 dwellings on a 0.37 ha site (See also LA07/2016/0227/F and LA07/2016/0228/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it is contained within the settlement limit of Crossmaglen with part of the site zoned for housing within the area plan. The location for such development is promoted within an existing settlement with access to local facilities. The proposed development along with the remaining 4 dwellings proposed under applications LA07/2016/0227/F and LA07/2016/0228/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward by the applicant, at the time a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (26.05.16) - No objection

Environmental Health (11.11.16) – Objections reviewed and refer to previous response 27.04.16. No objection in principle provided proposals are connected to public sewerage.

NIW (25.04.16) – Generic response (No objections raised)

Water Management – Content subject to conditions

Natural Heritage – Planning should consider guidance in relation to biodiversity

Objections & Representations

44 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (Dundalk Road and No. 57 Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved

at this location under planning reference P/2007/0058/F (P/2011/0280/F and P/2009/0502/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

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. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 4 bearing the date stamp 15th February 2016.

Reason: To ensure adequate parking provision in the interests of road safety and the convenience of road users.

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 4 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

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

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

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 2 bearing the date stamp 15th February 2016.

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

10. 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 Planning Authority, 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 Planning Authority gives its written consent to any variation.

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

11. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those trees shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority

Reason: To ensure the continuity of amenity afforded by existing trees.

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N) (Detached House to be sited SW of 63)



Entrance of No 63 (Site to SW)



Entrance of No 63



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to SW/NW)



Access to Nos 61 and 63 (Detached dwelling to be sited adjacent to 63)

LA07/2016/0226/F RESIDENTIAL DEVELOPMENT, Lisbeg Park, Crossmaglen

Dear Sir / Madam

Re. Request for Speaking Rights

Planning Ref: LA07/2016/0226/F (including associated applications LA07/2016/0227/F and LA07/2016/0228/F)

Proposal Title: Erection of residential development comprising of 19 dwellings

Address: Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore Dundalk
Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road
Crossmaglen)

In respect of the above application and under the Newry, Mourne and Down District Council Planning Committee Operating Protocol

We wish to register a request to speak at the Council Committee meeting on Wednesday 21st December in reference to the following points outlined below, as raised in one of the objectors letters dated 09/05/2016.

- Design and Layout
- Site access / Roads
- Sewage and infrastructure.

regards

Michael Martin

BSc Hons, B Arch, RIBA

Architecture and

Project Management

34 Bedford Street Belfast

BT2 7FF

t. 028 9027 8000

e. michael@likearchitects.co.uk

w. www.likearchitects.co.uk

The logo for 'like' is displayed in a bold, lowercase, sans-serif font. The letters are black and have a slightly irregular, hand-drawn appearance.



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Objection – Councillor Hearty

Planning application LA07/2016/0226/F – Mark Devlin

LA07/2016/0227/F

LA07/2016/0228/F

- In relation to the safety of the school children passing the entrance to Lismore
The school is on that road and that junction is mad in the mornings.
- Also residents want to save the trees at the proposed entrance.

Councillor Terry Hearty

ITEM NO	14			
APPLIC NO	LA07/2016/0227/F	Full	DATE VALID	2/16/16
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Mark Devlin		AGENT	Like Architects 34 Bedford Street Belfast BT1 5JG
				NA
LOCATION	Lands adjacent and south east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Crossnaglen (and adjacent and west/south of 63 Dundalk Road)			
PROPOSAL	Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Committee Application

Application Reference: LA07/2016/0227/F

Date Received: 16.02.16

Proposal: Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F)

Location: Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement and accessed from the Dundalk Road via Lisbeg Park which is part of an existing housing development of Lisbeg Park, Lismore and Lismore Park that comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)). Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE). (Application Site)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016 - Site is inside the development limits of Crossmaglen on land zoned for housing (CM07 – Committed housing)

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for two dwellings through the grant of planning permission for P/2009/0502/F approved 25.07.11 (expiring 25.07.16). The current application was submitted 16.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 26.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached properties as part of a much larger residential scheme (See also LA07/2016/0226/F and LA07/2016/0228/F) with dwelling types and layout generally reflective of original approvals at this location but is also respectful of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is no public amenity space included in the wider scheme however the proposed dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). There is an existing vegetative field boundary to the rear of the site, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of movement, adequate parking has been allocated to the proposed housing

with overall design of the development supporting existing form, materials and detailing. The position of the proposed dwellings will not adversely affect the amenity of existing nearest neighbours, the gable of the proposed dwelling has a separation of approximately 17.5m away from a proposed new dwelling applied for under planning application LA07/2016/0226/F. The semi-detached dwellings have a hall window at 1st floor given the separation distance as well as the window located within a non-habitual room is less intrusive. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of two dwellings as part of larger residential scheme of 23 dwellings on a 0.37 ha site (See also LA07/2016/0226/F and LA07/2016/0228/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it has nevertheless been zoned for housing within the area plan as a committed housing site promoting development within an existing settlement with access to local facilities. The two dwellings along with the remaining 21 proposed under applications LA07/2016/0226/F and LA07/2016/0228/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward the applicant, at the a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (26.05.16) - No objection street layout to be in accordance with previous approval

NIEA (28.04.16) - Content subject to conditions

Environmental Health (27.04.16) - No objection

NIW (25.04.16) – Generic response

Objections & Representations

4 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (57 Dundalk Road and Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved at this location under planning reference P/2009/0502/F (P/2007/0058/F and P/2011/0280/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

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. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 2 bearing the date stamp 15th February 2016.

Reason: To ensure adequate parking provision in the interests of road safety and the convenience of road users.

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 2 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

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

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

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 5 bearing the date stamp 15th February 2016.

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

10. 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 Planning Authority, 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 Planning Authority gives its written consent to any variation.

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

11. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those trees shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority

Reason: To ensure the continuity of amenity afforded by existing trees.

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N)



Entrance of No 63 (Site to SW)



Entrance of No 63



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to NW)



Access to Nos 61 and 63

Informatives

1. As of 1st April 2011 the Planning Service ceased to exist as an agency of the Department of the Environment (Northern Ireland). Therefore any references to Planning Service in this document should be read as a reference to the Department of the Environment (Northern Ireland).

2. This approval notice relates to:-

- Planning Service Drawing No. 01 [Site Location Plan, Agent's Ref. BO834-D(L)-300] which was received on 21st March 2011;
- Drawing No. 02 [Site Plan, Agent's Ref. BO834-D(L)-302] which was received on 21st March 2011;
- Drawing No. 03 [House Type B, Floor Plans and Elevations, Agent's Ref. BO834-D(L)-303] which was received on 21st March 2011;
- Drawing No. 04 ['Proposed Landscape Layout', Agent's Ref. BO834-D(L)-304] which was received on 21st March 2011;
- Drawing No. 05 ['Proposed Hard Landscaping Layout', Agent's Ref. BO834-D(L)-305] which was received on 21st March 2011; and
- Drawing No. 06 ['Proposed Hard Landscaping Details', Agent's Ref. BO834-D(L)-115A] which was received on 31st March 2011.

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

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

5. The Private Streets Order (Northern Ireland) 1980

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the road (approved under File Ref. P/2007/0058/F, Phase 1) and sewers in accordance with the Private Streets Construction Regulations.

6. Separate approval must be received from DRD Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulations.

7. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the DRD Roads Service Street Lighting section at Cecil Street, Newry before any construction work commences.

8. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

9. *The developer is advised that the development hereby permitted should not be commenced until a Street Lighting Scheme Design has been submitted to and approved by DRD Roads Service (Street Lighting Section), as part of the Phase 1 development (approved under File Ref. P/2007/0058/F). The Street Lighting Scheme, including the provision of all plant and materials and installation of same, should be implemented only as directed by DRD Roads Service (Street Lighting Section). These works shall be carried out entirely at the developer's expense.*
10. *A 100mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. A public water supply is available, subject to Northern Ireland Water (NIW) approval to connect. A 100mm diameter public water main is located within Lisbeg Park. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*
11. *A 150mm diameter public foul sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*
12. *A 300mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from their website www.niwater.com.*
13. *The applicant is advised to contact Northern Ireland Water (NIW), through its Customer Relations Unit or Waterline on 0845 7440088, upon receipt of this decision to discuss any issues of concern.*
14. *If during the course of developing the site the developer uncovers a pipe not previously evident Northern Ireland Water (NIW) should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.*
15. *The applicant is advised that there are no watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 affecting the site. Rivers Agency has no records of flooding occurring at this site and advises that it is unlikely to be affected by flooding from any watercourse.*
16. *Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.*

17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

20. Northern Ireland Environment Agency (NIEA, Water Management Unit) would recommend the following measures be incorporated by the developer :-

In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain / surface water each building shall be provided with such sanitary pipework, foul drainage and 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 'foul' sewage system to the rain water drainage system, once the buildings are occupied.

The residential units associated with this planning application should not be occupied unless the necessary sewage infrastructure is in place to transfer foul sewage to a Northern Ireland Water (NIW) wastewater treatment facility or a private wastewater treatment facility consented by Northern Ireland Environment Agency (NIEA). It should be noted that NIEA does not favour existing sewage infrastructure being utilised in such a way as to act as a temporary 'cesspit'.

The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDs) in order to minimise the polluting effects of storm water on waterways. Construction of SuDs should comply with the design and construction standards as set out in the CIRIA Design Manual (C697).

Any oil tanks serving the residential units should be bunded.

The developer should comply with all Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:-
PPG 2 - Above Ground Oil Storage
PPG 5 - Works in, near or liable to affect watercourses
PPG 6 - Working at Demolition Sites

These can be accessed by visiting the netregs website at:

<http://www.netregs.gov.uk/netregs/links/107968.aspx>

Should a sewage pumping station be required for this development then the Applicant must apply to NIEA (Water Management Unit) for a Water Order (1999) Consent for an 'emergency overflow'.

21. It is an offence under the Water (Northern Ireland) Order 1999 and Section 47 of the Fisheries Act (Northern Ireland) 1966 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter.

22. The Applicant should refer to the information sheet from Northern Ireland Electricity (NIE) attached with this decision notice.

Informatives

1. The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

3. Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit for Water Order (1999) Consent for an 'emergency overflow'.

4. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge Consent. Discharged waters should meet appropriate discharge Consent conditions.

5. The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk/>)

Dated: 9th November 2016

Authorised Officer _____

ITEM NO	15			
APPLIC NO	LA07/2016/0228/F	Full	DATE VALID	2/16/16
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Mark Devlin		AGENT	Like Architects 34 Bedford Street Belfast BT1 5JG
				NA
LOCATION	Lands adjacent and south east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Crossnaglen (and adjacent and west/south of 63 Dundalk Road)			
PROPOSAL	Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Committee Application

Application Reference: LA07/2016/0228/F

Date Received: 16.02.2016

Proposal: Erection of residential development, comprising 2 no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19 no dwellings, under file Ref. P/2007/0058/F)

Location: Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement and accessed from the Dundalk Road via Lisbeg Park which is part of an existing housing development of Lisbeg Park, Lismore and Lismore Park that comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)). Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11 (Application Site)

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park

Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016 - Site is inside the development limits of Crossmaglen on land zoned for housing (CM07 – Committed housing)

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for two dwellings through the grant of planning permission for P/2011/0280/F approved 26.07.11 (expiring 26.07.16). The current application was submitted 16.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 11.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached properties as part of a much larger residential scheme (See also LA07/2016/0227/F and LA07/2016/0226/F) with dwelling types and layout generally reflective of original approvals at this location but is also respectful of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is however no public amenity space included in the wider scheme however the proposed dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). There is an existing vegetative field boundary to the rear of the site, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development

limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of movement, adequate parking has been allocated to the proposed housing with overall design of the development supporting existing form, materials and detailing. The position of the proposed dwellings will not adversely affect the amenity of nearest neighbours. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of two dwellings as part of larger residential scheme of 23 dwellings on a 0.37 ha site (See also LA07/2016/0226/F and LA07/2016/0227/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it has nevertheless been zoned for housing within the area plan as a committed housing site promoting development within an existing settlement with access to local facilities. The two dwellings along with the remaining 21 proposed under applications LA07/2016/0226/F and LA07/2016/0227/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward the applicant, at the a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (11.05.08) – No objection street layout to be in accordance with previous approval

Environmental Health (25.04.16) – No objection

NIW (25.04.16) – Generic response

NIEA (28.04.16) – Content subject to conditions

Objections & Representations

17 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (57 Dundalk Road and Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved at this location under planning reference P/2011/0280/F (P/2007/0058/F and P/2009/0502/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

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. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 4 bearing the date stamp 15th February 2016.

Reason: To ensure adequate parking provision in the interests of road safety and the convenience of road users.

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 4 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

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

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

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 2 bearing the date stamp 15th February 2016.

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

10. 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 Planning Authority, 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 Planning Authority gives its written consent to any variation.

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

11. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those trees shall be of such size and species and shall be planted at such time as may be specified by the Planning Authority

Reason: To ensure the continuity of amenity afforded by existing trees.

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N)



Entrance of No 63 (Site to SW)



Entrance of No 63

IMG_7309



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to NW)



Access to Nos 61 and 63

Informatives

1. *As of 1st April 2011 the Planning Service ceased to exist as an agency of the Department of the Environment (Northern Ireland). Therefore any references to Planning Service in this document should be read as a reference to the Department of the Environment (Northern Ireland).*
2. *This approval notice relates to:-*
 - *Planning Service Drawing No. 01 [Site Location Plan, Agent's Ref. BO834-D(L)-300] which was received on 21st March 2011;*
 - *Drawing No. 02 [Site Plan, Agent's Ref. BO834-D(L)-302] which was received on 21st March 2011;*
 - *Drawing No. 03 [House Type B, Floor Plans and Elevations, Agent's Ref. BO834-D(L)-303] which was received on 21st March 2011;*
 - *Drawing No. 04 ['Proposed Landscape Layout', Agent's Ref. BO834-D(L)-304] which was received on 21st March 2011;*
 - *Drawing No. 05 ['Proposed Hard Landscaping Layout', Agent's Ref. BO834-D(L)-305] which was received on 21st March 2011; and*
 - *Drawing No. 06 ['Proposed Hard Landscaping Details', Agent's Ref. BO834-D(L)-115A] which was received on 31st March 2011.*
3. *This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.*
4. *This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.*
5. *The Private Streets Order (Northern Ireland) 1980*

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the road (approved under File Ref. P/2007/0058/F, Phase 1) and sewers in accordance with the Private Streets Construction Regulations.
6. *Separate approval must be received from DRD Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulations.*
7. *In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the DRD Roads Service Street Lighting section at Cecil Street, Newry before any construction work commences.*
8. *Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud,*

refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

9. *The developer is advised that the development hereby permitted should not be commenced until a Street Lighting Scheme Design has been submitted to and approved by DRD Roads Service (Street Lighting Section), as part of the Phase 1 development (approved under File Ref. P/2007/0058/F). The Street Lighting Scheme, including the provision of all plant and materials and installation of same, should be implemented only as directed by DRD Roads Service (Street Lighting Section). These works shall be carried out entirely at the developer's expense.*

10. *A 100mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. A public water supply is available, subject to Northern Ireland Water (NIW) approval to connect. A 100mm diameter public water main is located within Lisbeg Park. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*

11. *A 150mm diameter public foul sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*

12. *A 300mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from their website www.niwater.com.*

13. *The applicant is advised to contact Northern Ireland Water (NIW), through its Customer Relations Unit or Waterline on 0845 7440088, upon receipt of this decision to discuss any issues of concern.*

14. *If during the course of developing the site the developer uncovers a pipe not previously evident Northern Ireland Water (NIW) should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.*

15. *The applicant is advised that there are no watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 affecting the site. Rivers Agency has no records of flooding occurring at this site and advises that it is unlikely to be affected by flooding from any watercourse.*

16. *Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order*

1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

20. Northern Ireland Environment Agency (NIEA, Water Management Unit) would recommend the following measures be incorporated by the developer :-

In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain / surface water each building shall be provided with such sanitary pipework, foul drainage and 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 'foul' sewage system to the rain water drainage system, once the buildings are occupied.

The residential units associated with this planning application should not be occupied unless the necessary sewage infrastructure is in place to transfer foul sewage to a Northern Ireland Water (NIW) wastewater treatment facility or a private wastewater treatment facility consented by Northern Ireland Environment Agency (NIEA). It should be noted that NIEA does not favour existing sewage infrastructure being utilised in such a way as to act as a temporary 'cesspit'.

The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDs) in order to minimise the polluting effects of storm water on waterways. Construction of SuDs should comply with the design and construction standards as set out in the CIRIA Design Manual (C697).

Any oil tanks serving the residential units should be bunded.

The developer should comply with all Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:-
PPG 2 - Above Ground Oil Storage
PPG 5 - Works in, near or liable to affect watercourses
PPG 6 - Working at Demolition Sites

These can be accessed by visiting the netregs website at:

<http://www.netregs.gov.uk/netregs/links/107968.aspx>

Should a sewage pumping station be required for this development then the Applicant must apply to NIEA (Water Management Unit) for a Water Order (1999) Consent for an 'emergency overflow'.

21. It is an offence under the Water (Northern Ireland) Order 1999 and Section 47 of the Fisheries Act (Northern Ireland) 1966 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter.

22. The Applicant should refer to the information sheet from Northern Ireland Electricity (NIE) attached with this decision notice.

Informatives

1. The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

3. Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit for Water Order (1999) Consent for an 'emergency overflow'.

4. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge Consent. Discharged waters should meet appropriate discharge Consent conditions.

5. The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk/>)

Dated: 9th November 2016

Authorised Officer _____

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

ITEM NO	20			
APPLIC NO	LA07/2016/0988/F	Full	DATE VALID	7/22/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Gaye Ferris & Jim Hannan 9 Searce Lane Jerrettspass Newry BT35 6LY		AGENT	The Boyd Partnership 4 River's Edge Ravenhill Road Belfast BT6 8DN 028 90461414
LOCATION	Opposite 9 Searce Lane Jerrettspass Newry			
PROPOSAL	Change of use and alterations of redundant building and extension to form 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 SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building is not locally important;
 - 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 or appearance of the locality;
 - the new extensions are not sympathetic to the architectural style and finishes of the existing building; and
 - the access to the public road requires the removal of part of the building to ensure road safety is not prejudice.



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

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0988/F

Date Received: 22 Jul 2016

Proposal: Change of use and alterations of redundant building and extension to form dwelling

Location: Opposite 9 Searce Lane Jerrettspass Newry

Site Characteristics & Area Characteristics:

The existing building to be converted and existed is sited with the front elevation running immediately adjacent with the road edge of Searce Lane. The building is single storey of and of a natural stone construction with large granite quoin to the corners. The roof of the building is finished in a natural slate. The building has 3 openings to the front elevation, 2 to the rear and 1 to the south west gable. To the rear of the building there is a large agricultural type building which was being used to store bales of hay at the time of my inspection. Along the north west boundary there is a band of mature trees and vegetation. The other boundaries are defined by a timber post and wire fence. The roadside boundary is not defined. Directly opposite the site is the applicants dwelling, no. 9. The dwelling is a large two storey unit with a single storey rear return which includes a double integral garage.

Site History:

P/2012/0616/F- Change of use of and extension to redundant building to form dwelling- 10th Sept 2012

Planning Policies & Material Considerations:

The site is located within the countryside and An Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

SPPS

Consultations:

**TransportNI- no objections sub to conditions
NIEA WMU- no objections**

**NIW- statutory
NIEA NH- Biodiversity checklist**

Objections & Representations

No. of neighbours notified=1
Advertise expiry= 26.08.2016
No. of representations received=0

Consideration and Assessment:

The SPPS under para 3.8 states that 'the guiding principles for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice, this means that development that accords with an up-to-date development plan should be approved and proposed development that conflict with an up-to-date plan should be refused, unless material considerations indicate otherwise.'

Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS introduces a change in policy direction and therefore greater weight is afforded to the SPPS.

The proposal is for the conversion of the existing outbuildings with extension and will be assessed against the provisions contained within Policy CTY 4 of PPS 21.

In particular to CTY 4 and the conversion and reuse of existing buildings the SPPS stated that provision should be made for the sympathetic conversion and reuse of a suitably locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

The policy considers where the Council deems it appropriate for vernacular structures to be conserved they should be managed so that their character and special interest is maintained. The building is considered to be of a traditional style and in a good condition. The building occupies a roadside presence, along the Searce Lane. Having considered the existing building design and form I do not consider the building to be considered as locally important given its lack of design, architectural or historic merit.

The building from inspection is of a permanent construction. The reuse and conversion proposes to remove the existing roadside wall and half the gable ends. These works also require the removal of the roof with a drop in the existing pitch. Given the small portion of the existing building to be retained, it could not be stated that the proposal maintains or enhances the form, character and design of the building.

The proposed extension to the building will double the existing footprint of the building. The building is constructed with a natural stone with a slate roof finish. The proposal will retain the slate roof finish however the stone walls will be of a smooth

render finish. Having viewed the building it was considered to have very little architectural style. Considering the reduction of the existing building with the proposed alterations/extension, it is considered that the extension is sympathetic to the scale and massing of the existing building. The proposal in terms of finishes is not considered sympathetic. Repointing of the natural stone would be a preference to the proposed roadside elevation to allow for a finish which is more sympathetic with the existing building.

The site layout plan shows the applicants intentions to create a small amenity area to the side of the building and adjacent to the roadside. The re-use and conversion would not unduly affect the amenities of the nearby residents in no .9 and the proposal will benefit from an adequate amenity area. The proposal will not adversely affect the continued agricultural use of the adjoining land or buildings.

The nature and scale of the proposal will not significantly impact on the environment or the character of the locality.

The access is to be taken from the west side of the building. Given the limited room the visibility splays will require the front elevation of the building to be removed. To provide an acceptable access onto the public road which will not prejudice road safety this will require the removal of part of the existing building.

It is my opinion that the proposal fails to meet the provisions contained within the SPPS and the criteria of elements of the criteria set by Policy CTY 4 b, c and g.

Having considered the above I am of the opinion the proposed conversion will not be a prominent feature in the landscape and this is ensured by the natural boundaries surrounding the site. The proposal will not result in build up as the proposal is for a conversion of an existing building. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development. The building and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

**Recommendation:
Refusal**

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

-the building is not locally important;

**-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 or appearance of the locality;
and**

-the new extensions are not sympathetic to the architectural style and finishes of the existing building

-the access to the public road requires the removal of part of the building to ensure road safety is not prejudice.

If the Committee is of the opinion to overturn this decision a biodiversity checklist is required.

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

ITEM NO	21				
APPLIC NO	LA07/2016/1014/F	Full	DATE VALID	7/28/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Seamus McKinley C/O Agent		AGENT	Architectural Design Service 20 Upper Burren Road Burren Warrenpoint BT34 3PT	
				07725917253	

LOCATION Adjacent to and North of 3 Cashel Road Silverbridge and land immediately east of No 2 Cashel Road.

PROPOSAL Erection of replacement dwelling and detached garage 30m north of No 3 Cashel Road to be replaced off site on land immediately adjacent to and east of No 2 Cashel Road, Silverbridge.

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

1. The proposal is contrary to Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness;



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1014/F

Date Received: 22.07.16

Proposal: Erection of replacement dwelling and detached garage 30m north of No 3 Cashel Road to be replaced off site on land immediately adjacent to and east of No 2 Cashel Road, Silverbridge.

Location: Adjacent to and North of 3 Cashel Road Silverbridge and land immediately east of No 2 Cashel Road.

Site Characteristics & Area Characteristics:

Site is located 1.5 miles NE of Silverbridge located within the open countryside. The site comprises of an existing building which has the characteristics and features of a dwelling which is located within the front garden of No. 3. The proposed off site location is immediately adjacent to an existing dwelling comprising a large agricultural field which rises gently from N to S and has a field gate and natural vegetation along the road frontage as well as the S boundary

Site History:

P/2006/2137/RM – S. Mc Kinley. Erection of replacement dwelling and garage 180 metres south south east of junction with Cashel Road and Silverbridge Road, Newry. Approval 13.10.08 (Application site – Single storey dwelling sited on footprint of original dwelling)

P/2004/2974/O – S. Mc Kinley. Site for replacement dwelling and garage. 180m SSE of the junction with Cashel Road and Silverbridge Road. Refused 14.03.06 (Application site with off-site replacement on land opposite and NE – Same location as current proposals. Refused on greater visual impact for off-site replacement and lack of integration, change to rural character, build-up and creation of ribbon development)

P/2003/2059/O - Site for replacement dwelling and garage. 180 metres south south east of junction with Cashel Road and Silverbridge Road, Newry. Approval 14.04.04 (Application site)

P/2003/1014/O - Site for dwelling and garage. 110m south east of no. 83 Silverbridge Road, Newry. Refused 02.09.03 (Integration, prominence, build-up and ribbon development)(Location of proposed off site replacement)

P/2001/1200/F - Liam Mc Kinley. Erection of dwelling & garage. 200m South of 83 Silverbridge Road, Newry. Approved 12.02.02 (Adjacent and S of replacement) (Property not built in accordance with plans)

P/2001/0622/O – L. Mc Kinley. Site for dwelling. 200m S of 83 Silverbridge Road, Newry. Approved 12.06.01 (Adjacent and S of replacement)

P/1998/1490 – C Mc Kinley. Erection of dwelling and garage. 100m E of junction of Cashel Road and Newry Road. Approved 13.01.99 (NE corner of off-site field) (Property not built in accordance with plans)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: AONB

Policy: SPPS, PPS21, PPS2, PPS3, DCAN 15

SPPS and PPS21 (CTY3): Replacement Dwelling

The site previously had the benefit of planning permission for a replacement dwelling on the footprint and within the curtilage of the site in in 2008 (P/2006/2137/RM) with the principle of the building considered to be of replacement status (P/2006/2137/RM, P/2004/2974/O, P/2003/2059/O). On inspection the property is of good structural condition and exhibits the essential characteristics of a dwelling house and there is no objection in principle to the replacement of such a property in situ.

Proposals involve the replacement of the dwelling of site on land 70m opposite and NE of the existing property. Whilst there is provision in policy for an off site replacement this is only permitted when criteria a or b can be met (a - the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits).

In relation to criteria a the unauthorised works undertaken by No. 3 Cashel Road resulting in a change of access position, orientation and driveway have now impacted upon the original curtilage of the former dwelling to be replaced restricting its potential to develop on site. Mr Liam Mc Kinley originally owned and controlled this land including the replacement opportunity and had the original permission been implemented as approved under planning reference P/2001/1200/F there is no reason that a replacement dwelling could have been developed in situ, the unauthorised works to restrict access is not justification in its own right to relocate a replacement dwelling off site.

An off-site replacement on proposed lands 70 NE of the site is outside the curtilage and footprint of the original dwelling. The proposed dwelling will occupy a cut out of a much larger agricultural field which has no sense of enclosure resulting in a loss of vegetation and the relocation to this position will result in a significantly greater visual impact than an onsite replacement. A previous attempt to relocate off site was refused under planning reference P/2004/2974/O with similar proposals to current. Overall proposals have not demonstrated landscape, heritage access or amenity benefits by an off-site replacement.

The design is relatively reflective of house types within the locality although elements of the design exhibit suburban form and could be simplified.

The existing property has a footprint of 72sqm with the proposed house type 220.14sqm the footprint is 3 times larger than the existing property, with overall floor area comprising of 317.73 sqm which is over 4 ½ times larger (excluding garage and playroom). The proposed dwelling will replace an existing single storey property with a two storey dwelling and garage, whilst it is acknowledge that modern living standards have to be accommodated the overall size, scale and mass is significantly larger than the replacement property and will create a greater visual impact than the existing building and will be unable to satisfactorily integrate.

Overall proposals for an off site replacement fail to meet the requirements of SPPS and PPS21 and should be refused on this basis.

SPPS and PPS21 (CTY13): Integration and Design

The position of the proposed replacement will occupy the SE portion of a much larger roadside agricultural field with no means of natural separation from the surrounding ground. This portion of the site has only two existing vegetative boundaries along the road frontage and southern boundary of the site. The majority of the road frontage boundary will be removed to accommodate visibility splays along with ancillary works including a long driveway midway through the agricultural field will further open up the site with its prominent nature clearly amplified.

The dwelling proposed for this site cannot be adequately integrated at it would 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 as a roadside site any development will introduce suburban design solutions with a large and prominent garden area, which further erode the rural character of this area.

SPPS and PPS21 (CTY18 CTY14): Ribbon Development and Rural Character

CTY14 indicates that planning permission will be refused where development will result in a detrimental change to or erode the rural character of an area. Within 190m of the site there are 37 existing dwellings that include Nos. 83 Silverbridge Road, 1 and 3 Cashel Road, beyond this the site is also visually linked to several properties on the Aughanduff and Glenmore Roads.

The entire site is visible from the Silverbridge Road (to the NW) from this area any development at the application site will be obvious and easily read with existing properties at 83 Silverbridge Road, 1 and 3 Cashel Road appearing as build-up of development within the open countryside. On approach from S to N along Cashel Road the site will read with 6 properties which include 83 Silverbridge Road, 1 and 3 Cashel Road, 1 and 4 Aughanduff Road as well as a two storey dwelling fronting onto Glenmore Road.

The implementation of planning permission at the site will extend the area of development. When taken with the adjacent dwellings will add to an overall cumulative effect of buildings within this area leading to a change of the rural character of this area.

Furthermore development at this location will create a ribbon of development which is evident on approach in either direction along Cashel Road with such a number of dwellings creating a build-up appearance when viewed from the road, approached in either direction the entire site will read as a ribbon of development along with properties 83 Silverbridge road and 1 Cashel Road all of which have a common frontage to the road, another building at the site will create a ribbon of development in this rural locality and creating a built up appearance when viewed from the road.

Proposals will introduce suburban siting and design solutions, which will visually link with existing dwellings on Cashel Road creating a continuous urban frontage in the countryside. The proposed location for the dwelling as shown on the submitted 1:500 layout will also create a gap site between No.1 Cashel Road and the proposed site which will pave the way for further erosion to the rural character of this area.

Impact to European Sites

The potential impact of this proposal on European sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) (Northern Ireland) 1995 (as amended). The proposal would not be likely to have significant effect on the features of any European site.

PPS3: Transport NI in comments require further information

PPS2: The area has been designated an AONB the design and layout of proposals of the proposed dwelling and garage are suburban and are not reflective of simplified form to be expected in such an area, furthermore the extent of works and development of the site will detract from the visual quality of the area.

Consultations:

Transport NI (15.08.16) – Applicant to submit a revised plan showing sightline to N of access point tot the tangent point

NIEA (18.08.16) – No specific comment to make refers Planning Officer to standing advice

SES (15.08.16) - Not likely to have significant effect on the features of any European site further assessment not required

Objections & Representations

3 neighbours notified

No objections received

Advertised 08.08.16

Consideration and Assessment:

The building to be replaced is accepted as a genuine replacement opportunity and the principle of replacement has been established through the grant of planning permission for an onsite replacement (see planning history P/2003/2059/O and P/2006/2137/RM). The replacement of this property off site onto a corner cut out of a much larger agricultural field will have an adverse impact on the rural character by causing build-up and create ribbon development along Cashel Road but will also lead to the creation of a gap site which will offer opportunity to further erode the character of this area. An off-site replacement was previously sought in 2004 (P/2004/2974/O) and was subsequently refused, although there has been a change in planning policy from that time this is of little consequence as the same reasons for refusal remain applicable today albeit under a different policy context. It is on this basis it is recommended to refuse the application.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness;
2. The proposal is contrary to Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site 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 design of the proposed building is inappropriate for the site and its locality.
and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Strategic Planning Policy Statement 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;
 - 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 a ribbon of development along Cashel Road;
- the impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to and further erode the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement 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 Cashel Road.
5. The proposal is contrary to the Strategic Planning Policy Statement and Policy NH 6 of the Planning Policy Statement 2, in that the site lies in the designated Ring of Gullion Area of Outstanding Natural Beauty (AONB) and the development would, if permitted, be detrimental to the environmental quality of the rural area by reason of its scale, size, inappropriate design resulting in a lack of integration and adverse visual impact within an area of designation.

Case officer:

Authorised Officer:

Photos



External elevations of replacement



Interior and window opening of replacement



External elevations of replacement



Replacement within curtilage of existing property



Replacement and existing dwelling view from Cashel Road



Front elevation of replacement



View from Cashel Road S looking N



View from Cashel Road S looking N



Existing field gate at application site



Application site



Site to left of photo, replacement to right



Application site to left of photo, replacement above and right

Re: Request to speak Ia07/2016/1014 - Item 24 on the agenda

Dear Sir/Madam

Re dwelling and detached garage at Cashel Road Silverbridge for Mr S Mc Kinley

Reply to planning refusal points

1

Planning legislation allows for off-site replace where replacement is not practicable within the curtilage of the existing building.

OR

At an alternative position nearby where there are demonstrable benefits in doing so That is the case in this application. The restrictions of existing boundaries are preventing a reasonable size dwelling to be located on site.

The size and design of the proposal reflects the two dwellings in the immediate area and it is unreasonable to expect a family to live in the 19th century where a two roomed dwelling was deemed acceptable

The design of the dwelling is in keeping with planning guidance for development in the country side

2 and 3

The proposed dwelling is located on a minor road and only visible for a very short time when viewed from the critical view point on main Crossmaglen Road

It is less prominent than the existing dwelling to the south of the site and not significantly more prominent than the dwelling adjacent our site

These two dwellings set the character of the area

The boundaries of the site to the South West and East are long established mature hedgerows which have been cut and tended over the years and not allowed to grow wild

Only the northern boundary lacks planting which is defined by fence line separating the house from our site

This northern boundary is the only one requiring planting. Other planting is provided for decorating purpose

Note allowing the existing hedge s to grow for the next few seasons will have a significant effect on screening

And help integrate ancillary works

We are also prepared to look at amending the position of the buildings to facilitate integration.

It is also worth noting that the fields to the south and east are significantly higher than our site.

4

Where mentioned before we feel the dwelling will not be unduly prominent

The location and frontage cannot be mistaken for suburban style build up as the land immediately to the front of our site is a farm yard with a large agricultural building located close to the road edge

Ribbon development already exists on the western Road side because the planners failed to enforce the planning restrictions on where the dwelling was to be sited when the house was being built

It is unreasonable to penalise our client for planning failures.

Because of the farm yard and agricultural buildings along this section of the Cashel Road it is impossible to change or damage the rural character of the area

Yours
Martin Kearney

J M Kearney MCIAT MCABE
Architectural design service
20 Upper Barren Road
WARRENPOINT
Mobile 07725917253

ITEM NO 6
APPLIC NO LA07/2015/0369/F Full **DATE VALID** 5/28/15
COUNCIL OPINION APPROVAL
APPLICANT Newry & Mourne District Council **AGENT** Milligan Reside
 Monaghan Row Larkin 56 Armagh
 Newry Road
 BT35 8DJ Newry
 BT35 6DN
 NA

LOCATION Warrenpoint Baths 35m North East of Nr 6 Radharc na Mara
 Warrenpoint.

PROPOSAL Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/ spa, Coffee shop and external venue space, Public toilets and all associated site works.

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

BT35 6DN



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0369/F

Date Received: 28th May 2015

Proposal: Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works.

Location: Warrenpoint Baths 35m North East of Nr 6 Radharc na Mara, Warrenpoint.
The site is located on the coast within Warrenpoint town centre.

Site Characteristics & Area Characteristics:

The site contains Warrenpoint Baths, an enclosed sea-water pool which juts out from the coast into Carlingford Lough, bounded by a sea wall and railings. This concrete structure was built in the early 1900s. It is adjoined by a mainly single storey building which links it to the coast at Seaview. This building is used mainly for storage of water sports equipment and changing facilities. A bridge over its roof from Seaview provides access to a smaller building on top which has a hipped roof and contains a shop.



The site is located in a busy coastal area and also within the town centre of Warrenpoint as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is zoned as a development opportunity site (WB33). It is also within an Area of Townscape Character and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. It is within a coastal flooding zone. The A2 from which it is accessed is a Protected Route. There are a range of commercial, recreational and residential uses present in the surrounding area.

Site History:

The original open air saltwater swimming pool was built in 1907 and was converted to a shallow boating pool in the early 1970s. There have been no planning applications on the site in the last 30 years.

Planning Policies & Material Considerations:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- Addendum to PPS6 – Areas of Townscape Character
- PPS15 – Planning and Flood Risk
- PPS16 – Tourism
- *Living Places* Urban Stewardship and Design Guide

Consultations:

The proposal fell within the threshold of Category 10 (m) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. In undertaking a determination as to whether the proposal was EIA development, consultations were carried out with TransportNI, Environmental Health, NIEA, Shared Environmental Services and Louth County Council (to assess potential trans-boundary impacts). Following advice from the consultees, it was determined on 18th August 2015 that there would be no likely significant environmental effects and an Environmental Statement would not be required.

A number of subsequent consultations were sent to other interested bodies and their responses may be summarised as follows:

- TransportNI – No objections.
- Environmental Health – Noise assessment required. This was submitted on 31st August 2016. Following consultation with Environmental Health, the plans were amended to show the noise attenuation measures recommended in the noise assessment.
- NIEA – No archaeological objections or concerns regarding listed buildings. No likely impacts on designated sites provided all construction activity takes place within the red line boundary.

- Shared Environmental Service – No likely significant effects on any European site.
- Rivers Agency – Flood Risk Assessment for coastal flooding required. This was submitted on 14th April 2016 and was agreed by Rivers Agency.
- Loughs Agency – No objections.

Objections & Representations:

The application was advertised in the local press on 12th June 2015 and 10 neighbouring properties were notified on 24th June 2016. No objections or representations were received.

Consideration and Assessment:

A new structure will be built on the existing footprint of the pool which will be covered over and closed. There will be additional storage and new changing facilities for the Adventure Centre on the lower ground floor. At ground floor level the building will contain a Community Function Room, Seaweed baths/spa, Coffee shop, public toilets, an office and tutorial room for the adventure centre and a shared lobby area. This floor will still have access from street level via the bridge over the boat store. It will have a flat roof on top of which will be an outdoor performance space and community space with lighting and a 1.8m high glass screen around the edge to afford views over the sea. The plans indicate that a temporary tensile roof structure can be erected as shelter for outdoor performances when required. At the entrance from Seaview and at the north and west corners of the structure, there will be 4 reinstated round Edwardian kiosks with decorative cupola roofs. The existing shop belonging to the adventure centre will remain unaffected.

The main issues to be considered are the principle of the development, design and impact on the townscape, impact on the Mournes AONB, impact on the amenity of neighbouring residents and changes to flood risk.

The Design and Access Statement indicates that the main objectives for the redevelopment proposal are:

- To regenerate this site within the broader context of promoting tourism and specifically in relation to leisure and water sports.
- To enhance the architectural heritage of Warrenpoint.
- To provide a visually attractive facility for this prominent sea front location.
- To enhance Warrenpoint's potential as a visitor destination by integrating with and capitalising upon the town's unique and historical features.

While there is a mix of end uses in the proposed scheme including some retail and community use, they are united by a desire to enhance facilities for leisure and tourism uses.

The Regional Development Strategy 2035 aims to promote a sustainable approach to the provision of tourism infrastructure. It recognises that investment in tourism brings new facilities to our cities, towns and surrounding landscapes, thereby creating a sense of pride for the people of Northern Ireland. It also maximises the benefits that can be obtained from assets such as the coastline. Also, as

Warrenpoint is a gateway to the Mourne Mountains, a tourist signature destination, the RDS would support proposals like this to improve the tourist facilities.

The SPPS states that tourism makes a vital contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides, and the potential it creates for economic growth. As well as direct spending on holiday accommodation and use of tourist amenities, tourism plays an important role in helping to support the viability of many local suppliers, services and facilities. It can improve assets and provides infrastructure for local people and tourists, supporting the vibrancy of Northern Ireland's culture and heritage, and sustaining communities. Paragraph 6.255 states that "The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment." This reflects the approach of the retained policy in PPS16. The site is considered an appropriate location being in the town centre of a recognised gateway to a major tourist attraction. Paragraph 6.259 of the SPPS goes on to state that "There will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements". The scheme is therefore acceptable in principle.

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 Plan has designated this site as a development opportunity site (WB33). It states that possible uses would include leisure / water sports or a conference facility. As the proposal incorporates all these uses as well as community and performance space, it is in keeping with the requirements of the adopted Plan. The Plan has no specific policy on tourism and proposals will be determined under regional policy. The leading retained policy is TSM1 of PPS16.

Policy TSM1 indicates that planning permission will be granted for a proposal for tourism development within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. It has been found above that the proposal complies with the development plan zoning for this site. With regard to the scale of the building, it will sit on the established footprint of the original baths, though there will be a significant increase in height to provide facilities above the coastal flood level. The height increase is minimised by utilising a flat roof which doubles as a performance space and public viewing area. The use of a glass surround to both decks will also permit views through part of the structure. The proposal will nonetheless be prominent in views along the coastline from Seaview and The Promenade. But having regard to the site's context within a town centre and as a landmark site in an established seaside resort, the increase in scale and massing is on balance considered acceptable. The plans indicate that a temporary tensile roof structure can be erected on the roof as shelter for outdoor performances when required. To ensure that this is not a permanent addition of a further 6.4m to the height of the building, a condition should be imposed limiting this structure to a maximum of 28 days in any calendar year (the time it could be erected under permitted development rights). The design seeks to restore the Edwardian kiosks from the original building and the new elements introduced are of a deliberately

different style with long horizontal elements and expanses of glass. These separate elements are acceptable when viewed together and convey something of the history of the site along with its proposed new uses. They will read well with the dominant landscape feature of the area, Carlingford Lough. The benefits to the local community of having such a facility in the town centre are noted, as well as the tourism and recreation benefits of the proposal. It is generally compliant with regional policy for tourism and will relate satisfactorily to its townscape setting. It is also considered to meet the requirements of policy ATC2 for new development in an Area of Townscape Character as it will enhance the overall character of the area through reinstatement of the kiosks and it respects the built form of the area through its low-profile design which minimises the impact on existing views. It will not harm the special character of the Mournes AONB as required by policy NH6 of PPS2 and is a means of conserving a local historic building through redevelopment and re-use. NIEA had no concerns regarding the impact on nearby listed buildings or any archaeological remains under PPS6. There will be some impact on views across to the Louth coast, though the new structure will create new vantage points for better public views. It is noted that when the planning department of Louth County Council were consulted on the proposal at EIA screening stage, they declined to comment.



The retail elements of the proposal must now be assessed under the SPPS. The SPPS promotes a town centres first approach for the location of new retail facilities and introduces a sequential test for the identification of retail sites. As this site is within the designated town centre of Warrenpoint and there is no designated Primary Retail Core that would sit ahead of the site in the order of preference, the retail elements of the proposal are appropriately sited and are acceptable.

There is no vehicular access to the site, as has historically been the case, so although Seaview is a Protected Route, the scheme would not fall foul of policy AMP3 of PPS3. The building has been designed to be accessible by people with impaired mobility as required by policy AMP1. Policy AMP7 requires adequate car parking and servicing arrangements. However, as the site is located within the town centre, there is available car parking on street in the area, and the site is in a highly accessible location well served by public transport, it is not considered necessary to insist on a dedicated parking requirement for this development. TransportNI raised no concerns with regard to servicing the site.

As there are a number of residential properties in proximity to the site, impacts on their residential amenity must be considered. The main potential impact is from noise from the indoor and outdoor venue space. A noise assessment was submitted on 31st August 2016. It proposes a night time target of 30dBA at the external façade of the nearest residential properties (around 60m away). Following consultation with Environmental Health, the plans were amended to show the noise attenuation measures recommended in the noise assessment. Environmental Health is now satisfied that the structure of the building will adequately mitigate any noise originating from inside it through use of the community function room. The structural measures include concrete to the walls and roof to provide an Rw of less than 55dB and acoustic double glazing to the windows. There is no such means of preventing noise from the outdoor performance space. Environmental Health has advised that the playing of amplified music outdoors after 11pm has the potential to cause disturbance to nearby residential properties. In order to ensure no such adverse impacts, it is recommended that an operating hours condition is imposed to prevent any activities on site between the hours of 23.00 and 07.00, unless they are subject to prior agreement with the Council through an Entertainment Licence for a specific event.

The final matter for consideration is flood risk under PPS15. A Flood Risk Assessment for coastal was submitted on 14th April 2016 and was agreed by Rivers Agency. The proposal is considered to meet exception (b) of policy FLD1 as it is within a settlement, the main structure will be raised to an acceptable level above the flood plain, the amended design of the sea wall will reduce the flood risk, there will be no increase in flood risk elsewhere and there will be no impact on the delivery of services. The finished floor level of the new ground floor will allow sufficient freeboard above the highest predicted tide. The lower ground floor changing rooms will be below the potential flood level as is currently the case, though mitigation measures have been proposed including warning systems and means of escape. The store for the adventure centre with access onto the foreshore (as existing) is also below the flood level, however, it would come under exception (e) for water compatible development which for operational reasons has to be located in the flood plain. The Flood Risk Assessment has demonstrated that the scheme is consistent with the requirements of PPS15.

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. All construction activity must be confined within the red line boundary and all discharges shall be directed away from the designation. Any works occurring within the designated site but outside the red line planning application boundary are subject to the Environment (Northern Ireland) Order 2002 (as amended).

Reason: To protect the integrity of Carlingford Lough ASSI, and to avoid it being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter.

3. The building shall be constructed in accordance with the approved Drawing 04 REV 1 stamped received 18th October 2016 to achieve an Rw of less than 55dB.

Reason: To provide adequate noise attenuation to protect residential amenity.

4. The premises shall not be open and there shall be no playing of amplified music between the hours of 23.00 hours and 07.00 hours unless by prior agreement with the Council through an Entertainment Licence for a specific event.

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

5. The applicant is advised to ensure that all plant and equipment associated with the site is operated and maintained in such a way as to prevent the transmission of noise, odour and dust to nearby dwellings.

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

6. The temporary tensile roof structure in the outdoor performance space shall not be erected for more than 28 days in total in any calendar year.

Reason: To ensure that the temporary structure does not become a permanent feature in this Area of Townscape Character.

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

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

8. The 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 building is 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:

ITEM NO	17			
APPLIC NO	LA07/2016/0500/F	Full	DATE VALID	3/14/16
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne and Down District Council District Council Newry BT34 2QU		AGENT	Newry, Mourne and Down District Council Estates Section Greenbank Industrial Estate Newry BT34 1QU 02830313233

LOCATION Footpath across Yellow Water river approximately 1000m East of the Newtown Road Newtown Upper Rostrevor.

PROPOSAL Bridge on pedestrian path/mountain bike trail, over the yellow water river

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

Council Estates



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0500/F

Date Received: 19th April 2016

Proposal: Bridge on pedestrian path / mountain bike trail, over the Yellow Water River.

Location: The site location is approximately 1000m east of the Newtown Road, Newtown Upper, Rostrevor. The site lies outside the development limits of Rostrevor, it is approximately 4.2 kilometres NE of Rostrevor village and is included within the Mournes and Slieve Croob Area of Outstanding Natural Beauty as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Site Characteristics & Area Characteristics:

The site is a linear strip across the Yellow Water River. The site sits on the eastern foothills of the Mournes. Access to the site is provided via a gravel road from Newtown Road. Where the gravel road reaches the site the river flows over the road. Stepping stones adjacent to the road on the north side provide access across the river by foot. The gravel road then continues SW on the other side (east) of the river creating a U-bend in the gravel road. South of the point where the road crosses the river, the banks of the river become steeper and the river sits well below the level of the gravel road. The banks on either side of the river within the site contain boulders, native trees and grasses.

The surrounding area is rural agricultural in character with public footpaths leading North and East further into the Mournes.

Site History:

P/2013/0163/F	Development of 28Km of Mountain Bike Trail System throughout the forest.	Kilbroney Park and Rostrevor Forest Shore Road Rostrevor Newry	Permission Granted
P/2010/1007/F	Development of 28km of mountain	Kilbroney Park and Rostrevor Forest,	Permission granted

	bike trail system throughout the forest	Rostrevor, Newry	
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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, PPS1 – General Principles, PPS2 – Natural Heritage, PPS8 Open Space, Sport and Outdoor Recreation, (Revised)PPS15 – Planning and Flood Risk and PPS21 - Sustainable Development in the Open Countryside.

Consultations:

Consultations were issued to the following:

- NIEA – No objections, conditions and informatives included below (18/10/2016).
- Rivers Agency – No objections, informatives included below (31/05/2016).

Objections & Representations

There were no neighbour notifications sent out. This application was advertised in the local press. There were no representations received.

Consideration and Assessment:

Policy CTY1 of Planning Policy Statement 21 outlines that planning permission will be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS 8.

PPS8, Policy OS3 relates to proposals for Outdoor Recreation in the Countryside. This proposal is assessed against the relevant criteria as follows:

- (i) The proposal will not adversely affect any nature conservation, archaeology or built heritage.
- (ii) New sections of gravel path are to be provided on either side of the river providing access from the existing gravel road to the bridge, this will not result in the permanent loss of the best and most versatile agricultural land and will have no unacceptable impact on nearby agricultural activities.
- (iii) The design and position of the bridge, the gravel paths and concrete paths on either side will ensure the proposal will not impact on the visual amenity. The existing vegetation surrounding the site will aid in screening the new bridge while the topography of the area results in the bridge positioned lower than the surrounding land to the North and East and therefore absorbing it into the landscape. The implementation of this proposal will see the removal of two trees and boulders on the banks of the river however this will not greatly impact on the character of the area.
- (iv) There are no dwellings nearby whose amenity would be affected.
- (v) The proposal will provide an accessible link between the existing gravel roads and is therefore considered compatible with countryside uses. The development would not prejudice public safety
- (vi) We consider the bridge, the new sections of gravel pathway and sections of concrete path on either side of the rivers banks acceptable in design and scale and we are content that they are sympathetic in terms of their sitting and layout.

- (vii) The bridge is designed to be accessible to people with disabilities, it links to an existing gravel road providing access further into the Mournes from the Newtown Road.
- (viii) It is not envisaged the development of the bridge would generate any extra vehicular traffic.

As the site is included within an Area of Outstanding Natural Beauty the proposal must be assessed under PPS2, Policy NH6. We are content that the siting and scale of the bridge will be sympathetic to the character of the area. The bridge provides a link across the river and could be considered as an extension to the existing roads / paths and would therefore not harm the rural character of the area. The construction materials are considered appropriate under this policy.

Further, the site is hydrological connected to Kilbroney ASSI and Carlingford Lough ASSI. Following an initial consultation with NIEA, Water Management Unit were content with the proposal subject to conditions, these have been included below. NED were concerned with the degradation of aquatic environment from contaminated run off resulting during construction phase and other natural heritage issues and referred to the NI Biodiversity checklist. Subsequent to a second consultation with NIEA following the submission of a biodiversity checklist and an 'Ecology Impact Minimisation' report, NED have provided conditions to prevent suspended solids or contaminated run-off entering the designated sites during the construction phase. These have been included below.

Revised PPS 15 is applied to this proposal due to the proposed bridge crossing an undesignated water course. Rivers Agency has assessed the proposal and is content with it given the bridge and abutments are outside of the stream and strategic floodplain and the soffits of each bridge is positioned above a minimum height of 950mm above the estimated floor level.

On the basis of the above, I recommend that the proposal be approved with the inclusion of conditions below.

Recommendation:

Approval

Conditions:

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

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

2. A suitable buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil and the Yellow Water River.

Reason: To protect the integrity of Kilbroney River ASSI and prevent suspended solids entering Carlingford Lough ASSI.

3. During surface pitching of abutments comprising the use of concrete, an appropriate isolation technique (barrier) shall be employed to allow any in-river works to take place without contamination of the Yellow Water River.

Reason: To protect the integrity of Kilbroney River ASSI and prevent suspended solids entering Carlingford Lough ASSI.

4. A detailed Construction Method Statement (CMS) must be submitted to the Planning Authority, for consultation and agreement with the NIEA Water Management Unit, at least eight weeks prior to the commencement of construction. The CMS should include all necessary pollution prevention measures to protect the water during the development of this proposal.

Reason: To ensure efficient avoidance and mitigation measures have been planned for the protection of the water environment.

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4. Pollution Prevention Guidance and 11. Discharges to the Water Environment Standing advice notes are available at: http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm.
4. The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
 - a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*);
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to;
 - (i) affect the local distribution or abundance of the species to which it belongs;
 - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - (iii) Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or
- young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
6. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
7. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
8. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation

and direction in respect of any necessary measures required to deal with the watercourse.

9. Visual inspection of the site indicated areas which appear liable to waterlogging. The developer is advised to obtain advice from suitably qualified, competent persons in respect of internal drainage requirements, site levels, finished floor levels etc.
10. The applicant will be required to strictly adhere to the relevant guidance detailed in:
 - DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015)
 - DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015) The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual.
 - DOE Standing Advice Note No.11 – Discharges to the Water Environment (April 2015)

Standing Advice Notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

Standing Advice Notes are available on the NI Planning Portal under Advice / NIEA Guidance / Standing Advice. The above address can also be copied and pasted to a web browser.

The applicant will be required to adhere to the relevant advice detailed in the DOE guidance document Surface Waters Alterations Handbook which can be downloaded from the following webpage: <https://www.daera-ni.gov.uk/publications/surface-water-alterations-handbook>

Please note that Water Management Unit use the following SNIFFER manual when considering the impact of man-made in-river structures that have the potential to impede the migration of fish populations, which the applicant may find useful:

http://www.sniffer.org.uk/files/7113/4183/8010/WFD111_Phase_2a_Fish_obsacles_manual.

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any

poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

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

SB/13.

transportni



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk
Development Control
 Rathkeltair House
 Market Street
 DOWNPATRICK
 BT30 6AJ

Telephone: (028) 44 618046

December 2016

Mr Liam Hannaway
 Chief Executive
 Newry, Mourne and Down District Council
 Monaghan Row
 NEWRY
 BT35 8DJ

Dear Mr Hannaway

PLANNING APPLICATION LA07/2015/0702/F – FARM SHED, NEWCASTLE ROAD, CASTLEWELLAN

I understand that on 10 November 2016 Newry Mourne & Down Planning Committee approved the above application for a farm shed to be accessed directly off the A50 Newcastle Road.

As you will be aware the A50 is designated as a Protected Route and the location of the site lies outside the settlement limits of Castlewellan. The intention of Policy AMP3 within PPS3 is to restrict the number of new accesses on to Protected Routes in order facilitate the efficient movement of traffic on these roads which provide long distance links between towns.

It is assumed that the approval in this instance has been justified as a particular case which meets the criteria for an exception to policy. I would be grateful for clarification of these circumstances as this decision could set a precedent which TransportNI may be confronted with if future similar cases arise. You will appreciate the importance of continuing to guard against any proliferation of new accesses on to such routes or issuing approvals which could then lead to further associated development.

Thank you for your assistance in this matter.

Yours sincerely

REYNOLD NICHOLSON
 Principal Chartered Engineer
 Network Planning Manager



From: "Sean Cudmore" <seancudmore@policyforumforni.co.uk>
Date: 25 October 2016 07:59:52 BST
To: eileen.mcpaerland@newryandmourne.gov.uk
Subject: Conference on planning reform in Northern Ireland - with Department for Infrastructure & Planning Appeals Panel - Policy Forum for Northern Ireland - Morning, Thursday, 23rd March 2017
Reply-To: seancudmore@policyforumforni.co.uk

Policy Forum for Northern Ireland Keynote Seminar

Planning reform in Northern Ireland: progress, economic development and forward strategy

with

Angus Kerr, Director, Planning Policy Division, Department for Infrastructure, Northern Ireland Executive and
Trevor Rue, Deputy Chief Commissioner, Planning Appeals Commission
and
Diana Fitzsimons, RICS; **James Miller**, North Ayrshire Council and **Glyn Roberts**, Northern Ireland Independent Retail Trade Association

Follow us [@PolicyNI](#) | This event is [CPD certified](#)

*Morning, Thursday, 23rd March 2017
Belfast*

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Dear Ms Mcpaerland

I am writing to give you advance notice of the above seminar. Please note there is a charge for most delegates, although concessionary and complimentary places are available (subject to terms and conditions - see below).

This timely conference will assess the transfer of planning powers to local authorities - examining how successful it has been in furthering the policy aim of a more local, accountable and effective planning system.

It includes keynote addresses from **Angus Kerr**, Planning Policy Division Director, Department for Infrastructure, Northern Ireland Executive and **Trevor Rue**, Deputy Chief Commissioner, Planning Appeals Commission.

The meeting is bringing together further key policymakers with local authority representatives, planning specialists, community interest groups, businesses, academics and other stakeholders.

It comes with the newly formed Department for Infrastructure concluding its [call for evidence](#) on the strategic planning policy for Development in the Countryside and Renewable Energy, and its [consultation](#) on the review of permitted development rights.

Delegates will discuss how to tackle key remaining challenges, including meeting statutory targets for processing local and major development applications, and in concluding enforcement cases.

They will also consider the way forward for the Department developing a strategic planning policy which can act as a driver for local and regional economic growth, and consider the future role of local authorities in urban regeneration, town planning and economic development.

Areas for discussion include:

- Assessing the transfer of planning powers to local authorities two years on;
- The Department for Infrastructure's approach to oversight in the regional strategic planning process;
- The work of the Planning Appeals Commission in ensuring a fair planning appeals system;
- Lessons from other jurisdictions; and
- Economic development and regeneration: the role and impact of local planning powers.

The draft agenda is copied below my signature, and a regularly updated version is available to download [here](#). The seminar is organised on the basis of strict impartiality by the Policy Forum for Northern Ireland. Follow us [@PolicyNI](#) for live updates.

Speakers

We are delighted to be able to include in this seminar keynote addresses from: **Angus Kerr**, Planning Policy Division Director, Department for Infrastructure, Northern Ireland Executive and **Trevor Rue**, Deputy Chief Commissioner, Planning Appeals Commission.

At this very early stage **Diana Fitzsimons**, RICS; **James Miller**, Senior Planning Services Manager, North Ayrshire Council and **Glyn Roberts**, Chief Executive, Northern Ireland Independent Retail Trade Association have also agreed to speak.

Additional senior participants are being approached, but if you or a colleague would like to be considered as a speaker at this seminar, please contact us at speakeroffers@forumsupport.co.uk specifying the event and session where you

would like to speak and we'll get back to you as soon as possible. If you are offering to speak yourself please don't fill in the booking form, as this will be taken as an order and you will be charged for a place subject to our T&Cs.

Networking

Policy Forum for Northern Ireland seminars present an opportunity to engage with key policymakers and other interested parties, and are **CPD** certified ([more details](#)). Typically, attendees at our seminars are a senior and informed group numbering around 120 including Members of the Northern Ireland Assembly and senior officials from the Northern Ireland Executive, regulators and other agencies, representatives of the planning industry, together with reporters from the national and trade press based in Northern Ireland and elsewhere.

Output and About Us

A key output of the seminar will be a transcript of the proceedings, sent out around 10 working days after the event to all attendees and a wider group of Ministers and officials in the Department for Infrastructure; as well as MLAs with a special interest in the subject. It will also be made available more widely. This document will include transcripts of all speeches and questions and answers sessions from the day, along with access to PowerPoint presentations, speakers' biographies, an attendee list, an agenda, sponsor information, as well as any subsequent press coverage of the day and any articles or comment pieces submitted by delegates. It is made available subject to strict restrictions on public use, and is intended to provide timely information for interested parties who are unable to attend on the day.

All delegates will receive complimentary PDF copies and are invited to contribute to the content.

The Policy Forum for Northern Ireland is strictly impartial and cross-party. The Forum has no policy agenda of its own.

Booking arrangements

To book places, please use our [online booking form](#).

Once submitted, this will be taken as a confirmed booking and will be subject to our terms and conditions below.

Please pay in advance by credit card on 01344 864796. If advance credit card payment is not possible, please let me know and we may be able to make other arrangements.

Options and charges are as follows:

- Places at *Planning reform in Northern Ireland: progress, economic development and forward strategy* (including refreshments and PDF copy of the transcripts) are **£210** plus VAT;
- Concessionary rate places for small charities, unfunded individuals and those in similar circumstances are **£80** plus VAT. Please be sure to apply for this at the time of booking.

For those who cannot attend:

- Copies of the [briefing document](#), including full transcripts of all speeches and the questions and comments sessions and further articles from interested parties, will be available approximately **10 days** after the event for **£95** plus VAT;
- Concessionary rate: **£50** plus VAT.

If you find the charge for places a barrier to attending, please let me know as concessionary and complimentary places are made available in certain circumstances (but do be advised that this typically applies to individual service users or carers or the like who are not supported by or part of an organisation, full-time students, people between jobs or who are fully retired with no paid work, and representatives of small charities - not businesses, individuals funded by an organisation, or larger charities/not-for-profit companies). Please note terms and conditions below (including **cancellation charges**).

I do hope that you will be able to join us for what promises to be a most useful morning, and look forward to hearing from you soon.

Yours sincerely

Sean

Sean Cudmore
Deputy Editor, **Policy Forum for Northern Ireland**

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Follow us on Twitter [@PolicyNI](#)

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FINANCIAL TERMS AND CONDITIONS: The delegate fee includes copies of the presentations via PDF and refreshments. Cancellation policy is as follows: (1) cancellations 14 or more days before the event: £70+VAT

cancellation fee per delegate; (2) cancellations less than 14 days before the event: no refunds. Cancellations must be notified in writing to the Policy Forum for Northern Ireland. No charge will be made for replacement delegates. Transfer of any confirmed booking between events is not possible. The organisers reserve the right to alter the programme and change the speakers without prior notice. The Policy Forum for Northern Ireland is unable to grant extended credit and therefore must request that full payment be made within 30 days from the date of invoice. Should payment not be received within 30 days from the date of invoice, the Policy Forum for Northern Ireland will apply an administration charge of £40+VAT, likewise for payments made to our account in error.

**Policy Forum for Northern Ireland Keynote Seminar:
Planning reform in Northern Ireland: progress, economic development and forward
strategy**

Timing: Morning, Thursday, 23rd March 2017

Venue: Belfast

Draft agenda subject to change

- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.05 **Chair's opening remarks**
Senior Member of the Legislative Assembly
- 9.05 - 9.15 **Planning in Northern Ireland: the current state of play**
Senior commentator
- 9.15 - 10.10 **Assessing the transfer of planning powers to local authorities two years on**
To what extent has the transfer of planning powers to local authorities been successful in creating a more local, accountable and effective planning system? How can local authorities manage the challenges they have faced since the transfer of powers, including in relation to meeting statutory enforcement case and planning applications targets, approval rates, and challenges with major developments such as in renewable energy? What measures - including collaboration, implementing best practice and providing further training - can local authorities and the Department for Infrastructure take to improve these outcomes and improve delivery of service? What implications have these challenges raised for those submitting applications? How effectively have local authorities engaged with communities and other stakeholders, and ensured that those voices are considered fully, when assessing planning applications and implementing wider planning policies? What further action can be taken by planning departments within local authorities to increase public engagement in the planning process?
Diana Fitzsimons, RICS
Senior representative, local authority
Senior analyst
Senior representative, communities
Questions and comments from the floor with senior commentator
- 10.10 - 10.35 **A new role for the Department for Infrastructure: ensuring oversight and providing strategic direction in regional planning**
Angus Kerr, Director, Planning Policy Division, Department for Infrastructure, Northern Ireland Executive
Questions and comments from the floor
- 10.35 - 10.40 **Chair's closing remarks**
Senior Member of the Legislative Assembly
- 10.40 - 11.10 Coffee
- 11.10 - 11.15 **Chair's opening remarks**
Senior Member of the Legislative Assembly
- 11.15 - 11.35 **The work of the Planning Appeals Commission: ensuring a fair appeals process**
Trevor Rue, Deputy Chief Commissioner, Planning Appeals Commission
Questions and comments from the floor
- 11.35 - 12.05 **Comparative case studies: planning in other jurisdictions**
James Miller, Senior Planning Services Manager, North Ayrshire Council
Questions and comments from the floor
- 12.05 - 12.55 **Economic development and regeneration: the role and impact of local planning powers**
What is the progress in local authorities engaging with communities to ensure that public and grassroots input is accounted for in Local Development Plans? To what extent has the transfer of planning powers to local authorities created a uniform and consistent planning process for applicants across councils? How can councils secure a balance between scrutiny of applications and the speed in doing so to ensure the plans of businesses and other applicants are not unduly delayed? Will proposed reforms to permitted development and the renewables sector help promote investment and growth in those respective areas, and facilitate wider economic growth? How can economic diversity be encouraged within local retail strategies and town centre regeneration? Can further assistance be given to small and medium enterprises to help navigate the planning process? How far will 'Brexit' have an effect on cross-border collaboration and economic development, especially in border regions?
Glyn Roberts, Chief Executive, Northern Ireland Independent Retail Trade Association
Senior representative, local authority
Senior commentator
Senior representative, regeneration
Questions and comments from the floor

- 12.55 - 13.00 **Chair's and Policy Forum for Northern Ireland closing remarks**
Senior Member of the Legislative Assembly
Sean Cudmore, Deputy Editor, Policy Forum for Northern Ireland

Newry, Mourne & Down District Council – November 2016

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1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355

2. Live Applications by length of time in system

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048
October	462	172	135	103	154	1,026
November	483	169	115	100	140	1,007

Newry, Mourne & Down District Council – November 2016

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3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46

4. Decisions issued per month

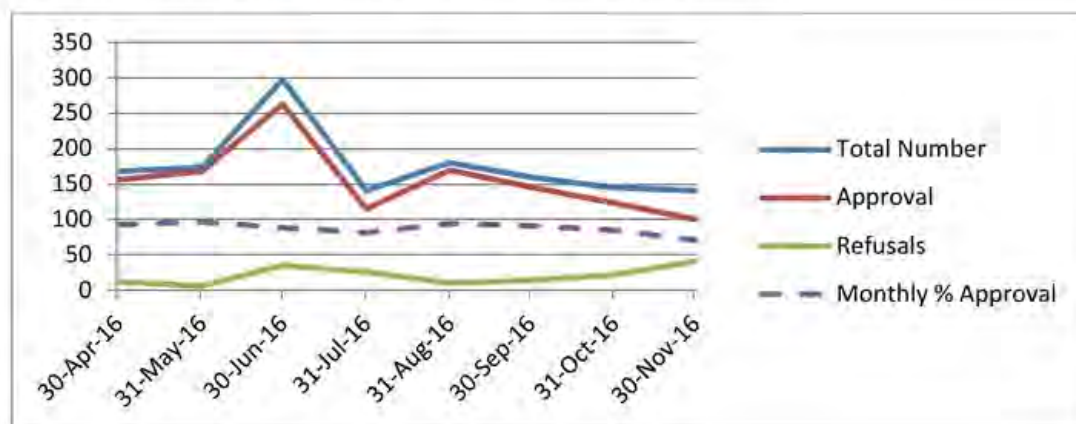
Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102

Newry, Mourne & Down District Council – November 2016

5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Breakdown of Decisions	
April	168	Approvals (156)	93%
		Refusals (12)	7%
May	342	Approvals (324)	95%
		Refusals (18)	5%
June	640	Approvals (587)	92%
		Refusals (53)	8%
July	781	Approvals (702)	90%
		Refusals (79)	10%
August	961	Approvals (872)	91%
		Refusals (89)	9%
September	1,121	Approvals (1018)	91%
		Refusals (103)	9%
October	1,266	Approvals (1141)	90%
		Refusals (125)	10%
November	1,407	Approvals (1241)	88%
		Refusals (166)	12%

DECISIONS ISSUED FROM 1 April 2016 to 31 November 2016



Newry, Mourne & Down District Council – November 2016

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6. Enforcement Live cases

Month 2016	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650
October	248	129	90	84	34	80	665
November	285	126	90	83	35	77	696

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
Totals	319	207	112

*2 Applications called in by DfI

Newry, Mourne & Down District Council – November 2016

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8. Appeals

Planning Appeal Commission Decisions issued during November 2016

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	18	4	1	3	0
Down	7	1	0	1	0
TOTAL	25	5	1	4	0

9. Statutory Targets Performance Data

Statutory targets monthly update to April to October 2016
(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 decided / withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug									
ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Dec	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Jan	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Year to date	19	121.4	5.3%	1,086	25.0	30.0%	79	65.6	50.6%

Source: NI Planning Portal

Newry, Mourne & Down District Council – November 2016

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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

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/4/16	A McKay	Seán Rogers MLA
8/4/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribín
10/6/16	P Rooney & J McParland	Carla Lockhart MLA
14/06/2016	J McParland	Cllr Quinn
14/06/2016	J McParland A McKay P Rooney	Cllr Tinnelly
15/6/16	P Rooney	Cllr G Fitzpatrick
15/06/2016	P Rooney A McKay	Harold McKee MLA, J Tinnelly & G Fitzpatrick
16/06/2016	J McParland	Cllr Quinn
20/06/2016	Clare Miskelly	Cllr Dermot Curran
21/06/2016	J McParland	Cllr Taylor
21/06/2016	J McParland	Cllr Hanna
27/06/2016	J McParland	Cllr Tinnelly

Record of meetings between Planning Officers and Public Representatives

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30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly
08/08/2016	J McParland	J Tinnelly
8/08/16	A Hay M Keane	Colin McGrath MLA
11/08/16	Andrew Hay	Cllr Walker Cllr Curran
25/08/16	Anthony McKay	Cllr O'Gribin
30/08/16	Pat Rooney	Cllr Ruane
1 /9/16	Anthony McKay	M Ritchie MP
02/09/2016	A McAlarney Mark Keane	Cllr Willie Clarke
02/09/2016	A McAlarney	Cllr Willie Clarke
06/09/2016	Pat Rooney/Andrew Davidson	Cllr Terry Hearty
08/09/2016	Annette McAlarney Catherine Moane	Colin McGrath MLA
08/09/2016	Pat Rooney	Cllr David Taylor MLA and Danny Kennedy MLA
14/9/16	Pat Rooney	Cllr Terry Hearty
14/9/16	Anthony McKay	Wm Erwin MLA
15/09/2016	Pat Rooney	Cllr Terry Hearty
23/09/2016	Pat Rooney/Andrew Davidson	Harold McKee MLA, David Taylor MLA
29/09/2016	Pat Rooney	Cllr Terry Hearty
11/10/16	Andrew Davidson	Cllr Tinnelly
13/10/16	Andrew Hay	Margaret Ritchie MP
14/10/16	Pat Rooney & Andrew Davidson	Justin McNulty MLA
14/10/2016	Jacqui McParland	Cllr B Quinn
17/10/2016	Annette McAlarney	Cllr Curran
18/10/2016	Jacqui McParland	Cllr Doran
01/11/2016	Annette McAlarney	Cllr Harvey & Cllr Walker
3/11/16	Anthony McKay	Margaret Ritchie MP
07/11/2016	Jacqui McParland Anthony McKay	Cllr Reilly
	Anthony McKay	Cllr Naomi Bailie
11/11/2016	Annette McAlarney	Cllr Walker
14/11/2016	Annette McAlarney	Cllr Andrews
18/11/2016	Annette McAlarney	Cllr Walker
18/11/2016	Annette McAlarney	Colin McGrath MLA
24/11/2016	David Watson	Colin McGrath MLA
24/11/2016	M Ritchie MP	Anthony McKay

Record of meetings between Planning Officers and Public Representatives

25/11/2016	Clir Taylor	J McParland
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Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0005
Planning Ref:	P/2014/0303/O		
APPELLANT	Michael Horner		
LOCATION	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		
APPELLANT	S Meade		
LOCATION	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

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ITEM NO	3		
Planning Ref:	LA07/2015/0286/C	PAC Ref:	2016/A0066
APPELLANT LOCATION	Ms Edel Rooney Site Approximately 20 Metres South West Of 10 Head Road Moyad		
PROPOSAL	Annalonn Site for dwelling with detached garage (gap site)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	24/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	P/2015/0236/F	PAC Ref:	2016/A0073
APPELLANT LOCATION	Mr Francis McGuinness Lands To The Rear Of No 41 Newtown Road Killeen		
PROPOSAL	Newry Extension to existing dwelling curtilage and erection of domestic garage.		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	28/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 5
Planning Ref: P/2015/0221/F **PAC Ref:** 2016/A0074
APPELLANT Mr Francis McGuinness
LOCATION Adjacent And South Of No 41 Newtown Road
 Killeen
PROPOSAL ^{Newry}
 Erection of Vehicle Maintenance Shed and retention of existing yard for
 the storage of vehicles.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 28/06/2016
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: P/2014/1049/O **PAC Ref:** 2016/A0077
APPELLANT Tracy McKenzie
LOCATION Adjacent And N Of No.9A Corcreechy Road Newry BT34 1LR
PROPOSAL Site for dwelling and garage (infill)

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 30/06/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

297

ITEM NO	7		
Planning Ref:	LA07/2015/0342/C	PAC Ref:	2016/A0084
APPELLANT LOCATION	Patsy Malone Approximately 110 Metres North East Of 151 Ballydugan Road Downpatrick		
PROPOSAL	Replacement dwelling		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	14/07/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2015/0542/F	PAC Ref:	2016/A0094
APPELLANT LOCATION	Mr R L Annett 150 Metres Southwest Of No 20 Council Road Kilkeel		
PROPOSAL	RT34 AND Agricultural Building, yard and access from Council Road		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	09/08/2016
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 9
Planning Ref: LA07/2016/0556/C **PAC Ref:** 2016/A0095
APPELLANT J & J McKibbin
LOCATION 40m Southeast Of 181 Moyad Road
 Kilkeel
 RT34 4HI
PROPOSAL Site for dwelling and garage

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 10/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 10
Planning Ref: LA07/2015/0455/F **PAC Ref:** 2016/A0106
APPELLANT Fergal O'Hanlon
LOCATION 15 Kearney Crescent
 Whitecross
 Armagh
PROPOSAL Retention of part boundary walls piers and railings

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 22/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO 11
Planning Ref: LA07/2015/0921/C **PAC Ref:** 2016/A0107
APPELLANT Noel McLoughlin
LOCATION Adjacent And Immediately South Of No 5 Greenan Lough Road And Fronting Mullavat Road
PROPOSAL ^{Newry} Dwelling and domestic garage on gap site

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 24/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 12
Planning Ref: LA07/2015/1246/C **PAC Ref:** 2016/A0112
APPELLANT Terence J O'Hare
LOCATION 60m North West Of No 25 Church Rock Road Carrickbracken
PROPOSAL ^{Camlough} Replacement dwelling and garage on farm land

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 31/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

300

ITEM NO 13
Planning Ref: LA07/2015/1287// **PAC Ref:** 2016/A0113
APPELLANT Morrisons Vivomed
LOCATION Morrisons Vivoxtra
 1 Ballynahinch Road
 Saintfield
PROPOSAL Illuminated digital display panel to replace existing signage board on external totem adjacent to car park entrance

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 01/09/2016
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: LA07/2015/0546/F **PAC Ref:** 2016/A0118
APPELLANT Jane Magee
LOCATION Approx 70m South East 71 Ardglass Road
 Ballyhornan
 Downpatrick
PROPOSAL Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F. (additional information)

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 13/09/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

301

ITEM NO 15
Planning Ref: LA07/2015/1109/F **PAC Ref:** 2016/A0125
APPELLANT Noel Mckinely
LOCATION Adjacent To No.24 And Opposite Nos 19 And 20 Tudor Mews
 Upper Dromore Road
 Warrenpoint
PROPOSAL Proposed 2 No. Apartments

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged**
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 16
Planning Ref: R/2014/0576/F **PAC Ref:** 2016/A0127
APPELLANT Mr D Orr
LOCATION West Of 109 Barnamaghery Road
 Crossgar
PROPOSAL Erection of wintering shed for livestock and retention of existing fodder
 storage shed on part foundation of original shed on site.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 22/09/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	17		
Planning Ref:	LA07/2015/0969/C	PAC Ref:	2016/A0129
APPELLANT	Liam McDonnell		
LOCATION	Approx 50m South East Of No 41a Aughnagun Road Derryleckagh Newry Co. Down		
PROPOSAL	Dwelling and Garage on infill site		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	28/09/2016
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/2014/0649/O	PAC Ref:	2016/A0135
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		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			

Current Appeals

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ITEM NO	19		
Planning Ref:	P/2014/0678/F	PAC Ref:	2016/A0139
APPELLANT LOCATION	Mr Frank King 33a Flagstaff Road Fathom Lower		
PROPOSAL	Newry Retention of existing fuel sales business to include existing hard standing area and portacabin		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	17/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	P/2014/0670/F	PAC Ref:	2016/A0140
APPELLANT LOCATION	Mr Frank King Lands To The Rear Of No. 33 Flagstaff Road And Associated Farm Complex (shed Approx. 45 Metres To The West Of Existing Dwelling With Hardstanding Extending Approx. 50 Metres Further West And jRetention of existing shed and hard standing area for agricultural purposes (revised address and plans)		
PROPOSAL			

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	17/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 21
Planning Ref: LA07/2015/0308/C **PAC Ref:** 2016/A0142
APPELLANT LOCATION David And Maura De Mello
 In Front Of 113 Dunmore Road
 Ballynahinch.
PROPOSAL Replacement dwelling and refurb of outhouse

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 18/10/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 22
Planning Ref: LA07/2015/0310/C **PAC Ref:** 2016/A0147
APPELLANT LOCATION Padraig And Adrian Walsh
 Land 175m North West Of 196 Lackan Road
 Kilcoo
 Newry
PROPOSAL Proposed single storey detached dwelling and garage on a farm

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 28/10/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

305

ITEM NO	23		
Planning Ref:	LA07/2015/0877/F	PAC Ref:	2016/A0148
APPELLANT LOCATION	Mr Diarmid Sloan 10 Tullybrannigan Brae Newcastle		
PROPOSAL	RT33 ORD 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			

ITEM NO	24		
Planning Ref:	LA07/2016/0240/F	PAC Ref:	2016-A0150
APPELLANT LOCATION	Wayne Morton 30m North Of 28 Tunnel Road Jerretspass		
PROPOSAL	Newry Replacement single storey 3 bed dwelling with single storey 4 bed dwelling		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	03/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 25
Planning Ref: LA07/2015/0009/F **PAC Ref:** 2016/A0151
APPELLANT Mrs Kathleen McKeivitt
LOCATION Approximately 75m North Of No 26 Jack's Road (access From Clontigora Road)
PROPOSAL ^{Killeen} Erection of farm dwelling and garage

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 04/11/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 26
Planning Ref: R/2015/0078/O **PAC Ref:** 2016/A0163
APPELLANT Mrs M Dodds
LOCATION Lands 20m North East Of 65 Tollymore Road Newcastle
PROPOSAL Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage.

(Amended proposal)
APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 23/11/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit



Appeal Decision

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307

Appeal Reference:	2016/A0066
Appeal by:	Edel Rooney
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for dwelling and garage
Location:	Site approximately 20m south west of 10 Head Road, Moyad, Annalong
Planning Authority:	Newry & Mourne District Council
Application Reference:	LA07/2015/0286/O
Procedure:	Hearing on 9 November 2016
Decision by:	Commissioner Brigid McGlinchey dated 29 November 2016

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in this appeal are whether the proposal is acceptable in principal in the countryside and its impact on the landscape and character of the surrounding area.
3. The site lies in the open countryside as defined in the Banbridge and Newry Area Plan 2015. The plan has no material provisions in respect of the appeal proposal. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are a material consideration. This policy document 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 foremost retained policy document relevant in this case is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of this document sets out the types of development that are, in principle, acceptable in the countryside and will contribute to the aims of sustainable development. One of these is a small gap within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 entitled 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Whilst a ribbon is not defined in the policy, paragraph 5.33 of the amplification sets out what can represent ribbon development. It states that a ribbon does not have to be served by individual accesses nor have a continuous building line. It also notes that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are

visually linked. Paragraph 5.32 of the amplification states that ribbon development is detrimental to the character, appearance and amenity of the countryside and has consistently been opposed.

5. Whilst the main thrust is to resist ribbon development, Policy CTY8 exceptionally permits the development of a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. To meet this definition the relevant buildings must be along a road frontage. I consider that such a frontage is set apart from the instances of ribbon development for the purposes of CTY8. The representation of what a ribbon can be as set out in paragraph 5.33 provides a basis for establishing generally where a ribbon of development either exists or may arise, which may or may not be perceived as having a common frontage or be visually linked. It is not concerned with defining a substantial and continuously built up frontage. Contrary to the conclusions reached in 2011/A0044, I do not find that there is any ambiguity between the two definitions.
6. The appellant argued there was a substantial and continuously built up frontage along this part of Head Road formed by the buildings associated with Nos. 8, 10 and 12. The curtilage of the property at No.8 abuts the roadside and consists of a dwelling, an associated domestic garage which sits forward of its building line and a shed located to the rear. I consider that in using the word "includes" in the definition of a substantial and built up frontage Policy CTY8 sets a baseline for acceptable forms of infill development. In doing so it does not exclude situations where there is accompanying development to the rear. The garage is located close to the dwelling and is barely discernible approaching from the east. It nonetheless is detached and I therefore accept that it represents a separate building with a frontage to the road as does the dwelling itself.
6. The newly erected replacement dwelling at No.10 sits back approximately 40m from the road. The stamped approved site layout plan accompanying the grant of planning permission in January 2013 showed that the dwelling is to be accessed by a new laneway with the majority of its curtilage separated from the road by a paddock that is to be defined by proposed fencing and a scheme of planting. These landscaping works, required by condition 5 of that permission, have not yet been completed. On completion, the only physical connection of the curtilage of No.10 to the road will be the laneway and a narrow strip of land alongside it. Notwithstanding that there is presently no apparent separation from the road, I consider that the property at No.10 as approved would not form part of the frontage. The adjacent property of No.12 sits back further from the road (70m) and is accessed by a laneway. An aerial photo on Drawing 01 accompanying the appeal application confirmed that the laneway provided the only physical connection to the road with dense fir trees along the laneway of No.12 and around a small lawn to the front of the dwelling. Though part of the leylandii hedge to the front of No.12 has since been removed opening up views of the dwelling, much of the fir trees remain. Though a narrow 5m wide residual strip of land is to be retained along the laneway of No.12 when the landscaping works on No.10 are

completed, I consider that this would not alter the functional and physical separation between the dwelling at No.12 and the road even if the dwelling is more visible. I consider that the property at No.12 does not form part of the frontage. There is therefore not a line of three or more buildings along the frontage of Head Road to meet CTY8's definition of a substantial and continuously built up frontage.

7. The circumstances in this appeal differ from that in 2011/A0189 where, though the buildings were set back, extensive landscaped gardens swept down to the road. None of the other appeal decisions referred to by the appellant are directly comparable to the appeal proposal. None of the noted examples in the guidance document 'Building on Tradition' illustrate that buildings without frontage to the road can constitute part of a substantial and built up frontage. Whilst the appellant referred to other planning decisions for infill sites between buildings by other planning authorities in Northern Ireland which appeared to show that some of the buildings considered had no common frontage to the road, I do not consider that these justify arriving at a different decision in respect of the circumstances in this case. Each proposal must be assessed on its own particular merits and in its own unique context. The ministerial statement of July 2013 did not change policy. The comment made in this statement in respect of additional flexibility in how gap sites are defined for the purposes of Policy CTY8 is not explained. Until the policy is changed or superseded, Policy CTY8 must be applied as it is expressed in PPS21.
8. Given my conclusion above, the appeal site, whatever its size, cannot be a small gap site as defined in Policy CTY8. In any case, even if I accepted that No.10 in its present state of incompleteness was part of a substantially built up frontage along with the two buildings at No.8, the existing gap between the buildings at each property extends to approximately 80m. Taking into account the existing development pattern, the gap would not be small as it could potentially accommodate more than a maximum of two houses. Paragraph 5.34 of the amplification of Policy CTY8 states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality. I consider that the lands between Nos. 8 and 10 is such a gap and the proposal would visually link the existing development when travelling in either direction along Head Road. Accordingly it would extend ribbon development on this part of the road to the detriment of rural character. The proposal does not comply with Policy CTY8 and it is not one of the specified types of development considered to be acceptable in principle in the countryside under Policy CTY1. Policy CTY1 also states that other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There is no evidence to demonstrate that the proposal is essential. The proposal is therefore contrary to Policy CTY1. The planning authority has sustained its first reason for refusal.
9. Policy CTY13 requires that buildings visually integrate into the surrounding landscape. The site rises up from the road and is defined by a stone wall to front and the rear with a hedge along its western boundary. While the mountains provide a backdrop when approaching from the west, there is no backdrop when approaching from the east and a new building on the site would be viewed as prominent from this perspective. The site is open to the road and there is inadequate vegetation to provide a suitable degree of enclosure in order to visually integrate even a modest sized dwelling. New planting would be required which

would take some time to mature, and in the interim, such planting would not mitigate the visual impact of the proposal. The proposal therefore fails to comply with Policy CTY13. The planning authority has sustained its second reason for refusal.

12. The appeal site acts as an important visual gap between existing developments. Approval of the appeal dwelling and garage would consolidate built development along this part of Head Road, resulting in a suburban style build-up of development, irrespective of new planting or the design and siting of the dwelling in question. It would also create ribbon development and appear visually prominent for reasons outlined earlier. Given these issues, the appeal development would cause a detrimental change to the rural character of the area. Policy CTY14 is not met and the planning authority's third reason for refusal is therefore sustained.
13. The site lies within the Mourne Area of Outstanding Natural Beauty (AONB). Policy NH6 of Planning Policy Statement 2: Natural Heritage, which sets out policy for new development proposals within AONBs states that planning permission will only be granted where the proposal is of an appropriate design, size and scale for the locality. Whilst this is an outline application and I do not have detailed drawings to consider, planning permission is sought for new development within the AONB. The policy in general relates to the protection of the character of the AONB and of the particular locality wherein the development is proposed. As concluded above, the proposal would extend ribbon development and it would result in suburban style build up within the Mourne AONB which would adversely affect its special character in general and the appearance of the local area. The proposal would therefore not comply with Policy NH6. The planning authority has sustained its fourth reason for refusal.

This decision is based on the drawing submitted with the planning application and stamped Drawing 01 showing 1:1000 scale site location and 1:500 scale block plan.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- G Kerr
K Elder

Appellant:- C O'Callaghan, Agent

List of Documents

Planning Authority:- C1 Statement of case

Appellant:- A1 Statement of case



Appeal Decision

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312

Appeal Reference:	2016/A0071.
Appeal by:	Mr Thomas Meaney.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Infill Dwelling and Garage.
Location:	40m North West of 55 Magheralone Road, Ballynahinch.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	LA07/2015/0292/O
Procedure:	Written representations and Commissioner's site visit on 8 November 2016.
Decision by:	Commissioner Mark Watson, dated 24 November 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the principle of development.
3. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside. The ADAP offers no specific policy or guidance in respect of the proposed single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.
4. The site comprises a grassed agricultural field situated along a private laneway that serves several dwellings. It lies on the south-western side of the laneway and adjacent and north-west of No. 55, a dwelling with a number of outbuildings. The site sits roughly level with the laneway along its frontage and gently rises to the south-west. The lane-side boundary is defined by a low mature hedge, although there are gaps at parts. The north-western and south-western boundaries are defined by mature hedgerows. To the north of the site lies No. 51, which lies within a long rectangular plot. The laneway turns at almost a right angle at the northern most corner of the site before running along the rear boundary of No. 51. To the south-east of No. 55 there is an area where the land has been cleared and foundations dug out, but not laid. There are several dwellings of varying design and vintage on the opposite side of the laneway.

5. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.
6. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that 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 policy states that for its purposes, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. For the purpose of the policy a road frontage can include a private laneway, as is the case here.
7. The Appellant considered that the appeal site lay within the frontage development of No. 55, No. 51, the outbuildings belonging to those properties and the approved site to the south-east of No 55. Irrespective of arguments as to whether or not the permission on the site to the south-east has been implemented, although the site has been partially cleared and foundations dug, there is no building on the site. The approved but unconstructed dwelling cannot count as being a building along the frontage.
8. No. 55 itself has a frontage onto the laneway. I do not however agree that its outbuildings, which are set back behind the dwelling and subordinate to it, also present as having a frontage onto the laneway. Although the rear, southern boundary of the curtilage for No. 51 backs onto the laneway to the north of the appeal site, it can still be said to have a frontage to the laneway. However, No. 51's plot sits at a right angle to the appeal site given the horizontal alignment of the laneway. That plot only touches the appeal site at its northern most corner. The appeal site is bounded on its north-western side by an agricultural field with no buildings in it, not No. 51. As the appeal site is only bounded on the south-eastern side by No. 55, regardless of No. 51 and its garage having a frontage to the laneway, the appeal site cannot be considered to represent a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The Appellant's visual analysis would not persuade me otherwise.
9. Whilst paragraph 5.33 of PPS21 provides assistance in defining what could represent ribbon development, including buildings sited back, staggered or at angles and with gaps between them, it does not assist the Appellant's case. The existing buildings at Nos. 51 and 55 do not read as a ribbon or as a substantial and continuously built up frontage when viewed on site, or on a map, given the undeveloped field north-west of the site and the right angle turn of the laneway where it meets the rear of No. 51. In any event for reasons outlined above, the disposition of the existing buildings at Nos. 51 and 55 are such that the appeal site

does not represent a small gap between them, even though both properties have a frontage onto the laneway. Whilst the proposed development might be able to meet the plot size requirement and other environmental requirements of Policy CTY8, it does not meet the exception for a new dwelling under CTYT8 in the first instance. The proposed development does not comply with Policy CTY8.

10. As the development does not meet CTY8, it also does not meet Policy CTY1 of PPS21. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council's reasons for refusal are sustained. The appeal must fail.

This decision is based on the 1:2500 scale Site Location Plan numbered 01 and the 1:500 scale Existing & Proposed Site Plans drawing numbered 02 submitted with the application.

COMMISSIONER MARK WATSON

List of Documents

- | | | |
|----------------------|-----|---|
| Planning Authority:- | 'A' | Statement of Case & Appendices |
| | 'B' | Rebuttal Statement & Appendix |
| Appellant:- | 'C' | Statement of Case & Appendices (G T Design) |
| | 'D' | Rebuttal Letter (G T Design) |



Appeal Decision

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Appeal Reference:	2016/A0077
Appeal by:	Tracy McKenzie
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for dwelling and garage (infill)
Location:	Adjacent and north of 9A Corcreechy Road, Newry.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	P/2014/1049/O
Procedure:	Written representations and accompanied site visit on 15 November 2016.
Decision by:	Commissioner Pauline Boomer dated 29 November 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in the appeal are whether the proposal is acceptable in principle in the countryside and its effect on rural character.
3. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations indicate otherwise. The appeal site is within the countryside in the Banbridge Newry and Mourne Area Plan 2015 which has no material policies for dwellings in the countryside. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), as one of the policy documents identified for retention by the SPPS, provides the policy context for the appeal.
4. Policy CTY1 of PPS21 specifies a range of development types considered to be acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
5. Policy CTY8 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy goes on to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, provided 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 policy defines a substantial and built up frontage as including a

line of three or more buildings along a road frontage without accompanying development to the rear.

6. The appeal site comprises a large portion of an agricultural field which lies on the southern side of the main Corcreechy Road which runs from west to east. This plot is dual fronted as it also abuts that section of the Corcreechy Road running from north to south. The road junction and signage indicates that there are two distinct road frontages, despite sharing the same road name. To the east of the appeal site there are four dwellings and a group of farm buildings all fronting onto that section of road. Immediately south of the appeal site are two dwellings fronting onto the minor road. To the west of the crossroads there is a large concrete and block manufacturing facility with seven dwellings located further west.
7. The appellant argues that there is an existing line of development extending 730m along the main Corcreechy Road from west to east which incorporates 11 dwellings from No 5 to No 19a as well as farm buildings and manufacturing buildings within the concrete works. The Local Planning Authority (LPA) acknowledges that the four dwellings and farm buildings to the east of the appeal site do read as an existing ribbon of development as do the 7 dwellings to the west of the concrete works. However the LPA consider that as these represent two distinctive built up frontages, the appeal site lies within the substantial gap which separates them.
8. The appellant's argument is based on his assessment that the entire curtilage of the concrete works forms part of the extensive frontage onto Corcreechy Road and that the appeal site comprises a small gap site within a substantially and continuously built up frontage. The minor road running south from the crossroads provides a break in development along the frontage of the main Corcreechy Road and therefore development further west cannot be taken into account. Even if it was, there is a pond used for storing water in the northeastern corner of the manufacturing plant's curtilage with piles of sand and other materials immediately to the west of it. In accordance with Paragraph 5.34 of the amplification text to Policy CTY8, it is the gap between buildings that falls to be considered here. The LPA argues that the structures within the manufacturing plant which lie closest to the appeal site are not buildings but even if considered as a building, the nearest silo lies 200m west of the farm buildings at No 17 which was not disputed by the appellant. Whilst there is an awareness of the silo when viewed from the frontage of No 17, the significant separation distance and intervening vegetation ensures that it does not read as a continuous line of development as suggested by the appellant. It does not represent a small gap site but rather is of sufficient size to accommodate more than two dwellings.
9. As I conclude there is no substantially and continuously built up frontage along this section of Corcreechy Road and that the appeal site does not represent a small gap site, the appeal site does not meet the criteria for an infill site. I agree with the LPA that the appeal site provides relief and a visual break in the developed appearance of the locality which Policy CTY8 seeks to protect.
10. The appellant also argues that the appeal site reads as a gap site when viewed with Nos 9a and 9b to the south. However as there are only two buildings to the south, to achieve the policy requirement of three or more dwellings, the appellant must rely on frontages onto both sections of Corcreechy Road. The exception in

Policy CTY8 does not apply to more than one frontage and therefore with its dual frontage, the appeal proposal does not find support in policy. In this respect, it is directly comparable to Appeal 2013/A0210.

11. In failing to form part of the substantial and continuously built up frontage, the appeal site is not an exception to the requirements of Policy CTY8. As it does not represent a small gap site, it is not an acceptable form of infill development and the second reason for refusal is therefore sustained.
12. I have found no policy support for the appeal proposal in Policy CTY8. There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY1 or that there are overriding reasons why the development is essential and could not be located in a settlement. Whilst I acknowledge that the appellant seeks to live close to her family, this does not justify setting aside the policy objections to the proposed development. The LPA has sustained its first reason for refusal based on Policy CTY 1.
13. The LPA also considers that the proposed development offends Policy CTY14 as the introduction of an additional dwelling and garage here would have a detrimental change to the character of the area by virtue of build up. The development of the appeal site would result in an extension to the existing ribbon of development which lies to the east, increasing the visual linkages with No's 9a and 9b to the south. I am persuaded that the introduction of a dwelling and garage on the appeal site would further erode the rural character of the area. The third reason for refusal is therefore sustained.
14. As all three reasons for refusal have been sustained, the appeal must fail.

This decision is based on the 1:2500 site location plan stamped refused by the Council on 10 March 2016.

COMMISSIONER PAULINE BOOMER

List of Appearances

Planning Authority:- Mr Gareth Kerr
Mr Kyle Elder

Appellants:- Mr Toirleach Gourley
Ms. Tracy Mckenzie

List of Documents

Planning Authority:- LPA1 Statement of Case
LPA2 Rebuttal

Appellant:- APP1 Statement of Case
APP2 Rebuttal



Appeal Decision

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321

Appeal Reference:	2016/A0058
Appeal by:	Mr Oliver Slane
Subject of Appeal:	The refusal of outline planning permission
Proposed Development:	Proposed site for infill dwelling and detached garage
Location:	Land 30m NW of 1Tullyet Road Newtownhamilton
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	P/2015/0121/O
Procedure:	Written Representations with Accompanied Site Visit on 20 October 2016.
Decision by:	Commissioner Pauline Boomer dated 3 November 2016.

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 whether the proposal is acceptable in principle in the countryside and its impact on rural character. The objectors raised other issues, including the potential impact on their residential amenities.
3. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is within the countryside in the Banbridge Newry and Mourne Area Plan 2015 (BNMAP). BNMAP has no material policies for dwellings in the countryside. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), one of the policy documents retained in the SPPS, provides the policy context for the appeal.
4. Policy CTY1 of PPS21 specifies a range of development types considered to be acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
5. Policy CTY 8 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and

continuously built up frontage, provided 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 policy defines a substantial and continuously built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

6. Abutting the roadside embankment, the appeal site is a roadside plot which is accessed off the Newry Road. There are 2 two storey dwellings immediately to the west (No 7) and a new dwelling and detached garage currently nearing completion. Immediately east of the appeal site lies a bungalow (No. 1) which is accessed off Tullyet Road. A section of the Old Newry Road separates No. 1 from the large detached dwelling and garage at No.3, also accessed off the Tullyet Road. The appeal site sits elevated above the roadside embankment at its eastern end with the levels falling away in a westerly direction. It currently lies up to 2m above the level of the abandoned road and is enclosed by mature vegetation on all three sides.
7. The appellant considers that the appeal site lies within a substantial and continuously built up frontage incorporating the dwelling at No 1 to the east and the new dwelling and garage (as yet unnumbered) to the west. Whilst the Local Planning Authority (LPA) accept that the two properties to the west have a frontage onto Newry Road, they consider that No. 1 does not have a frontage onto that main road as it is accessed off Tullyet Road . They argued that the appeal site is not an infill opportunity as there was not a line of three or more buildings along that section of Newry Road to represent a substantial and continuously built up frontage. They also stated that the appeal site could not be considered as an infill opportunity as No 3 to the north east represents backland development.
8. Whilst Policy CTY8 defines a substantial and continuously built up frontage as including a line of three or more buildings along a road frontage (my emphasis) it does not specify a particular orientation towards that frontage. Although the dwelling at No.1 has its main elevation towards the west and backs onto the Tullyet Road from which it accesses, it is dual fronted and also has a sizeable side elevation and substantial frontage onto Newry Road. I am satisfied that No.1 has a frontage onto Newry Road as does the appeal site, No7 and the new dwelling and garage alongside. Irrespective of the screening afforded by the trees along that embankment, all of these properties read as a line of three or more buildings along that section of Newry Road. Whilst the LPA placed particular emphasis on the section of abandoned road running between the new dwelling and the appeal site, the access created for this new property extends to the western edge of the appeal site across the old road with no gaps created. I therefore conclude that along with Nos 1, 7 and the new dwelling and garage, the appeal site forms part of a substantial and continuously built up frontage along Newry Road.
9. Whilst the headnote in Policy CTY8 defines a substantial and continuously built up frontage as "including a line of 3 or more buildings along a road frontage without accompany development to the rear (my emphasis), this list is not exhaustive and does not preclude the appeal proposal from qualifying as an infill opportunity. The use of the word "includes" in the policy headnote means that it does not "exclude" situations where there is accompanying development to the rear. Whilst the upper section of No 3 is visible from Newry Road, it clearly does not read as part of the linear pattern of development close to that road. I am satisfied that the appeal site

represents a suitable gap site within the existing roadside development along Newry Road which meets the exceptional test set out in Policy CTY8.

10. I have found that the proposal satisfies the exceptional test within Policy CTY8 of PPS21. As the proposal complies with Policy CTY8, it also accords with Policy CTY1 of PPS21. Both the first and second reasons for refusal have not been sustained.
11. The third reason for refusal states that the appeal proposal conflicts with Policy CTY14 as it would result in a suburban style build up of development which would erode the rural character of the area. The objectors also raise concerns that the appeal proposal would result in an over intensification of properties in this rural area which lies just outside the Settlement Development Limits of Newtownhamilton. I acknowledge that the two additional houses have recently been constructed in the immediate vicinity of No. 1 with the new dwelling to the west approved as farm dwelling. The proposed dwelling and garage would represent another incident of development in this rural area, but as they would be located within an existing substantially and continuously built up frontage as defined in policy, they would not create a ribbon of development or result in a suburban style build up of development when viewed with existing buildings. I find that the objectors' concerns in this regard and the third reason for refusal have not therefore been sustained.
12. The appellant seeks to increase the plot depth by extending the site boundaries across part of the abandoned road abutting the appeal site. Whilst the appellant indicated on the planning application form that he owned all of the land within the appeal site and this was not challenged during the processing of the planning application, the objectors stated at the site visit that they and other adjoining landowners have a right of way over this abandoned road. Rights of way are a private matter and are not a matter for this appeal.
13. The objectors and their elected representative also raised a number of other concerns about the proposed development, particularly about the potential impact of the appeal proposal on their residential amenities. Whilst I acknowledge that the front elevation of their property is orientated towards the appeal site, it sits 22m distant from the party boundary and at a level at least 3m above the highest point within the appeal site. The adequate hedgerow along the eastern site boundary provides effective screening which can be retained by condition. To ensure that the appeal site is not impacted by flooding and in order to locate it at the widest part of this restricted plot, it would be necessary to position any dwelling at the eastern end of the appeal site. However given the separation distances and differences in levels, I consider that any dwelling sited here would not have an adverse impact on their amenities if appropriate conditions were attached to determine the siting, orientation and size of the dwelling. If excavated into the site, the restriction in the height to 6m above finished floor level and the introduction of only ground floor windows in the eastern elevation would also ensure that no overlooking results, aided by the retention of the eastern boundary hedge. Subject to these restrictions, I am satisfied that the appeal proposal would not have an adverse impact on the residential amenities of No. 1 or cause a level of overlooking or loss of privacy for either the existing or prospective residents to justify dismissal of this appeal.

14. The objectors also raised concerns about access to the site being restricted with the plot unable to facilitate vehicular access for householders. The existing field gate is at a similar level to and abuts the hardshoulder and the appellant indicated that he proposes to mirror the access arrangements constructed on the adjacent plot. Transport NI have confirmed that a safe access is achievable subject to the necessary sightlines being provided and I find that these objections are not sustained.
15. None of the concerns raised by the objectors and their local representative are therefore sustained
16. Turning to conditions, in order to ensure that the proposed dwelling is not impacted by flooding, it should be sited in the eastern part of the site shown cross hatched on Drawing PAC1. To protect the amenities of the residents at No. 1 and prevent overlooking, the dwelling hereby approved should be positioned at right angles to Newry Road with a ridge height restriction of no more than 6m above ground level. For similar reasons, no first floor windows should be introduced in the eastern elevation of the dwelling. Though extended in depth, the plot still remains restricted and I consider that it is necessary to restrict the footprint of the dwelling to 120m². To protect visual and residential amenities, all existing vegetation along the northern and eastern site boundaries should be retained. Details of existing and proposed ground levels, any retaining structures and cross sections through the site are also necessary given the gradients within the site, as well as proposed boundary treatment along the repositioned south western boundary. In the interests of road safety, visibility splays of 2.4m by 120m would be required prior to the commencement of development and permanently retained.

Conditions

- (1) Except as expressly provided for by Conditions 2, 3, 4 & 5, the following reserved matters shall be approved by the Planning Authority - the siting, design and external appearance of the dwelling and means of access thereto.
- (2) The ridge height of the dwelling hereby approved shall not exceed 6.0m above existing ground level at the lowest point within its footprint.
- (3) The dwelling hereby approved shall be sited in the area shown cross hatched on Drawing PAC1, positioned gable end to Newry Road. Its footprint shall not exceed 120m² with no first floor windows positioned in its eastern elevation.
- (4) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (5) Visibility splays of 2.4m by 120m shall be laid out at the access point before any building operations commence and shall be permanently retained thereafter.
- (6) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing the retention of existing vegetation along the northern and western boundaries at a minimum height of 5m. Trees or shrubs dying, removed or becoming seriously damaged within five

years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

- (7) No development shall take place until there has been submitted to and approved by the Planning Authority details of the proposed landscaping and boundary treatment along the south western boundary of the site.
- (8) Application for approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (9) 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 relates to the 1:1250 site location plan annotated as Drawing PAC1.

COMMISSIONER PAULINE BOOMER

2016/A0058

List of Appearances

Local Planning Authority	Ms Patricia Manley A. Donaldson
Appellant	Mr Tony O'Hare
Objectors	Mr & Mrs Watts Cllr David Taylor

List of Documents

LPA1	LPA's Statement of Case
APP1 APP2	Appellant's Statement of Case Appellant's Rebuttal
OBJ1	Objector's Statement of Case



Appeal Decision

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327

Appeal Reference:	2016/A0063
Appeal by:	Mr B McNamee
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of metal fence, gates, granite piers and granite kerbs to front boundary of property
Location:	Immediately north east and opposite No.62 Carran Road, Crossmaglen, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	P/2015/0210/F
Procedure:	Written representations and Commissioner's site visit on 1 November 2016
Decision by:	Commissioner D McShane, dated 14 November 2016

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is road safety.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The LDP in this instance is the Banbridge, Newry and Mourne Area Plan (2015), however it does not contain any policies or provisions that are relevant in considering the merits of the appeal proposal. The relevant policy context is provided by Planning Policy Statement 3: Access, Movement and Parking (PPS3), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access or intensification of an existing access onto a public road where such access will not prejudice road safety. Good visibility, which enables drivers emerging from a minor road (the access) to see and be seen by drivers proceeding along the priority road (the public road), is considered essential in this respect. Tables A and B in Development Control Advice Note 15: Vehicular Access Standards (DCAN 15) set out the normal requirements for the minor and the priority road sightlines. These are referred to as the "x" and "y" distances respectively and are determined on the basis of traffic volume and speed with the distances being measured from the edge of the running carriageway.

5. Paragraph 5.15 of PPS 3 recognises that it may not always be practicable to comply fully with the appropriate visibility standards and that such standards need to be assessed in the light of the particular circumstances of the individual case. It points out that a reduction in visibility standards may be permitted where it is judged that danger to road users is not likely to be caused but also states that it is highly unlikely that visibility standards that fall below the figure in square brackets in Table B will be permitted. Transport NI stated initially that visibility splays of 2m by 70m were required; however at the site visit it indicated that a reduction to 2m by 60m would be acceptable.
6. Bearing in mind that DCAN 15 is an advice note, I must take account of the facts and circumstances pertinent to this specific proposal in order to determine whether road safety would be prejudiced, if I were to allow a reduction in the visibility splays as sought. The appeal site is located outside the settlement development limit in the countryside. The assessed traffic speed on Carran Road is estimated at 35mph and the access flow is less than 3000 vehicles per day. Table A of DCAN 15 indicates that if traffic speed is below 37mph the X-distance can be reduced to 2m. Table B indicates where the flow of traffic is less than 3000 vpd, the Y-distance can be reduced from 60m to the bracketed figure of 33m.
7. The existing visibility splays are 2m by 10m on the nearside and 2m by 15m on the offside given the metal railings, which stand 1.2m back from the edge of the carriageway. This falls significantly below 2m by 33m which is the minimum standard considered to be acceptable. The Appellant does not control the required visibility area; however DCAN 15 is clear that reductions in visibility standards will not be permitted simply because the applicant does not control the required area or does not have a reasonable prospect of bringing it under his control. In the circumstances, I conclude that a reduction in the visibility splays to the extent sought would be likely to cause a danger to road users. As road safety would be prejudiced by the appeal proposal, the Planning Authority has sustained its reason for refusal based on PPS 3.

This decision is based on the following drawings, date stamped received 12 March 2015:-

- Dwg No.01: Site Location Plan (Scale 1:1250)
- Dwg No.02: Proposed Site Plan (Scale 1:500)
- Dwg No.03: Proposed Elevations of Metal Gates, Granite Piers and Metal Railings

COMMISSIONER D MCSHANE

List of Appearances

Planning Authority:-

Mr A Donaldson – Newry, Mourne and Down District Council
Ms P Manley - Newry, Mourne and Down District Council

Transport NI:-

Mr R Laughlin
Mr L Trainor

Appellant:-

Mr B Lavelle – Agent
Mr B McNamee
Cllr T Hearty

List of Documents

Planning Authority:- “A” Statement of Case



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Your ref: O/2009/0792/F &
O/2013/0214/F
Our ref: 2011/C001 & 2014/C004

Date: 29th November 2016

Dear Sir/Madam

Regionally significant planning applications by SONI Limited – proposed electricity substation on land to the rear of 152 Trewmount Road, Turleenan, Moy, County Tyrone, and erection of 400-kilovolt overhead electrical transmission line from there to the townlands of Crossreagh and Crossbane, County Armagh with amendments to existing 275-kilovolt line (O/2009/0792/F); and associated works including site levelling and preparation, new access points and access lanes, working and stringing areas, guarding, fencing and related mitigation works (O/2013/0214/F)

I am writing to let you know that the Commission has extended the date for submission of rebuttal evidence to 4.00pm on **Friday, 13th January 2017**.

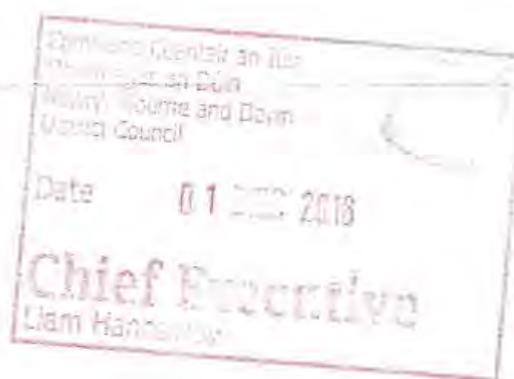
The inquiry will open on **Wednesday, 22nd February 2017** as previously notified.

Yours sincerely

COLM MORGAN
Inquiry Administrator

SUMMARY OF ARRANGEMENTS

Statements of case by: 4pm on 9/12/16
Rebuttal evidence by: 4pm on 13/1/17
Inquiry opens on: 10am on 22/2/17





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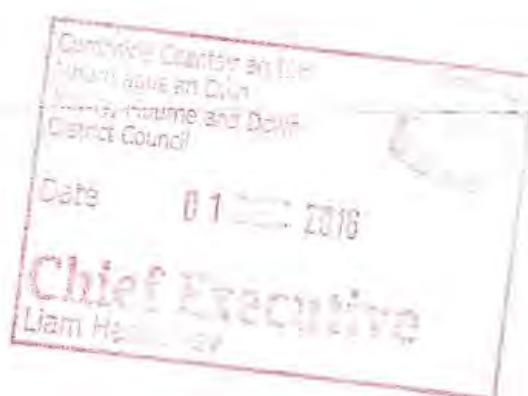
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