

August 18th, 2017

Notice Of Meeting

You are requested to attend the Planning Committee Meeting to be held on **Wednesday, 23rd August 2017** at **10:00 am** in **Boardroom District Council Offices Monaghan Row Newry**. (which is a continuation of the session which was held on Wednesday 16 August 2017)

The Members of the Planning Committee are:

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

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

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

Development Management - Planning Applications for determination

3.0 (Formerly Item 28) LA07/2016/1647/F - DBM Contracts - erection of two dwellings and retention of retaining walls - 20m east of 6 Daisy Hill Carnagat Newry. (Case Officer Report attached)

Rec: REFUSAL

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

📄 *LA07-2016-1647-F - DBM Contracts.pdf*

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📄 *Item 3 - submission of support (DBM Contracts).pdf*

Page 11

4.0 (Formerly Item 29) LA07/2017/0038/O - Errol Flynn - site for dwelling and detached garage - immediately south of 91b Maphoner Road Mullaghbawn Newry. (Case Officer Report attached)

Rec: REFUSAL

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

📄 *LA07-2017-0038-O - Errol Flynn.pdf*

Page 30

📄 *Item 4 - submission of support (Errol Flynn).pdf*

Page 35

5.0 (Formerly Item 30) LA07/2017/0582/O - Roisin Hanlon - site for dwelling and garage - lands adjacent and south west of 30 Ballymoyer Road Newtownhamilton. (Case Officer Report attached)

Rec: REFUSAL

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

- 6.0 (Formerly Item 32) LA07/2016/0226/F - Mark Devlin - Erection of residential development comprising of 19 dwellings - 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 Crossmaglen). (Case Officer Report attached)**

Agenda Item withdrawn

Decision already issued as per Planning Committee Meeting - 16 August 2017.

- 7.0 (Formerly Item 33) LA07/2016/0227/F - Mark Devlin - 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, with application for 19 no. 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 of 63 Dundalk Road). (Case Officer Report attached)**

Agenda Item withdrawn

Decision already issued as per Planning Committee Meeting - 16 August 2017.

- 8.0 (Formerly Item 34) LA07/2016/0228/F - Mark Devlin - 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 19 no 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 of 63 Dundalk Road) (Case Officer Report attached)**

Agenda item withdrawn.

Decision already issued as per Planning Committee Meeting - 16 August 2017

- 9.0 (Formerly Item 36) LA07/2016/0748/0 - Andrew Henry and Jemma Clarke - erection of dwelling and detached garage -**

150m north of 81 Dundalk Road Newtownhamilton. (Case Officer Report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Neil Cornett Agent, in support of the application. **(Submission attached)**
- A request for speaking rights has been received from DEA Councillor D Taylor, in support of the information provided by the Agent.

📄 *LA07-2016-0748-O Andrew Henry and Jemma Clarke.pdf* *Page 72*

📄 *Item 9 - submission of support (Henry & Clarke).pdf* *Page 79*

10.0 (Formerly Item 37) LA07/2016/1483/F - Michael McConville - Proposed free range poultry shed with 2 no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs) - Land approximately 100m NW of 16 Carrickrovaddy Road Jerrettspass Newry. (Case Officer Report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Philip Marshall Agent, in support of the application. **(Submission attached)**
- A request for speaking rights has been received from DEA Councillor D Taylor, in support of the information provided by the agent.

📄 *LA07-2016-1483-F Mr Micahel McConville.pdf* *Page 80*

📄 *Item 10 - Submission of support LA07-2016-1483-F (McConville).pdf* *Page 87*

11.0 (Formerly Item 38) LA07.2017/0049/F - Mr & Mrs McGivern - proposed garage aiwth home office and gym - Ingleside 5 Windsor Avenue Newry. (Case Officer Report attached)

Rec: REFUSAL

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

📄 *LA07-2017-0049-F - Mr and Mrs McGivern.pdf* *Page 108*


📄 *Item 11 - submission of support (Mr & Mrs McGivern).pdf* *Page 113*

12.0 (Formerly Item 40) LA07/2017/0644/F - Mr C McKeown - erection of dwelling (change of house type, amended site


access and garage from that previously approved under planning application P/2006/0809/RM (amended description) - 70m NE of 23 Lissaraw Road Camlough. (Case Officer Report attached)

Rec: REFUSAL

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

 *LA07-2017-0644-F - Mr C McKeown.pdf*

Page 124

 *Item 12 - submission of support (Mr C McKeown).pdf*

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Invitees

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|------------------------|--|--------------------|----------------------|---|------------------|-------------------|
| ITEM NO | 18 | | | | | |
| APPLIC NO | LA07/2016/1647/F | Full | DATE VALID | 12/12/16 | | |
| COUNCIL OPINION | REFUSAL | | | | | |
| APPLICANT | DBM Contracts 85 The Sycamores Forest Hills Newry BT34 2FN | | AGENT | O'Callaghan Planning Unit 1 10 Monaghan Court Newry BT35 6BH 028 3083 5700/ | | |
| LOCATION | 20 metres East of 6 Daisy Hill Carnagat Newry | | | | | |
| PROPOSAL | Erection of two dwellings and retention of retaining walls | | | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions | | |
| | 0 | 0 | 0 | 0 | | |
| | | | Addresses | Signatures | Addresses | Signatures |
| | | | 0 | 0 | 0 | 0 |

1. The proposal is contrary to Strategic Planning Policy Statement and Policy QD 1 (Criteria A, C, F, G and H) of the Department's Planning Policy Statement 7 (PPS 7) : Quality Residential Environments and Planning Policy Statement 12: (PCP1 and PCP2) and DES 2 of the Planning Strategy for Rural Northern Ireland in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
2. Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1647/F

Date Received: 12.12.16

Proposal: Erection of two dwellings and retention of retaining walls

Location: 20 metres East of 6 Daisy Hill, Carnagat

Site Characteristics & Area Characteristics:

Site comprises of a triangular portion of land fronting onto Daisy Hill road which has been completely cleared of vegetation with ground levels lowered to form a flat gravel surface.

Site History:

P/2015/0163/O - Site for dwelling. Site 10 metres East of No 6 Daisyhill, Newry. Granted 08.07.15 (Application site)

P/2002/0422/O - Site for dwelling. Site adjacent to No 10 Daisy Hill, Newry. Granted 12.06.02 (Application site)

P/2004/3028/F - Erection of 6 No. apartments. Adjacent to No.10 Daisy Hill, Newry. Appeal Dismissed

P/1982/07318 – Erection of bungalow. Daisy Hill Road, Newry. Approved (Land at No.8 including application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Site is within the development limits (site is adjacent to LLPA and SLNCI)

PPS3, DCAN 15 and Parking Standards: Transport NI are not satisfied with current plans and have requested amendments to show satisfactory parking and turning for vehicles that would be attracted to the site.

SPPS, PSRNI, PPS7: QD1 and PPS12: PCP1, PCP2, DCAN 8 and Creating Places:

Site Context/ Characteristics:

Whilst the site lies within the development limits of Newry City it nevertheless has a striking rural feel due to surrounding mature vegetation, narrow roadway and detached properties resembling development within the open countryside. Despite its urban setting this portion of Newry is largely undeveloped.

Development within the immediate area of the site is characterised by detached properties on relatively large plots within mature grounds with limited views from the public road.

Clearance of the site has already attracted substantial ground works and excavation to lower ground levels in order to accommodate the proposed development resulting in significant loss of natural vegetation and has left a great 'gaping' hole in a relatively unbroken frontage and visually detracts from the area. The need to use structural retaining walls in order to accommodate development is generally an indicator of overdevelopment of a site (See para 4.13 of PPS7) and is contrary to policy.

Although there is two storey semi-detached dwellings sited to the SE of the site these are visually detached from the site and located within a much more saturated urban context. Whilst it is appreciated the site is contained within the development limits the character of this area is particularly defined by the existing development set within reasonably sized plot sizes, development set back from the public road, with informal gardens to front and hid from view with subtle impact on the undisturbed character of this area. The three storey form is completely out of context at this location appearing dominant and overbearing in the local landscape, with mass much larger than surrounding buildings and is not reflective of built development within the immediate area.

The mass and scale of the development is comparable to previous proposals for 6 apartments which were subsequently recommended for refusal and dismissed by the PAC under the planning reference P/2004/3028/F, in this particular case height and width is much larger than this previous scheme and set closer to the road and is unacceptable.

Dwellings, hard standing and proposed walls immediately abut the public road which will have a hardened visual appearance appearing misplaced given the context of existing development immediately surrounding the site. The loss of existing mature vegetation of the site as well as the extent of ground works already undertaken without the benefit of planning permission have open and exposed the site creating an unattractive vista

Archaeology and Built Heritage

No features identified

Public/ Private Open Space

Whilst private open space has been allocated to each of the dwellings and generally falls within the recommended parameters of garden space provision of approximately 70sqm (See 5.19 of Creating Places). Despite the allocation of open space it is questionable how accessible/useable these are by those whose mobility is impaired but each garden is enclosed by retaining walls or rock faced areas which will create some level of overshadowing and loss of light within areas of private amenity space. The proposed development is dominated by hard standing and retaining structures that proposals will cause an adverse visual impact and substantial levels of landscaping would be required to soften the visual appearance and aid integration.

Local Neighbourhood Facilities

The site is located within the development limits of Newry within walking distance of local neighbourhood facilities

Movement/ Parking

Transport NI in their consultation response are not satisfied that satisfactory parking and turning for vehicles have been provided on site

Design, Form, Materials and Detailing:

The use of external materials is reflective of development found at Mullach Allain and Knockanoney Heights. Whilst it is acknowledged that semi-detached form is found in the wider area for e.g Woodhill and Knockanoney Heights these existing properties are not the best example of built form that could be replicated at this particular site without the need for extensive and substantial engineering works in order to accommodate. There is no example of three storey form at this location and is therefore out of keeping with its immediate surroundings.

Layout

There is no conflict to adjacent land uses, notwithstanding this the layout and orientation of properties will have adverse impact upon the amenity of future residents due to loss of daylight and overshadowing.

Security from Crime

The layout allows for surveillance of access points to the development and is fully enclosed by hardened boundaries which will limit access to the site.

Density

The site when compared with existing residential development and plot sizes immediately adjacent and North is overdeveloped and is reliant on significant engineering works in order to accommodate development which will have a detrimental impact to the local character. Its form, scale, massing and layout is out of keeping within the local landscape having a detrimental impact to the local character

and visual aspect of Daisy Hill. Furthermore the proposed development will have adverse consequences for the amenity of future occupiers of the development.

Sustainable Forms of Development

Site is located within the defined limits of the settlement of Newry were a promotion of development is encouraged within these areas.

House Types and Sizes

Different house types are provided within the scheme in line with HS4 of PPS12

Land Use

The use for residential purpose is in keeping with surrounding land uses

In consideration of the above proposals fail to meet the Strategic Planning Policy Statement PSRNI (DES2) as well as PPS7: Policy QD1 criteria a, c, f, g and h of QD1 and PPS12: PCP1 and 2 of PPS12

Consultations:

Transport NI (11.01.17) - To submit a revised plan showing satisfactory parking and turning for vehicles that would be attracted to the site.

NIEA (23.01.17)

Drainage and Water - No specific comment

Land, Soil and Air - Former activities may have caused land to be affected by contamination. Unable to advise on whether this development would have significant adverse impacts on the water environment

Natural Heritage - Requires further information to fully assess the likely impacts on natural heritage interests. Majority of site cleared the southern boundary of the site is the edge of mature woodland boundary encroaches on Daisy Hill Wood (SLNCI). NED require amended plans showing retention on protection of all trees, if the applicant intends to remove any trees NED will require a bat survey

NIW (18.01.17) - No surface water sewer with 20m

Environmental Health (11.01.17) - No objections

Objections & Representations

3 neighbours notified

Advertised January 2017

1 Representation

- Representation from Newry, Mourne and Down District Council regarding the encroachment of development onto council owned land

Consideration

- The agent has amended proposals, has completed Certificate C of the P2 form serving notice upon the Council and has altered the extent of development

Consideration and Assessment:

The overall proposals fail to meet the Strategic Planning Policy Statement, DES2 of the PSRNI as well as PPS7: Policy QD1 criteria a, c, f, g and h of QD1 and PPS12: PCP1 and 2 of PPS12 in that development is out of context within its surroundings in terms of scale, form and layout, is an overdevelopment of the site, lacks useable private amenity space and will cause adverse impact to the amenity of future occupants of the development and on this basis it is therefore recommended to refuse the application.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Strategic Planning Policy Statement and Policy QD 1 (Criteria A, C, F, G and H) of the Department's Planning Policy Statement 7 (PPS 7) : Quality Residential Environments and Planning Policy Statement 12: (PCP1 and PCP2) and DES 2 of the Planning Strategy for Rural Northern Ireland in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
2. Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application.

Site prior to clearance works





Site following clearance works







The Planning Committee
Newry, Mourne and Down Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

08th August 2017

Dear Sir / Madam,

Ref: LA07/2016/1647/F
20 metres East of 6 Daisy Hill, Carnagat, Newry
Erection of two dwellings and retention of retaining walls

1. I refer to the above mentioned planning application, which has been recommended for refusal for two particular reasons. The case is to be presented to your Committee on 16th August.
2. On behalf of the applicant, we would ask the Committee to take this submission into consideration. Specifically, we ask the Committee to overturn the planning department's recommendation to refuse permission, or alternatively to defer a decision pending consideration of the amended plan hereby attached. In making this request, we have hereby set out a series of rational planning grounds, each of which would strongly support the approval of this planning application.
3. At the outset, we are compelled to register our concern at the lack of feedback or interaction with the planning department in respect of this application. We have, periodically, logged numerous calls with the planning department on the NI Direct call system. On each occasion we have been provided with no substantive update and at no point was it ever indicated that there might be any concerns with this proposal. On that basis, we had no expectation whatsoever that the application might run this particular course. Nonetheless, as planning consultants we appreciate that not every individual planning application will succeed, and in certain instances refusal is the only realistic outcome. We contend that this application does not fit that typology.



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4. The chronology to this application is that it was submitted on 12th December 2016. On 11th January 2017, we received an email requesting detailed drawings of retaining walls and a cross section through these. On 23rd January 2017 my colleague responded to the request to advise that he was awaiting details of the retaining walls from the applicant's engineer. We anticipated being provided with engineers' details and structural calculations for same, hence the initial delay in providing that information. My colleague was able to liaise directly with the applicant in respect of this matter and engineering drawings were not deemed necessary due to the fact that the retaining wall was of "gabion" or basket construction.
5. In or around this time, we were contacted by a representative of the Council's Technical Services Department, to advise of a potential issue of encroachment. We subsequently confirmed that the proposal, as initially submitted, did encroach onto Council lands. In response, we modified this application by providing amended drawings, which included the sections through the retaining walls, and wall details, on 08th March 2017. We received no further communications from the planning department thereafter. It appears unreasonable that the application lay dormant throughout that time, with no attempt made to inform us of any concerns or potential concerns.
6. While tracking this application through the NI Planning Portal we became aware of concerns expressed by Transport NI. In the belief that the planning application was unduly delayed, and having had no communications with the planning officer handling the case, we decided to contact Transport NI directly, in an attempt to ascertain the true nature of the technical inadequacies identified in TNI's consultation responses. On 30th May 2017 and 06th July my colleague emailed TNI directly with an amended plan (hereby attached). Unfortunately, the planning department was not informed of this email chain, and in a further twist of fate, it appears that an outdated email address was used to contact the TNI case officer (copies of the emails in question have been attached herewith).
7. Notwithstanding the aforementioned concerns, the application has been recommended for refusal and it now becomes necessary to address the stated reasons for refusal.

1 1. The proposal is contrary to Strategic Planning Policy Statement and Policy QD 1 (Criteria A, C, F, G and H) of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Policy Statement 12: (PCP1 and PCP2) and DES 2 of the Planning Strategy for Rural Northern Ireland in that the applicant has failed to



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Chartered Town Planners



- demonstrate that the proposal will create a quality and sustainable residential environment.
8. The site is on sloping ground and it has already been excavated and retained. These operations occurred prior to our instructions in respect of this matter, and in the circumstances we were content to make this submission based upon the site's present condition rather than its condition prior to the recent site works.
 9. Because of the sloping nature of the site, its shape, and the site's position on the outside of a bend in the road, finding the optimum design solution was always going to be difficult given the competing endeavours of finding an acceptable access solution, minimising the need for retaining structures and achieving a quality residential environment. Unfortunately, something had to give, and in this case considerable retaining structures are already in place. However, in that respect, we draw parallels with the approach taken to the development of sloping sites in this area, and towards the south eastern part of Newry.
 10. Further, we note that this site's context is such that it is positioned within dense woodland, thereby ensuring any development is well screened from general public views. The character of the surrounding woodland will help define the character of this proposal more so than any perceived reliance upon retaining structures. Because of the surrounding landscape, the retaining structures are not prominent nor do they undermine the area's character.
 11. In this case it is also relevant that this area has in the past been affected by various incidents of anti-social behavior. These problems stem, in part, from the lack of a permanent presence in much of the area, its dense woodland, and the general lack of everyday activity (that would otherwise deter anti-social behavior). The Council's planning report acknowledges that development in this area is generally of limited visibility from the public road. In this respect, the proposal will be a welcome addition to this area given the increased activity, monitoring and surveillance of public areas that will act as a deterrent for crime and anti-social behavior.
 12. It is said that the need to utilize retaining structures is generally an indication as to overdevelopment of a site, but in this case we contend this is not so because this is a low density development and the need for retaining structures was dictated as much by the position of the access, the need to achieve adequate visibility splays and the need to



achieve a satisfactory gradient of access albeit we contend this is not a roads engineered solution (that could equally be described as inappropriate in certain circumstances).

13. We contend that the construction of modern semi-detached houses is not out of character in this context. There are other semi-detached properties within 50 metres of this site. These dwellings are not located in a different neighbourhood, for example, and there is no automatic expectation that the only development that could be accommodated on this site is a detached single dwelling. In that respect, the proposal is not considered out of character.
14. A three storey design solution has been utilised in order to provide a landmark building and to respond to the changing contours along the adjacent road and to the site's immediate backdrop. Because of the limited critical views into and through this site, and because of the site's wooded backdrop, the proposal does not appear dominant, prominent or visually obtrusive, nor does it dominate this neighbourhood.
15. In this context, there is no reason why this proposed development should automatically be expected to have a generous setback from the road. While there is a low wall proposed adjacent to the road, overall the walls and retaining structures are overwhelmed by the quality of the surrounding woodland.
16. While vegetation has previously been removed from the site, no breach of planning control took place in this respect. This was always intended as a development site, and there was no reason to believe that the site would remain as dense woodland, unlike the adjacent "nursery" or other areas of public open space for example.
17. In terms of private open space, we contend that the proposal has made adequate provision for prospective residents' usual domestic needs such as sitting out, washing, drying etc. Creating Places recommends average garden spaces in the region of 70 m², while stating that no individual property should have a garden measuring less than 40 m². In the amended scheme hereby attached, rear garden spaces measure 87 m² and 49m². These areas are consistent with the recommended guidelines, and the properties have additional spaces to their sides albeit they are not private.
18. The planning department has questioned how usable these open spaces are. We contend that they are fully usable. The fact that gardens are enclosed by rock faces and / or retaining walls will not be a detrimental shortcoming. Properties are able to achieve an



- acceptable outlook over the public road to the front, in particular, and are not denied an outlook.
19. The orientation of the dwellings is such that they will benefit from south / south west sun to the rear, from mid day onwards (when the sun path is at its highest). In the mornings, the dwellings will benefit from direct sun light to the east.
 20. The resultant residential environment will not be damp, dull or dreary. We contend that it will be a quality residential environment.
 21. We do not accept that the proposal is dominated by hard surfaces and retaining structures, particularly given the open spaces to the sides of the dwelling, and the significance of the surrounding landscape, which frames and dominates this site. Whereas the planning department opine that the proposal is three-storey, it is actually two storeys with a dormer in the roof. Technically, the building to the front is built over three floors, but by keeping the gable narrow we have reduced the overall bulk and massing of the building, and by working with the site's contours we have ensured that the eaves line flows continuously through the two dwellings. The northern dwelling is clearly of a two-storey scale and is entirely consistent with the character of the surrounding area, whereas the other dwelling had to be tied to this while also respecting the site's contours, thereby explaining the additional floor within.
 22. It has been said that substantial levels of landscaping would be required to soften the visual impact of this proposal and to aid integration. However, the site is surrounded by dense woodland and we contend that in a short matter of time the main retaining structure will facilitate growth of low level planting and scrub growth, which will reduce the impact of the structures further.
 23. While TNI indicated that satisfactory parking and turning of vehicles was not provided, the amended proposal hereby attached has addressed this matter. In the course of a meeting regarding an un-related matter, TNI officials confirmed their general satisfaction with the improvements shown, albeit a further amendment is required with regard to the radius of the entrance.
 24. The planning department considers the surrounding two storey semi detached dwellings are not the "best" form that could be accommodated on this site. However, the best form that can be delivered on this site has been dictated by the site's contours, the gradient of



the adjacent road, and the only position(s) at which a suitable entrance can be achieved. We submit that it would not be possible to construct a single detached bungalow on this site even, for example, due to the constraints identified above, and in that respect we feel that the proposal is the most appropriate way of addressing a corner in the road, gaining an outlook over the road, while achieving a satisfactory access and securing off-street car parking provision.

25. The planning department considers the site over developed in terms of its density and its reliance upon retaining structures. However, the principal retaining structure was already in place by the time we were even instructed in respect of this matter. Furthermore, the density of the proposal equates to 28 dwellings per hectare. This compares favourably with the density of the nearby Wood Hill development (33 dwellings per hectare) or Monaghan Row (44 dwellings per hectare).
26. Although the density of 6 and 8 Daisy Hill is low, at 6.5 dwellings per hectare, there are so few detached dwellings in this area that there is no basis for any suggestion that 6 dwellings per hectare is characteristic of this area. Further, when looking at this historic map for the area, it is clear that No. 4 Daisy Hill was located on a plot that measured 0.04 ha, and the equivalent density would have been 23 dwellings per hectare. In that respect, this proposal is not out of character or indeed characteristic of over development. We feel that any identified deficiencies or perceived shortcomings ought not to be given determining weight due to the prospect of creating some activity on this quiet road that has been prone to anti social activity in the past. Further, the impact of retaining structures ought to be given less weight given the site is surrounded by mature woodland, which fulfils the role of softening and screening the proposal and assisting in its integration with the surrounding area.

2. Under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that insufficient information has been submitted to allow the Council to determine the application.

27. Article 3 (6) states that

The council or, as the case may be, the Department may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable it to determine any application.





Documents associated with this Planning Application

Application reference: LA07/2016/1647/F

The Role of the Planning Authority Consultation Responses

Members of the Public are asked to note that advice or comments provided by consultees Group will take consultee responses into account as material considerations in forming an account of the relevant development, plan, planning policies and other considerations in Applications and other agents are asked to take careful note that if they respond to issue

| Document Group | Count |
|---------------------------------------|-------|
| <u>ADDITIONAL DOCUMENTATION</u> | 2 |
| <u>CONSULTATION RESPONSES</u> | 7 |
| CORRESPONDENCE WITH APPLICANT | 0 |
| IMPACT ASSESSMENTS AND STATEMENTS | 0 |
| <u>NEIGHBOUR NOTIFICATION</u> | 7 |
| OUTGOING CONSULTATIONS | 6 |
| PAC DECISIONS AND REPORTS | 0 |
| <u>PLANNING DECISIONS AND REPORTS</u> | 1 |
| <u>PLANS, MAPS AND DRAWINGS</u> | 6 |
| REPRESENTATIONS | 0 |

* PAO is an acronym of Planning Applications Online and refers to planning application in

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28. The above screen shot from the NI Planning Portal confirms that no correspondence has been issued to the applicant.
29. The Council's email to me dated 11th January 2017 was not referenced to the aforementioned planning legislation, albeit I recognise the request for information was made informally and in good faith.

From: patricia.manley@nmandd.org [mailto:patricia.manley@nmandd.org]

Sent: 11 January 2017 09:59

To: Colin O'Callaghan

Subject: LA07/2016/1647/F

Colin

In relation to the above can you please provide detailed drawings of retaining walls as indicated in your proposal description and a cross section of through this, there are also retaining walls proposed around the dwelling houses and a wall/ pillars along the frontage of the site also provide detailed drawings of these

Patricia

30. The email in question simply requested "detailed drawings" of retaining walls, and "a cross section through this". I respectfully submit that the drawings of the retaining walls were detailed, albeit they were not formally endorsed by an appropriately qualified engineer. However, the email in question did not indicate that engineer's details were required and in that respect I do not accept that the planning department has not been provided with sufficient information to determine the application.
31. The second refusal reason is reliant upon a purported conflict with the requirements of Article 3(6). However, as we have seen, Article 3(6) requires a request for further information to be made in writing, and in any case there has never been any indication received that the required information was not contained within the package of additional information delivered to the planning department on 08th March 2017. I fully appreciate the Council is under no obligation to chase outstanding information. In fact, the Council's Scheme of Delegation was amended to account for delays in the submission of information.



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Chartered Town Planner



32. Notwithstanding my concern that this refusal recommendation would appear to be linked to the practice of refusing applications where information has been requested but has not been received, I would point out that the initial request for information, ambiguous as it was, came before the scheme of delegation was modified. In that respect, the applicant has been unjustly treated, through the continued failure to provide a meaningful update as to the progress of the application, the failure to relay any concerns, and the failure to point out that information previously submitted was inadequate or incomplete. Accordingly, we respectfully request this application is omitted from this schedule to allow for further consideration.

Yours faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI



RTPI
Chartered Town Planner



ANNEX A - VISUAL ANALYSIS OF RETAINING STRUCTURES IN RESIDENTIAL DEVELOPMENTS IN NEWRY



Hospital Road, Newry. Note the gradient of the excavated embankment to the immediate rear of the properties.



New development at Chapel Road / Commons Way, Newry. Note the extent of the retaining wall to the left of the upper terrace. This retaining structure wraps around the immediate rear of the dwellings in question.



Modern development at O'Neill Avenue, Newry. The extent of the site excavation is apparent, to the left and right of the terraces. The rock face extends along the rear of the dwellings.



Knockdarragh, Newry. Note the retaining structures to the rear of the dwellings in question. Note also the retaining structures between individual rows of dwellings.



Retaining structures at Greenacorraig, Burren, Warrenpoint.



Retaining structures at Carrickdesland, Warrenpoint

APPENDIX 1

Email chain with planning department

APPENDIX 2

Emails issued to TNI (to seek their views on amended proposals – note the emails were addressed to a DRD account, whereas this department now falls under DAERA and emails are currently addressed to an “infrastructure-ni.gov.uk” domain)

APPENDIX 3

Amended plan – addressing parking concerns, and ameliorating any purported deficiencies in private amenity space provision

From: Anthony Grimes [mailto:Anthony@ocallaghanplanning.co.uk]
Sent: 23 January 2017 15:32
To: 'Colin O'Callaghan'; patricia.manley@nmandd.org
Subject: RE: LA07/2016/1647/F

Patrica

Sorry for the delay in coming back to you on this.

The client is to provide us with details from his engineer of the Walls on the site.

I will forward these to you as soon as we receive them.

Regards
Anthony Grimes

O'Callaghan Planning
Unit 1, 10 Monaghan Court
Monaghan Street
Newry
BT35 6BH

Tel. 028 3083 5700
Mob. 07734806045

www.ocallaghanplanning.co.uk

<https://www.facebook.com/OCallaghanPlanning>

From: Colin O'Callaghan [mailto:Colin@ocallaghanplanning.co.uk]
Sent: 11 January 2017 10:40
To: patricia.manley@nmandd.org
Cc: anthony@ocallaghanplanning.co.uk
Subject: RE: LA07/2016/1647/F

Hi Patricia,

Thank you for your email. Is this the application at Daisy Hill, Newry?

I recall some sections being drawn up for this however I will check this with Anthony and we will get something up to you in the next few days.

Apologies for the inconvenience,

Regards,

Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI

O'Callaghan Planning
Unit 1

10 Monaghan Court
Monaghan Street
Newry
BT35 6BH

T. 028 30835700
m. 07734806045

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www.facebook.com/Ocallaghanplanning



From: patricia.manley@nmandd.org [<mailto:patricia.manley@nmandd.org>]

Sent: 11 January 2017 09:59

To: Colin O'Callaghan

Subject: LA07/2016/1647/F

Colin

In relation to the above can you please provide detailed drawings of retaining walls as indicated in your proposal description and a cross section of through this, there are also retaining walls proposed around the dwelling houses and a wall/ pillars along the frontage of the site also provide detailed drawings of these

Patricia

This e-mail, its contents and any attachments are intended only for the above named. As this e-mail may contain confidential or legally privileged information, if you are not, or suspect that you are not, the above named, or the person responsible for delivering the message to the above named, delete or destroy the email and any attachments immediately. The contents of this e-mail may not be disclosed to, nor used by, anyone other than the above named. We will not accept any liability (in negligence or otherwise) arising from any third party acting, or refraining from acting, on such information. Opinions, conclusions and other information expressed in such messages are not given or endorsed by the Council, unless otherwise indicated in writing by an authorised representative independent of such messages.

Please note that we cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

The Council undertakes monitoring of both incoming and outgoing e-mails. You should therefore be aware that if you send an e-mail to a person within the Council it may be subject to any monitoring deemed necessary by the organisation.

As a public body, the Council may be required to disclose this e-mail (or any response to it) under UK Data Protection and Freedom of Information legislation, unless the information in it is covered by an exemption.

From: Anthony [<mailto:anthony@ocallaghanplanning.co.uk>]
Sent: 06 July 2017 16:54
To: liam.trainor@drdni.gov.uk
Subject: FW: New Development at Daisy Hill Newry.

Have you ever had a chance to look at this for us?

Regards
Anthony Grimes

O'Callaghan Planning
Unit 1, 10 Monaghan Court
Monaghan Street
Newry
BT35 6BH

Tel. 028 3083 5700
Mob. 07734806045

www.ocallaghanplanning.co.uk

<https://www.facebook.com/OCallaghanPlanning>

From: Anthony [<mailto:anthony@ocallaghanplanning.co.uk>]
Sent: 30 May 2017 15:32
To: liam.trainor@drdni.gov.uk
Subject: New Development at Daisy Hill Newry.

Liam

Further to your conversation with Colin this morning regarding the above development. Please find attached revised layout with the parking to the 2 houses amended for your perusal.

Could you please let Colin or myself know if this is satisfactory or if you would require any further amendments.

Regards
Anthony Grimes

O'Callaghan Planning
Unit 1, 10 Monaghan Court
Monaghan Street
Newry
BT35 6BH

Tel. 028 3083 5700
Mob. 07734806045

www.ocallaghanplanning.co.uk

<https://www.facebook.com/OCallaghanPlanning>

ROADWAY INFORMATION

PAVING COURSE:
 40MM COMPACTED DEPTH OF BITUMEN MACADAM TO BE 400-1100
 10MM CLONIC GRADE
 OR 40MM COMPACTED DEPTH OF ANIMAL TO BE CHANGED
 200 GRADE AND 1 20MM FINEGRADED SURFACE

BASE COURSE:
 20MM COMPACTED DEPTH OF BITUMEN MACADAM TO BE 400-1100
 20MM 100 GRADE
 OR 20MM COMPACTED DEPTH ANIMAL TO BE 200-1100
 100 CLONIC AND 1 20MM FINEGRADED SURFACE

FINISHING:
 CARBONACEOUS OR POLYURETHANE 20MM COMPACTED DEPTH OF
 10MM CHALKED ROAD

FINISHING:
 CARBONACEOUS OR POLYURETHANE 20MM COMPACTED DEPTH OF
 10MM CHALKED ROAD

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 CARBONACEOUS OR POLYURETHANE 20MM COMPACTED DEPTH OF
 10MM CHALKED ROAD

FINISHING:
 CARBONACEOUS OR POLYURETHANE 20MM COMPACTED DEPTH OF
 10MM CHALKED ROAD

TABLE 30 - MINIMUM PAVED AREAS CONTRIBUTING TO ROAD DRAINAGE

| GRADIENT | PAVED AREA |
|----------|------------|
| 1:100 | 100 |
| 1:150 | 210 |
| 1:200 | 270 |
| 1:250 | 330 |
| 1:300 | 390 |
| 1:400 | 510 |

PAVED AREA SHALL MEAN ALL IMPERVIOUS AREAS INCLUDING ROOFTOPPING AND TERRACING
 PARKING AREAS AND TURNED DRIVE FROM WHICH WATER RUNS OFF DIRECTLY TO THE GULLY

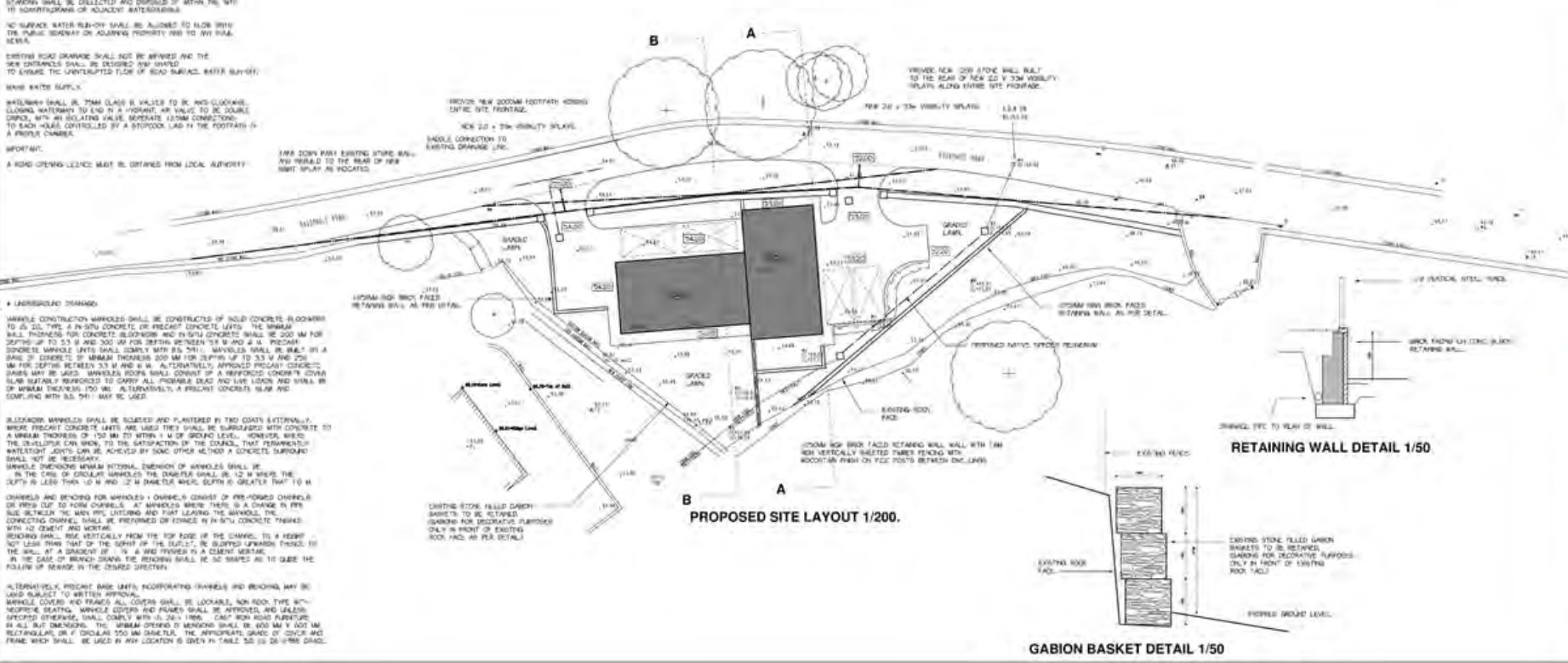
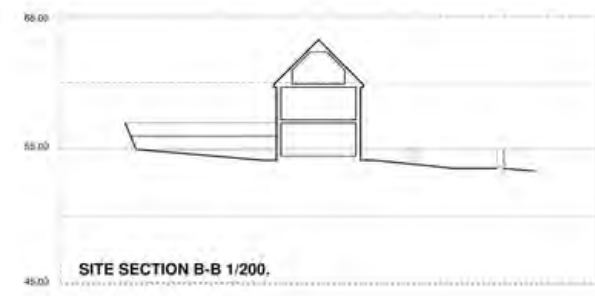
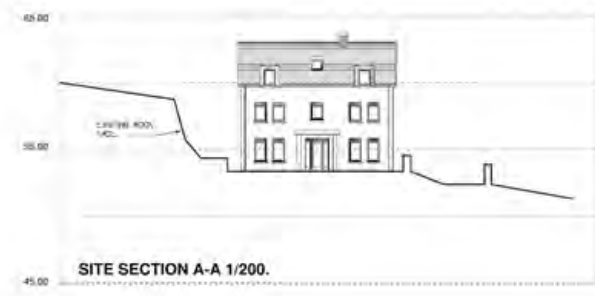
FOR ROAD GRADIENTS BETWEEN 1:100 AND 1:400 OTHER THAN THOSE SPECIFIED THE
 MINIMUM PAVED AREA PER GULLY SHALL BE CALCULATED BY INTERPOLATION FOR ROAD
 GRADIENTS STEEPER THAN 1:400 THE MAXIMUM AREA SHALL BE AS GIVEN FOR 1:400. THE
 MINIMUM LENGTH OF ROADWAY CONTRIBUTING TO A GULLY SHALL BE 30 M AT 1:400
 GRADIENT AND SHALL INCREASE BY 10 M FOR EACH PERCENT INCREASE IN GRADIENT
 WATER DRAINS SHALL BE PROVIDED AT THE LOWEST POINT AT JUNCTIONS WHERE A
 BLOCKED GULLY COULD CAUSE FLOODING. ADDITIONAL GULLIES WITH SEPARATE CONNECTIONS
 TO THE SURFACE WATER SYSTEM SHALL BE PROVIDED AS REQUIRED BY THE
 COUNCIL.

GULLIES FOR THE COLLECTION OF ROOF WATER, WATER FROM WASTE PIPES AND FOR THE
 DRAINAGE OF SMALL PAVED AREAS SHALL BE CLAYWARE COMPLYING WITH BS 571-1 AND
 OTHER TYPES INCLUDING PVC GULLIES MAY BE USED SUBJECT TO WRITTEN APPROVAL
 GULLIES FOR ROOF WATER AND WASTE PIPES SHALL EITHER DRAINAGE OVER AN OPEN GULLY
 FITTED WITH GRATING OR BE CONNECTED TO THE BACK FLEET OF A BACK SIGHT GULLY.
 THE MAXIMUM DISTANCE FROM THE HIGHEST GRADED SURFACE TO THE INTAKE OF THE
 GULLY SHALL BE 600 MM.

GULLIES FOR THE DRAINAGE OF ROAD CARBONACEOUS AND BASE PAVED AREAS SHALL BE
 PRECAST CONCRETE COMPLIING WITH BS 571-1 OR SHALL COMPLY WITH A CHANNEL WITH
 MINIMUM INTERNAL OVERFLOW OF 400 MM X 300 MM AT 700 MM GULLY CONTRUCTED OF 100
 MM SOLID CONCRETE BLOCKWORK HAVING A 100 MM DIAMETER OUTLET PIPE SET A MINIMUM
 OF 200 MM ABOVE THE FLOOR OF THE CHANNEL. SOLUTIONS FOR THESE GULLIES SHALL BE
 AS APPROVED AND UNLESS SPECIFIED OTHERWISE SHALL COMPLY WITH BS 477 GRADE 2.
 GULLIES CONNECTED TO A DRAIN OR SEWER CARRYING POOL WATER SHALL BE TRAPPED.

GULLIES WHICH ARE BUILT PROVIDED IN AREAS WHICH ARE LIKELY TO BE TYPED BY DRAINAGE
 BY THE COUNCIL SHALL HAVE LOCKABLE TYPE GRATES.
 THE MATERIALS USED FOR GULLIES AND RUNNING WHOLE WALLS SHALL
 HAVE A 100 GRATE AND 100MM DIAMETER AND SHALL BE PROVIDED BY APPROVED
 WATERPROOFING AGENT. THE GRATE SHALL COMPLY WITH BS 1198 AND 1200.

GULLIES SHALL BE PROVIDED FOR THE COLLECTION OF ROOF WATER FROM
 WATER PIPES FOR THE DRAINAGE OF PAVED AREAS AND OF ROAD CARBONACEOUS. GULLIES
 ON PAVED AREAS AND CARBONACEOUS SHALL BE ARRANGED SO THAT FLOWING WATER DOES NOT
 OCCUR. GULLIES FOR PAVED AREAS SHALL BE PROVIDED AT THE MINIMUM RATE OF
 1 GULLY PER 200 SQM.



O'Callaghan PLANNING
 Adding Value Through Quality Design

Unit 1, 200-2000 Road, Newry, Co. Down
 Tel: 0300 000 000
 Email: info@o-callaghanplanning.co.uk

Project: Proposed Housing Development
 Client: D.B.M. Contracts
 Site Layout, Road Elevation + Site Sections
 Address: Lands At Daisy Hill, Newry, Co. Down

| | | | |
|-------------|--------------|---------------|----------------|
| Date: 12/16 | Scale: 1/200 | Proj No: P020 | Proj Ref: P020 |
| Rev: 01 | Rev: 01 | Rev: 01 | Rev: 01 |

ITEM NO 19
APPLIC NO LA07/2017/0038/O Outline **DATE VALID** 1/10/17
COUNCIL OPINION REFUSAL
APPLICANT Errol Flynn 14 Milltown Road,
 Lislea, Newry **AGENT** O'Callaghan
 Planning Unit 1,
 10 Monaghan
 Court, Monaghan
 Street, Newry,
 BT35 6BH
 02830835700

LOCATION Immediately south of 91B Maphoner Road
 Latbirget
 Mullaghbawn

PROPOSAL Site for dwelling and detached garage

| | | | | |
|------------------------|--------------------|--------------------|----------------------|----------------------|
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 0 | 1 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 0 0 |

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of the Maphoner Road and is not considered an exception
- 3 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal in that the cluster is not associated with a focal point or at a cross-roads and development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0038

Date Received: 10.01.2014

Proposal: Site for dwelling and detached garage

Location: The site address is identified as immediately south of 91B Maphoner Road, Latbirget, Mullaghbawn. The site sits outside the development limits of Mullaghbawn and within an Area of Outstanding Natural Beauty as identified by the Banbridge / Newry and Mourne Area Plan 2015. The application site is approximately 10 kilometres South west of Newry City Centre.

Site Characteristics & Area Characteristics:

The application site forms part of an agricultural field with frontage to Maphoner Road (eastern boundary) and Smith's Brae (southern boundary). Within the site the land level drops as you move east to west.

Northern, Eastern and southern boundaries are well defined by mature hedging and a scattering of trees. An agricultural gate along the Maphoner Road frontage provides access to the application site.

The surrounding area is rural in character with a single dwellings immediately north and east of the house and to the south past Smith's Brae.

Site History:

| | | | |
|----------------------|---|-------------------------------------|-------------------------------|
| <i>P/2006/0649/F</i> | <i>30 metres north-west of 91 Maphoner Road, Mullaghbawn</i> | <i>Erection of dwelling</i> | <i>PLANNING APPEAL UPHELD</i> |
| <i>P/2005/0293/O</i> | <i>Adjacent to and north-east of 91 Maphoner Road, Mullaghbawn, Newry</i> | <i>Site for dwelling and garage</i> | <i>PLANNING APPEAL UPHELD</i> |

Planning application P/2006/0649/F was overturned at appeal (PAC 2007/A1172) and permission granted for a dwelling on the application site which expired in February 2015. This dwelling was approved under old policy – 'A Planning Strategy for Rural Northern Ireland' and not draft Planning Policy Statement 21 – Sustainable Development in the Countryside and the Planning Department do not consider the planning history as a relevant in the determination of this application.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland (SPPS).
Banbridge / Newry and Mourne Area Plan 2015.
Planning Policy Statement 2 – Natural Heritage.
Planning Policy Statement 3 (PPS3) - Access, Movement and Parking.
Planning Policy Statement 21 (PPS21) - Sustainable Development in the Countryside.

Consultations:

There were four consultations issued for this proposal.
Environmental Health- No objection. (27/01/2017)
Transport NI – no objection, RS1 form attached. (06/02/2017)
NI Water – No objection to the proposal.

Objections & Representations

There were two neighbour notifications issued for this proposal. The application was advertised in the local press on 16th January 2017. The Planning Department received electronically a comment from the residents of 52 Mill Road, Latbirget, Newry regarding no neighbour notification letter being received. Attempts were made to contact this resident to determine whether their property required neighbour notification but this was unsuccessful. Following a site inspection and review of the properties on Spatial the Planning Department were unable to locate this property.

Consideration and Assessment:

Policy CTY8 refers to Ribbon Development and provides an exception for development of a small gap site sufficient to accommodate a maximum of 2 dwellings within an otherwise substantial and continuously built up frontage provided this respects the existing development pattern along the frontage on 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. The SPPS does not conflict with CTY8 and states that the applications for a building which creates or adds to a ribbon of development will be refused.

A dwelling sits to the south of the application site (No. 89) with frontage to Maphoner Road. There are two dwellings to the north of the application site (No. 91a and 91b) The detached dwellings at 91b, 91a and 89 vary in height and orientation however they are all within roadside plots and share their western boundary with the public road. No. 89 is however separated from the application site by a road, Smiths Brae. This road constitutes as a break in the built development along the frontage of Maphoner Road. Consequently there is no continuous built up frontage along this part of Maphoner Road and the proposal therefore relies on development along two frontages, albeit the same road. Policy CTY8 refers to a single frontage. In this case

there is no small gap within a line of three or more buildings along a singular frontage to meet the policy definition.

The Planning Department do not consider that there is a continually built up frontage of three or more dwellings because Smiths Brae breaks the frontage and provides a visual break along this section of Maphoner Road.

The agent has referred to Policy CTY2a in his submission, drawing the Planning Department to consider the proposal against the criteria of this policy also. The proposal does not comply with the criteria of CTY2a in that:

- (a) the cluster is not associated with a focal point such as a social / community building / facility, or is at a cross roads and
- (b) it is not considered that development of the site will be absorbed into the existing cluster and will round off and consolidate the cluster.

While the argument has been made by the agent that a previous PAC decision concluded that if all the other criteria of Policy CTY2a had been met, then the requirement for the cluster to be associated with a focal point could be dis-applied. We note however that the Planning Department do not consider that development of the application site will round off and consolidate the existing cluster and thus not all criteria have been met to consider di-applying the focal point criteria.

PPS3 – Access Movement and Parking

Transport NI have been consulted on this application and in their response dated 19/07/2017 an RS1 form has been included with access requirements to be addressed in a future reserved matters application.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY13.

CTY 14 states that planning permission for a building in the countryside will only be granted where it does not cause detrimental change to or further erode the rural character of the area. The proposal is considered contrary to criterion (b) and criterion (d) of CTY 14 in that development on the application site would when taken cumulatively with existing buildings and their ancillary features in the vicinity would result in a build-up of development and would create a ribbon of development along this part of Maphoner Road and have a detrimental impact on the character of this rural area.

Recommendation:
REFUSAL

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of the Maphoner Road and is not considered an exception
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal in that the cluster is not associated with a focal point or at a cross-roads and development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature:

Date:

Authorised Officer Signature:

Date:

The Planning Committee
Newry, Mourne and Down Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

07th August 2017

Dear Sir / Madam,

Ref: LA07/2017/0038/O

**Immediately south of 91B Maphoner Road, Latbirget, Mullaghbawn
Site for dwelling and detached garage**

1. I refer to the above mentioned planning application, which has been recommended for refusal for four particular reasons. The case is to be presented to your Committee on 16th August.
2. On behalf of the applicant, we would ask the Committee to take this submission into consideration. Specifically, we ask the Committee to overturn the planning department's recommendation to refuse permission. In so doing, we have hereby set out a series of rational planning grounds, each of which would strongly support the approval of this planning application. It is our belief that the planning department's recommendation to refuse permission has been based upon a strict interpretation and analysis of the relevant planning policies, whereas in this case a number of other material considerations ought to have been given equal if not greater weight.
3. Furthermore, it has always been a principle of planning practice that an applicant does not need to adhere to one planning policy in its entirety to achieve planning permission. An application can succeed due to a combination of factors, and this includes situations whereby an applicant meets the majority of individual planning policies' requirements but does not comply fully with all the requirements of any one individual planning policy. This is the concept of objective, and balanced, decision-making.
4. In this particular case, the three main strands to the argument in support of the approval of this application are that:



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- Permission can be granted by giving greater weight to the planning history of the site than to the current planning policy (which does not facilitate new dwellings on greenfield sites) – the recent planning approval, on part of this site, has not long expired. Since there was an expectation of a dwelling on this site, then it would be unfair and unjust to reverse from that position simply because an applicant failed to apply to renew a permission or to implement it in time. NN&D Council has accepted this logic in a number of recent cases, particularly those involving applications for “change of house type” on rural sites with errant works undertaken or indeed no works undertaken at all (as in the case of Peter Collins at Ballymartin – file reference LA07/2016/0716/F);
 - The proposal could, without any difficulty, be justified by granting permission for this as an “infill” site i.e. the site occupies one half of a gap in a line of more than three buildings, and this overall gap is sufficient only to accommodate up to a maximum of two dwellings. This typology is entirely consistent with the “exception” (to the presumption against ribbon development) outlined in Policy CTY 8 of PPS 21. We have been advised that a concern has arisen because a small lane dissects the gap (Smith’s Brae). We contend this is insignificant for a number of reasons, which will be addressed in greater detail in this submission, and in any case, the salient policy does not specifically identify this as a constraint that would prevent the granting of a permission in these circumstances;
 - The site is located at a cluster of dwellings in the countryside. Technically, the proposal meets all the criteria outlined within Policy CTY 2a of PPS 21. However, the planning department disagrees and it finds the absence of a focal point determining. Significantly, this issue has arisen at a recent planning appeal in this District. In that case, the Council withdrew its objection because it recognised the precedent value of previous decisions arising, whereby permission was granted for a dwelling at a cluster that was not located at a focal point. Again, some of these decisions were in this Council district, and on that basis we argue that the absence of a focal point need not be a deciding factor in the determination of this application.
5. On balance, if it was deemed that this was not an acceptable form of “infill” development, because of the presence of Smith’s Brae (which is stated to have dissected the gap, purportedly pointing towards the existence of two distinct frontages as opposed to the singular frontage referred to in Policy CTY 8), and it was deemed that the proposal is not an acceptable form of “clustering” owing to the absence of a focal point, a decision ought to be taken “in the round” or “on balance”, which is the true mark of an objective decision.



When considered in this manner, one would appreciate that given the planning history to this site, the previous commitment for a dwelling, and the general compliance with the overall thrust of consolidating development at an existing cluster / in an existing ribbon of development, approval ought to be forthcoming.

6. Notwithstanding our general comments, as outlined above, we would hereby offer detailed commentary to each of the refusal reasons that have been applied to this proposal.

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

7. As has been outlined above, a combination of factors indicate why this proposal should be treated as an exception to the general presumption against new residential development in the open countryside. These comprise:
- Planning history; and
 - General compliance with the requirements of Policies CTY 2a and CTY 8 of PPS 21. The deficiencies found with the proposal, in terms of the aforementioned policies, have been of a technical nature and ought not to undermine the proposal's integrity given it's overall conformity with the general thrust and the stated aims of those policies, in particular by consolidating development at an existing grouping.
8. The recent permission on a part of the application site is not long expired. NM&D Council, in particular, has been exceptionally pragmatic when dealing with other applications of this nature – be it in relation to sites upon which works commenced without the required sight lines being constructed, sites which were commenced by laying foundations in the incorrect position, and one particular site upon which no work had commenced at all. The Council is respectfully requested to continue with this approach and to approve this particular planning application.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of the Maphoner Road and is not considered an exception



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9. We contend that this application site is approximately one half of a wider gap site that could accommodate up to a maximum of two dwellings, as provided for under Policy CTY 8 of PPS 21. This is an acceptable approach to developing one half of a two dwelling gap, and it has been applied by NM&D Council in the past.
10. The planning department acknowledges that this site lies between a line of three dwellings that all front onto Maphoner Road. The department feels that Smith's Brae represents a break in the frontage, and thus there is no continuous built up frontage on this part of Maphoner Road. The department did concede however that all development fronts onto the same Road.
11. PPS 21 (Policy CTY 8) states:

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
12. It is clear that this proposal relates to a singular stretch of road frontage along Maphoner Road, and not two frontages as has been suggested by the planning department. The visual impression, when travelling along this straight part of Maphoner Road, is not one of two distinct frontages, but a singular frontage.
13. The crux of the matter is that the planning department considers Smith's Brae to be a break in the frontage. Taking that approach one step further, we would highlight the position of No. 91 Maphoner Road. Since it is located on Smith's Brae, it would be logical to assume the property's address would be located on Smith's Brae. However, the property's address is in fact 91 Maphoner Road. The fact remains that Smith's Brae, in terms of its visual presence and its infrastructural capacity, is not so significant as to form a physical divide in this stretch of road frontage along Maphoner Road.
14. In asserting that the correct approach to be taken in this instance is not to accept the planning department's view that Smith's Brae represents a dividing line between two frontages, we would draw the Committee's attention to planning approval P/2013/0038/F. This related to an "infill" dwelling at Station Road, Jonesborough. This "infill" site was located to one side of a frontage that contained a railway bridge.





Image 1: Railway bridge, dividing eastern and western parts of frontage in the vicinity of 2 Station Road, Jonesborough. This arrangement was deemed acceptable by the local planning authority. It may be argued that this decision was taken by the Department of the Environment, however the fact remains that the decision was taken in the same planning policy context as the subject proposal, and no differentiation ought to be made.

Note: details of approved plans pertaining to this planning application have been included in Appendix 1.

15. In summary, if it is accepted that this proposal complies with Policy CTY 8 of PPS 21, it is acceptable in principle, and all other refusal reasons will automatically be set aside.

3 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal in that the cluster is not associated with a focal point or at a cross-roads and development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.

16. The key area of disagreement in respect of Policy CTY 2a relates to the absence of a focal point. We respectfully submit that, based upon a number of recent decisions (which have been addressed in an earlier supporting statement) the requirement for a focal point is not absolute, and as it has been disapplied in certain instances in this locality it would be administratively unfair not to adopt the same approach in this instance.

17. We note that the planning department's report appears to acknowledge that the requirement for a focal point can be disapplied in instances. However, the planning department feels this is not an appropriate opportunity to disapply the focal point requirement, on the basis that it feels the proposal will not round off and consolidate the existing cluster.
18. The report states "thus, not all criteria have been met to consider disapplying the focal point criteria". However, there are in fact no set criteria for identifying when the focal point requirement can be disapplied or not. It either must be applied or it shall be set aside. The PAC decision in question merely offered an explanation as to why they felt it appropriate to disapply the relevant criterion.
19. In any case, even if the Committee felt bound to follow the planning department's logic, and to accept that the only way the focal point requirement can be set aside is if development will be absorbed into the existing cluster and will round off and consolidate the cluster (as per the PAC's rationale) it is clear that this proposal will do so.



Image 2:

If the Committee accepts the planning department's argument that Smith's Brae represents the dividing line between the two frontages, then logic dictates that Smith's

Brae delineates the southern boundary to one particular cluster. When one then looks at the site in question, the only site in the cluster with no committed approval or development thereon, it can be seen that the site is bounded on two sides by existing dwellings that do lie within the cluster. The numbers 1 and 2 have been added to this image to reflect committed planning approvals and even if the permission on site 2 is considered spent, it would automatically qualify for an "infill" dwelling, thereby ensuring it does represent part of the cluster in question.

20. Since development on the subject site would be located on the inside of the corner that links No's 91 and 91B Maphoner Road, it is illogical to suggest that this proposal is not rounding off or consolidating an existing cluster. Further, it is equally illogical to suggest that this proposal represents encroachment, outwards from the cluster, into the open countryside. In that case, it would appear that the planning department's suggested explanation for not following the PAC's logic (in setting aside the justification for a focal point) is flawed, thereby ensuring that the "focal point" requirement can actually be set aside.

21. Notwithstanding the aforementioned arguments in relation to the issue of a focal point, we would respectfully draw the Committee's attention to the relevant grammar expressed in Policy CTY 2a, in particular the reference to the focal point:

the cluster is associated with a focal point such as a social / community building/facility,
or is located at a cross-roads

22. The word "cross-roads" does not appear in the Oxford English Dictionary. However, the OED does proffer the following definition of the word crossroads

An intersection of two or more roads.

23. According to the everyday meaning of the word crossroads, the salient part of Policy CTY 2a can be interpreted as a requirement that a site be located at an intersection of two or more roads. Thus, if, as the planning department states, Smith's Brae represents a break in the frontage, for the purposes of Policy CTY 8 of PPS 21, this site is located at the point where Smith's Brae meets Maphoner Road. Accordingly, the site is located at a crossroads, according to the everyday meaning of the word, and thus the focal point component of Policy CTY 2a is actually met.

24. If this rationale is not accepted, and it is deemed that the intersection is insufficient to qualify as a focal point, it must be recognised that the planning policy is not explicitly clear in directing applicants to junctions where four roads intersect. Since the planning policy is not clear in this respect, it cannot be assumed that one understanding of the definition is correct and the other is incorrect. Following on from that, if it cannot be proven that our methodology is not actually contrary to policy, then it is the case that we are not even seeking the disapplication of the policy. All that is required in this instance is a pragmatic understanding and application of the salient planning policy. Furthermore, approval can easily be justified given the myriad of other supporting factors that will not be replicated on other individual sites throughout the countryside (there is a possibility that the planning department could argue that approval of this proposal would establish a harmful precedent, for other development at 2-road intersections. We contend this will not actually be the case since this site benefits from a historic approval and it complies with the overall thrust of Policies CTY 2a and CTY 8 of PPS 21 also).
25. In asserting that the planning department's logic (in finding that there is only a singular reason why the requirement for a focal point can be disapplied) is flawed, we would draw the Committee's attention to a recent planning decision taken by its counterparts in Mid Ulster Council.
26. In that particular case, approval was granted for a dwelling at a cluster on Mullaghboy Road, Bellaghy (LA09/2017/0496/O).



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Image 3:

Cluster of buildings at Mullaghboy Road, Bellaghy. The site in question was located at the south eastern tip of that particular cluster. The requirement for a focal point was set aside by Mid Ulster Council's planning committee, who ought to be regarded as peers of NM&D Council. The minutes of Mid Ulster Council's planning committee dated 06th June 2017 record that it was resolved that application LA09/2017/0496/O "be approved based upon rounding off of a current straight line of development".

27. Whereas NM&D Council may argue that the aforementioned case has no bearing upon the outcome of applications in this district, we would contend that applications of this nature ought to be treated fairly and consistently. Mid Ulster Council's decision cannot be dismissed lightly or passed off as a "mistake" as so often occurs when similar decisions are cited to planning authorities in the north of Ireland and on balance we contend that the exercise of flexibility and pragmatism would easily justify the approval of this particular planning application.

4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of

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

28. It is stated that this proposal will result in a suburban style build up of development. However, cumulatively, this proposal will not increase the number of dwellings at this locus, given the previous approval on the site, and circumstances have not changed materially since that time (to justify the refusal of permission on the grounds of ribbon development and suburban-style build-up of development). In any case, if it is accepted that the proposal complies with the overall thrust and intent to Policies CTY 2a and CTY 8 of PPS 21, then this refusal reason will be overcome immediately.
29. In concluding, I trust that the Committee has been provided with sufficient information to justify the approval of this application. However, in the event the Committee requires any further information, please do not hesitate to contact this office.

Thanking you for your consideration in this matter,

Yours faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI

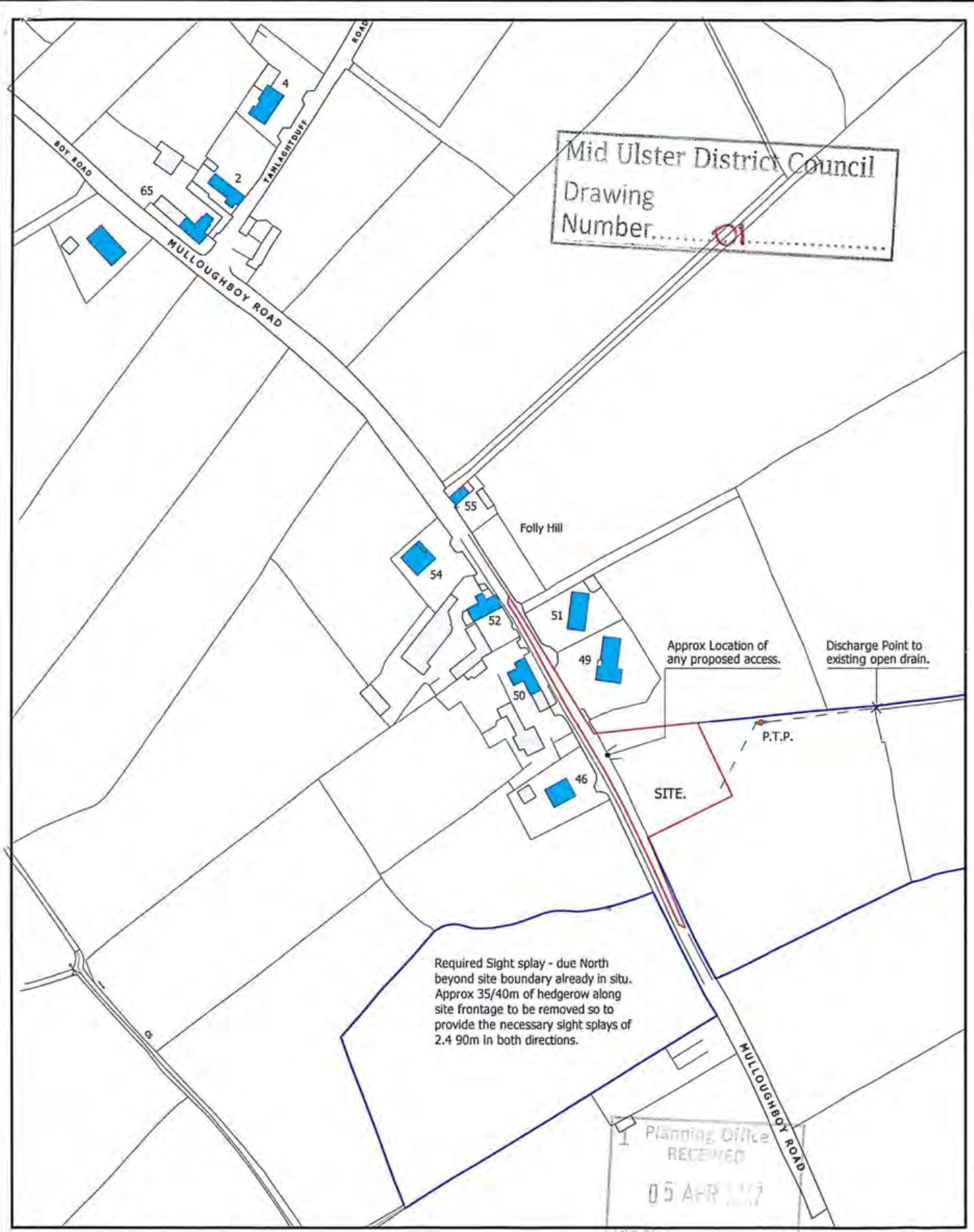
ANNEXES

- Appendix 1 Details of planning approval P/2013/0038/F
Appendix 2 Minutes of Mid Ulster Council meeting dated 06th June, insofar as they related to application LA09/2017/0496/O



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Location Plan
Scale 1:2500

O.S. Map Ref: 94-06 SE



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Co Antrim,
BT41 3SQ

Mr Christopher Cassidy
chris@cmlplanners.com
Mr Brendan McMullan
brendan@cmlplanners.com

Tel: 028 7963 2350

Client **Mr Gavin Breslin**

Project **Proposed Site For Dwelling & Domestic Garage
40Mts S/East of No 49 Mullaghboy Road -
Bellaghy - BT45 8JH.**

Drawing Title **Location Map:**

Scale/Sheet
1:2500 @ A4

Date
April 2017

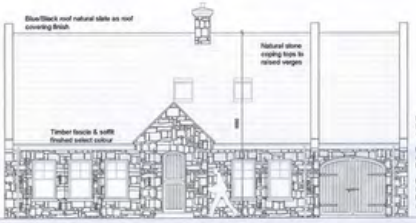
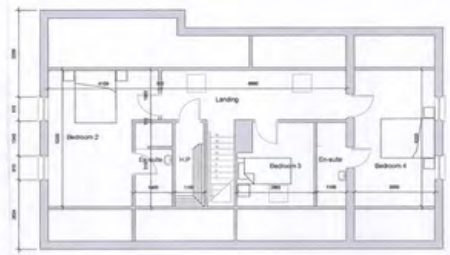
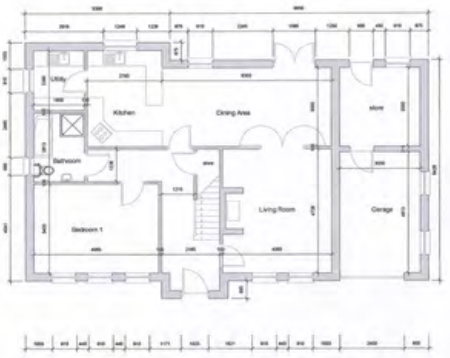
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Drawing no.
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Revision
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Drawn By
ByM

Proposed Plans, Elevations & Site Layout



Front Elevation
Scale 1:100



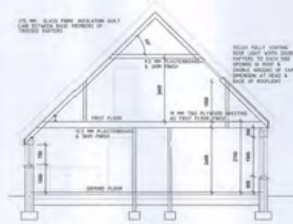
Side Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100



Section
Scale 1:100

- Schedule of Finishes**
- Bangor Blue slates or similar
 - Painted timber fascia
 - Cast aluminum rainwater goods
 - Natural Granite to be used on indicated areas
 - Hardwood stained windows
 - Hardwood doors with decorative timber surround
- Note: All dimension shown in metric



Site Layout
Scale 1:500



Site Location Map
Scale 1:2500
Crown Copyright Licence No. 1956

| Rev. | Revision | By | Date |
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Client: Mr. Colm McCormack

Drawing Title: Planning Drawings

Job Description: Proposed Erection of Infill Dwelling 30m South West of No.2 Station Road, Jonesborough, Co. Armagh

Area Planning Office RECEIVED - 8 JAN 2013

Drawing Number: [Redacted]

Proposed Plan, Elevations & Site Layout Plan

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| Drawn By: M.D. | Checked By: M.D. | Date: 20.12.2012 | Scale: as shown |
|----------------|------------------|------------------|-----------------|

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ERES Ltd
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| FILE REF | DRAWING No | REVISION |
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| ERES-201 | PL-01 | |

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 June 2017 in Council Offices, Ballyronan Road, Magherafelt

| | | |
|-------------------------------|--|------------|
| Members Present | Councillor Mallaghan, Chair | |
| | Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow (8.48pm), Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels | |
| Officers in Attendance | Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McCullagh, Senior Planning Officer Ms McEvoy, Head of Development Plan & Enforcement Ms McKearney, Senior Planning Officer Ms Mullen, Council Solicitor Miss Thompson, Committee Services Officer | |
| Others in Attendance | Applicant Speakers | |
| | LA09/2017/0496/O | Mr Cassidy |
| | LA09/2017/0354/O | Ms Curtin |
| | I/2014/0074/F | Mr Ryan |
| | | Ms Fowley |
| | | Mr Ross |
| | I/2014/0246/F | Mr Ryan |
| | | Ms Fowley |
| | | Mr Ross |
| | LA09/2016/1279/F | Mr Ross |
| | Consultation response to LA09/2016/0232/F | Ms Stevens |

The meeting commenced at 7.04 pm

P070/17 Apologies

None.

P071/17 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

The Planning Manager referred to the upcoming RTP1 awards taking place in London in which it had been agreed at Council that the Chair and Vice Chair of Council would attend along with the Chair of the Planning Committee and the Planning Manager.

Matters for Decision

P073/17 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination, he advised of a change to the order of the agenda as requested by the agent for the application. The Chair stated that as there were circumstances for the requested change it would be accommodated on this occasion but advised agents that this would not be tolerated as a normal practice going forward.

LA09/2017/0496/O Dwelling and domestic garage/store at approximately 40m SE of 49 Mullaghboy Road, Bellaghy for Gavin Breslin

Ms Doyle (SPO) presented a report on planning application LA09/2017/0496/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that this application was submitted under Policy CTY2a (cluster) and meets all criteria of that policy.

Mr Cassidy referred to the officer's report which stated that the application is not associated with a local focal point and stated that there is an equestrian centre located opposite the application site thereby fulfilling this requirement. The case officer's report also stated that the proposal was not bounded on at least two sides and Mr Cassidy referred to aerial photography which showed development on north and west of site.

Councillor Clarke asked if cluster had to be on one side of road.

The Planning Manager advised that policy states there should be a suitable degree of enclosure and bounding on at least two sides with other development in the cluster. The Planning Manager felt that the proposed site was not that enclosed with a ribbon on one side of the road and an emerging ribbon on the other side but that this application could be developed based on rounding off. The Planning Manager questioned whether the application would make any obvious change to the neighbouring area stating that this would be a matter for Member's judgement.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0496/O be approved based on rounding off of current straight line of development. Conditions to be

attached in relation to access, planting and landscaping with a ridge height of 6m to be imposed.

I/2014/0393/F 3 Pairs of semi-detached dwellings and 2 detached dwellings at 11 Killeenan Road, Cookstown for JDC Joinery

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor J Shiels
Seconded by Councillor McPeake and

Resolved That planning application I/2014/0393/F be approved subject to conditions as per the officer's report.

LA09/2015/0523/F Retrospective application for retention of car park and pedestrian access via underground road tunnel in association with the Jungle NI, approximately 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael

Site meeting to be arranged in respect of this application as agreed earlier in meeting.

LA09/2015/1075/O Dwelling and garage 76m NE of 27 Tobermore Road, Draperstown for Teresa McNally

Ms Doyle (SPO) presented a report on planning application LA09/2015/1075/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/1075/O be refused on grounds stated in the officer's report.

LA09/2015/1215/F 24 dwellings at lands N of 21 Magherafelt Road and N of 15 and 40 Fairlee Heights, Moneymore for A N Property

Application listed for approval subject to conditions as per the officer's report.

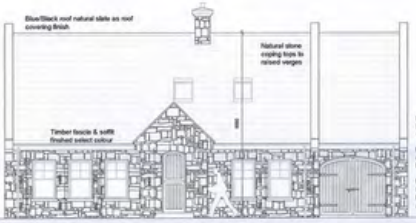
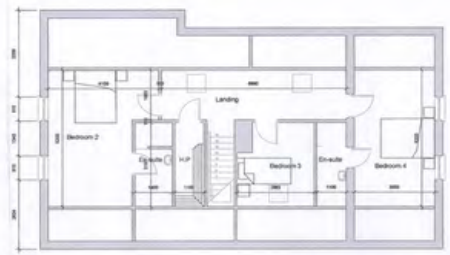
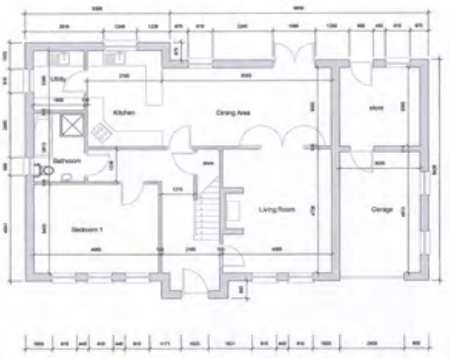
Proposed by Councillor Bell
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2015/1215/F be approved subject to conditions as per the officer's report.

LA09/2016/0652/O Apartment block at 10-12 Park Road, Dungannon for Bullock Bros.

Application listed for approval subject to conditions as per the officer's report.

Proposed Plans, Elevations & Site Layout



Front Elevation
Scale 1:100



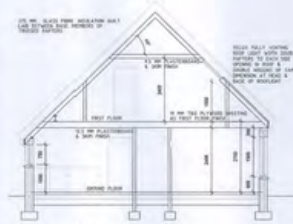
Side Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100



Section
Scale 1:100

- Schedule of Finishes**
- Bangor Blue slates or similar
 - Painted timber fascia
 - Cast aluminium rainwater goods
 - Natural Granite to be used on indicated areas
 - Hardwood stained windows
 - Hardwood doors with decorative timber surround
- Note: All dimension shown in metric



Site Layout
Scale 1:500



Site Location Map
Scale 1:2500
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Client: Mr. Colm McCormack

Drawing Title: Planning Drawings

Job Description: Proposed Erection of Infill Dwelling 30m South West of No.2 Station Road, Jonesborough, Co. Armagh

Area Planning Office RECEIVED - 8 JAN 2013

Drawing Number: [Redacted]

Proposed Plan, Elevations & Site Layout Plan

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|----------------|------------------|------------------|-----------------|
| Drawn By: M.D. | Checked By: M.D. | Date: 20.12.2012 | Scale: as shown |
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European Renewable Energy Solutions

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| FILE REF | DRAWING No | REVISION |
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| ERES-201 | PL-01 | |

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|------------------------|---|---------|-------------------|---|
| ITEM NO | 32 | | | |
| APPLIC NO | LA07/2017/0582/O | Outline | DATE VALID | 4/14/17 |
| COUNCIL OPINION | REFUSAL | | | |
| APPLICANT | Mrs Roisin Hanlon Archways Lodge Drive Belper Derbyshire DE56 2TP | | AGENT | O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH 02830835700 |

LOCATION Lands adjacent and south west of 30 Ballymoyer Road
Newtownhamilton

PROPOSAL Site for dwelling and garage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap within an otherwise substantial and continuously built up frontage and would add to ribbon development along the Ballymoyer Road.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0582/O

Date Received: 14.04.2017

Proposal: The proposal seeks Outline Permission for a site for dwelling and garage. (Infill)

Location: Lands adjacent and south west of 30 Ballymoyer Road, Newtownhamilton.

Site Characteristics & Area Characteristics:

The site includes an agricultural field which rises towards the northwest and abuts the public road. Adjacent is a small laneway with a further agricultural field and on the other side is the curtilage of No. 30. The area is rural in character where agriculture is the most dominant land use activity.

Site History:

P/1978/0501

Proposed Erection of Replacement Bungalow

Appeal Dismissed: 22.05.1979

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Building on Tradition

Consultations:

Transport NI – Request for agent to show all sightlines in red. Minimum sightline of 2.4m x 80m required. This information has not been requested due to issues with the principle of development
 NI Water – No objections

Objections & Representations

1 neighbour notified on 04.05.2017 and the application was advertised on 03.05.2017. No objections or representations were received.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. For the purposes of this application, the buildings relied upon for the continuously built up frontage are located on both sides of the McCrory Road which subsequently represents a break in the frontage and therefore the proposed 'frontage' is in fact 2 frontages, separated by the McCrory Road. This position has been confirmed in similar PAC appeals including 2016/A016 and 2014/A0241.

As the proposal is not considered a small gap within an otherwise substantial and continuously built up frontage, it does not meet the exception in CTY8 and instead is an extension of ribbon development.

Additionally there are no over-riding reasons why this dwelling essential at this location. As a result the application fails to meet the policy criteria for CTY1 and CTY8.

The proposed siting is consistent with the policy requirements of CTY13 however with regard to CTY 14 it would add to a ribbon of development and result in suburban style build-up when viewed with the existing and approved buildings to the North East of the site. The proposal is contrary to policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has requested an amended plan showing the sightlines within the red line and splays of 2.4x80. This information has not been requested due to the ineligibility of the principle of development. As the adjoining land is outlined in blue (applicant's control / ownership) it is considered likely that these splays are achievable.

Recommendation: Refusal**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap within an otherwise substantial and continuously built up frontage and would add to ribbon development along the Ballymoyer Road.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

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

Case Officer:**Authorised Officer:**

The Planning Committee
Newry, Mourne and Down Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

08th August 2017

Dear Sir / Madam,

Ref: LA07/2017/0582/O
Lands adjacent and south west of 30 Ballymoyer Road, Newtownhamilton
Site for dwelling and garage

1. I refer to the above mentioned planning application, which has been recommended for refusal for three particular reasons. The case is to be presented to your Committee on 16th August.
2. On behalf of the applicant, we would ask the Committee to take this submission into consideration. Specifically, we ask the Committee to overturn the planning department's recommendation to refuse permission. In so doing, we have hereby set out a series of rational planning grounds, each of which would strongly support the approval of this planning application. It is our belief that the planning department's recommendation to refuse permission has been based upon a strict interpretation and analysis of the relevant planning policies, whereas in the exercise of flexibility would have ensured a different outcome.
3. Furthermore, it has always been a principle of planning practice that an applicant does not need to adhere to one planning policy in its entirety to achieve planning permission. An application can succeed due to a combination of factors, and this includes situations whereby an applicant meets the majority of individual planning policies' requirements but does not comply fully with all the requirements of any one individual planning policy. This is the concept of objective, and balanced, decision-making.
4. The justification for the approval of this application is that this proposal involves the development of a small gap site sufficient only to accommodate up to a maximum of



RTPI
Chartered Town Planners



two houses and it is located within an otherwise substantial and continuously built up frontage. There has been no indication that the proposal has failed to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and the proposal meets the other planning and environmental requirements referred to in PPS 21, in particular Policy CTY 8 which states that

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

We submit that the proposal is consistent with the aforementioned definition.

5. The planning department has indicated this proposal is not in keeping with the relevant policy, because it considers the "frontage" is actually split into two separate frontages (it has argued that the frontage in question occurs to either side of the junction of Ballymoyer Road and McCrorys Road – this is said to represent a break and the Council therefore argues that there are in fact two frontages). Our position is that this proposal does involve development along a single frontage as is required in the relevant planning policy. The planning department feel their position is consistent with planning appeal decisions 2016/A016 and 2014/A0241.
6. We note a typographical error in the council's planning report. We are therefore unable to offer a definitive comment upon one of the aforementioned appeals however we believe we have identified the case in question and are in a position to comment upon it. In the event that we have not identified the right case we would be grateful for an opportunity to make further comment in this respect.
7. Before analysing the relevance of the planning appeal decisions in question, we would draw the Committee's attention to the justification and amplification to Policy CTY 8:

For the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

8. Since it is recognised that buildings with gaps between them, or those which are sited back, staggered or at angles can still represent ribbon development, these typologies must apply also to the description of an existing “ribbon”, within which it is possible to “infill a small gap”. It is *Wednesbury* unreasonable to cite concerns of ribbon development in this case, i.e. asserting that the development along the same line will create ribbon development, but not to accept that there is scope for “infill” development within this existing line of buildings.
9. We find that the policy in question does not address the issue of split frontages at all: within PPS 21 there is no indication as to when a judgement will be required to be exercised (as to whether there is one or more frontages) – ensuring that the proposal is not actually contrary to policy in the first instance. However, at a 90 degree bend on a road, it is logical that one would recognise the existence of separate frontages. In such a scenario, it would be futile to argue development was concentrated along a single frontage. In other cases, natural features, such as hills, slopes or woodlands could possibly divide a stretch of road into two different frontages. While PPS 21 did not address the earlier mentioned scenario, it did address the issue of woodland forming a break in a short ribbon, through its surrogate Building on Tradition (BoT).

4.5.0 There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.

4.5.1 As a general rule of thumb, gap sites within a continuous built up frontage exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.

10. BoT clearly acknowledges that there will be “some” circumstances where it is not appropriate to fill a gap, particularly where these are “judged to offer an important visual break in the developed appearance of the local area”.
11. In this case, it is necessary to look at the status of McCrorys Road, in attempting to ascertain whether or not it affords relief between developments to either side of its intersection with Ballymoyer Road.
12. It is clear that the Council was not concerned that the lane leading to 34 Ballymoyer Road constitutes a break in the frontage. We concur, since the lane is but a single track and there are buildings in close proximity to its road edge. Visually, it appears not to be a significant feature in the landscape and it does not offer any form of visual relief from the developments to its eastern or western sides. This approach would appear to be consistent with the visual analysis set out in BoT, the supplementary design guide attached to PPS 21, and referred to in Appendix 1 to this submission.
13. Given the approach taken in assessing whether or not the aforementioned laneway represents a break in the frontage, the same approach ought to apply to McCrory's Road. It should be added that the aforementioned laneway is approximately 5.3 metres wide, while McCrory's Road is approx. 5.47 metres wide.



14. When travelling south, past the application site, due to the extensive roadside vegetation and the strong rural character, there is little awareness or perception of a public road breaking up this frontage and visually separating development to the south west from development to the north east.



15. When travelling north east, towards the application site, there is little perception or awareness of McCrory's Road. Furthermore, there is no perception or awareness of any break between the farm buildings in the centre of the picture and the building adjacent to the application site. Clearly, there is a transient, sequential, awareness of linear and road frontage development at this locus, and this development pattern is entirely consistent with the opportunity for infill development provided for in Policy CTY 8 of PPS 21.



16. In this particular context, the space between the farm complex and the hedge on the opposite side of McCrory's Road is so limited that the overriding impression is that this

farm complex shares the same frontage as the lands to the immediate north / north east.

17. Given the horizontal and vertical alignment of this part of Ballymoyer Road, and the transient, sequential awareness of road frontage development thereon, it is impossible to view this in a context of one frontage terminating and another one beginning.



18. This image illustrates the laneway leading to No. 34 Ballymoyer Road. Since the planning department has no concerns that this laneway represents a visual or physical break in the frontage, or the dividing point between two frontages, it is necessary to try and understand what the difference in the two features is, visually and physically (we contend there is negligible physical / visual difference, and we submit that neither feature can be interpreted as marking a point where one particular frontage begins and another ends).



19. Travelling south west, approaching the application site, the laneway serving No. 34 Ballymoyer Road is of limited visibility. It certainly is not of such significance that it services as a notional division between any individual frontages. As can be seen from this image, the impression given, when travelling along this part of Ballymoyer Road, is of a single, straight, frontage, as distinct from a number of individual frontages.
20. It is clear that the planning department was content not to place any emphasis upon the existence of a laneway serving No. 34, for the purposes of defining one or more frontages, and in that respect we find it unreasonable that no attempt was made to appraise the actual characteristics of McCrory's Road (to determine whether it was of such magnitude as to demarcate the division between two individual frontages). We feel that had such an assessment been undertaken, the planning department would have arrived at the inescapable conclusions that there was no difference between the laneway or McCrory's Road, and that neither feature was sufficient to demarcate any visual perception of a break in this overall frontage. It would thus have been appreciated that as one travels north east or south west along this section of Ballymoyer Road, there is a sequential and transient awareness of road frontage development. This is the critical factor in the assessment as to whether or not there is an opportunity to infill any gaps therein.

Comments Upon PAC Decisions Cited in Council's Planning Report

21. At the outset, it must be emphasised that the Council frequently cites the fact that it is not legally bound or mandated to follow suit with regard to PAC decisions. Responses of

this nature are typically pointed out when faced with requests to observe similar “precedents”. We respect that this is a two-way process, and that many applicants and agents are like minded. However, in this instance, we submit that the appeals cited by the planning department do not stand squarely on all fours with this proposal. We contend that the appeals were determined in their own evidential context and by different, individual, planning appeal commissioners.

2016/A0160 - The appeal of John McIlveen, at 14 Ballycreely Road, Comber

22. We contend that case was materially different from this proposal for the following reasons:
- The road that dissected the two frontages had two lanes with road markings; and
 - Development was strung out along the road, to either side of a 90 degree bend in the road – the proposal was not located in a straight line with the other buildings on the “frontage”.



23. This image shows the position of the appeal site (approximate position outlined in yellow). It can be seen that the site is located on the outside of a bend in the road, and that two distinct frontages diverge, from the junction of Ballycreely Road and Ballybeen Road. Since that proposal is not comparable with the subject application, the appeal determination in question ought to have no bearing upon the outcome of this planning application.



24. It can be seen that the appeal proposal in question was located at the junction of where two roads met. Visually, the junction appears open, and it is noteworthy that the dwellings start to “turn” the corner, and address Ballybeen Road, in the centre of the picture. These traits are indicative of development that addresses a different frontage to the development to either side, on Ballycreely Road. Such an arrangement clearly reflects the existence of a punctuation in a particular frontage, and the demarcation between one frontage and another. In contrast, there is no visual demarcation at Ballymoyer Road / McCrory’s Road.

2014/A0241 – The appeal of Lawrence McVeigh, at 54 Battleford Road, Armagh



This image illustrates the demarcation of two separate frontages and the situation is not comparable to the subject site, therefore the appeal decision ought to have no bearing upon the outcome of this application.



This image illustrates the open nature of the junction between the main Battleford Road and the minor Battleford Road. The perception of a stop or a break is emphasised through the orientation of No. 84 (orientated towards the minor road as it is).

25. It is clear that No. 84 was orientated to face onto the minor road with a sense of purpose. While there is no suggestion that it does not contribute to the built up appearance on the main Battleford Road frontage, it is evident that the characteristics of this site and this intersection are markedly different than those exhibited at the intersection of Ballymoyer Road and McCrory's Road. Consequently, the determination of that appeal ought to have absolutely no bearing upon the outcome of this planning application.



26. This image further illustrates the difference between the subject site and the appeal at Battleford Road, Armagh. The Battleford Road junction is characterised by one dwelling orientated directly onto the minor road, road markings, bollards and road signage. Visually, there is no comparison between the two scenarios and the appeal decision cited by the planning authority ought not to lead to the conclusion that the Ballymoyer Road proposal ought to be refused.

OTHER RELEVANT CONSIDERATIONS

27. In asserting that the correct approach to be taken in this instance is not to accept the planning department's view that Croy's Road represents a dividing line between two frontages, we would draw the Committee's attention to planning approval P/2013/0038/F. This related to an "infill" dwelling at Station Road, Jonesborough. This "infill" site was located to one side of a frontage that contained a railway bridge.



Image illustrating a railway bridge, dividing the eastern and western parts of a frontage in the vicinity of 2 Station Road, Jonesborough. This arrangement was deemed acceptable by the local planning authority. It may be argued that this decision was taken by the Department of the Environment, however the fact remains that the decision was taken in the same planning policy context as the subject proposal, and no differentiation ought to be made.



28. We have recently encountered a similar issue in the Armagh area. Permission was granted (LA08/2017/0384/O) for a dwelling in a gap site, in a situation where the frontage was punctuated by a minor laneway. In that case, it was accepted that the laneway in question was not so significant as to constitute a break in the development. We see nothing inconsistent in NM&D Council’s analysis with respect to the access to No. 34 Ballymoyer Road in this instance, but we are compelled to point out that the Council has failed to show how it differentiated between McCrory’s Road and the access to 34 Ballymoyer Road in determining that one broke the frontage whereas the other did not. In these circumstances, the rationale behind the decision to refuse this application is not sound. Our alternative methodology is to assess the site in its true context, and to decide in these individual circumstances whether the existence of McCrory’s Road is so significant as to punctuate the frontage. We contend it is not, and there remains a transient, sequential awareness of road frontage development along

- this straight section of Ballymoyer Road that is consistent with the definition proffered in Policy CTY 8 of PPS 21.
29. Perhaps the Council might argue that these situations are not directly comparable with the subject site, in the same way we have argued that the planning department's appeal decisions cited do not actually relate to this proposal. However, whichever way one looks at this, an objective assessment is required to determine whether there are one or multiple frontages at the Ballymoyer Road site. We submit that there is but a single frontage, given the horizontal and vertical alignment of Ballymoyer Road, the fact that all development faces towards Ballymoyer Road (and not an adjacent road, whether it is minor or otherwise), and given the visual insignificance of the "junction" in question (and the extent to which it is overgrown, which is such that there is no perception, visually or otherwise, of an actual break in the line of buildings fronting onto Ballymoyer Road in the immediate environs of this site). On that basis, we respectfully request the planning committee to approve this application.
30. We trust that the case in support of the proposal has been laid out in full, however in the event that the Council requires any additional information, please do not hesitate to contact this office.

Yours Faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI



RTPI
Chartered Town Planner



APPENDIX 1 - BUILDING ON TRADITION – EXAMPLES ILLUSTRATING APPROPRIATE INFILL OPPORTUNITIES



Complex linear ribbon

This example, taken from Building on Tradition, shows the south eastern example (coloured blue) located beside a road / lane – applying the planning department’s logic, this lane would be regarded as a barrier and thus the site would not actually have qualified for a new dwelling.



Example 2 – taken from Building on Tradition: The arrows point to lanes or breaks in the frontages. Clearly, the intention behind PPS 21 was not to exclude frontages with minor breaks or punctuations, given the scenario is held up as an example of what an infill opportunity actually is.



- 1. EXISTING DWELLING AND AGRICULTURAL SHEDS.
- 2. GAP SITE OPPURTUNITY 1.
- 3. GAP SITE OPPURTUNITY 2. (PROPOSED SITE)
- 4. EXISTING DWELLING.
- 5. EXISTING DWELLING AND AGRICULTURAL SHEDS.
- 6. APPROVED DWELLING LOCATION (REF. LA07/2017/0119/RM)

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Project: **Proposed Site For Dwelling + Garage.**

Client: **Roisin Hanlon.**

Title: **Concept Layout 02.**

Address: **Ballymoyer Road
 Newtownhamilton.**

| | | | |
|-------|---------|----------|--------------|
| Date: | Scale: | TAD Ref: | Drawing No.: |
| 04/17 | 1/1000. | - | P02A. |

DIVISION 4 - GENERAL AMENDMENT 28 20 17 AG

ITEM NO 9
APPLIC NO LA07/2016/0748/O Outline **DATE VALID** 6/7/16
COUNCIL OPINION REFUSAL
APPLICANT Mr Andrew Henry And Miss Jemma Clarke 90 Drumalt Road Cullyhanna Newry BT35 0QB
AGENT Cornett Design Associates Ltd 4 Hartford Place The Mall Armagh BT61 9BJ 02837523330

LOCATION 150m North of 81 Dundalk Road Newtownhamilton Newry BT35 0PR

PROPOSAL Erection of dwelling and detached garage

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

- 1 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm and does not merit being considered as an exceptional case in that evidence submitted by a competent independent authority does not justify an alternative site and no verifiable plans to expand the farm business to justify an alternative site have been provided to the Planning Department.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and 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, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the are and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0748/O

Date Received: 07 June 2016

Proposal: Erection of Dwelling and Detached Garage

Location: The site address is given as 150m North of 81 Dundalk Road, Newtownhamilton. It lies outside the development limits of Newtownhamilton and is approximately 13 kilometres SW of Newry.

Site Characteristics & Area Characteristics:

The site forms part of larger agricultural fields and has a road frontage to Dundalk Road along the eastern boundary. Access is provided via an agricultural gate from Dundalk Road. The application site is irregular in shape with the long, rectangular portion to the north gradually rising as you travelling south and the land within the southern portion of the site falling in level as you travel south. The western boundary of the site is defined by high, mature hedging, with a portion of the eastern and northern boundaries formed for the southern portion of the site by hedging.

The surrounding area is rural in character. The closest residential dwelling sits approx. 96 metres NW of the application site on the western side of Dundalk Road (No. 85). There are residential properties and farm buildings further south of the site.

Site History:

There is no relevant site history

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland (SPPS), Banbridge, Newry & Mourne Area Plan 2015, PPS3 – Access, Movement & Parking, PPS21 – Sustainable Development in the Countryside and Building on Tradition Sustainable Design Guide.

Consultations:

Consultations were issued to Transport NI, NI Water and DAERA.

- Transport NI – No objection (23/12/2016).
- NI Water – No objection, generic response (20/06/2016).

- DAERA – The farm business has been in existence for more than 6 years and single farm payment is claimed (20/06/2016).

Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 13th June 2016. There were no representations received.

Consideration and Assessment:

Principle of Development

CTY 10 Dwellings on Farms – permission will be granted where (a) the farm business has been active for over 6 years and (b) no development opportunities have been sold from the farm holding in the last 10 years and (c) the new building is visually linked to or sited to cluster with an established group of buildings on the farm, exceptionally, consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups.

DAERA has confirmed that there has been an active farm business for over 6 years. I am satisfied that the farm is active and established for the purpose for CTY 10 criteria a. A planning history search shows that no other sites have been approved for dwellings on the farm. The only concern is whether the proposal complies with Criteria c of CTY 10 in terms of grouping with the established group of buildings on the farm or if the proposal falls in the exceptional circumstances category and demonstrable evidence justifies this.

The farm business is registered to 108 Dundalk Road, Newtownhamilton on which sits a two storey farm dwelling and associated out buildings. There are farm sheds on the north side of Dundalk Road (opposite 108 Dundalk Road). A second parcel of land belonging to the farm hold is at Drumalt Road, approximately 0.76km NE from the registered farm business address, identified as Parcel 11 on the submitted farm maps, which has a dwelling and sheds adjacent to the east.

This application proposes a farm dwelling on a third parcel of land along Dundalk Road where there are no established farm buildings to visually link or cluster with. As outlined above, Criteria (c) of Policy CTY 10 detailed that under exceptional circumstances consideration will be given to an alternative site on the farm provided there are no other sites available at another group of buildings on the farm or out-farm and where there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s).

In an attempt to justify this proposal as an exceptional case, a Health and Safety Audit prepared by MG Safety Services LTD. on behalf of the client was submitted to the Planning Department as well as written correspondence from the agent outlining why the building could not be sited to cluster / visually link with the existing farm buildings. The health and safety audit outlined the general hazards most common to farms and also specified hazards relating to the land surrounding the established

farm buildings at 108 Dundalk Road and at Drumalt Road. Specific issues and hazards raised relating to the existing farm include:

- the use of existing accesses would risk contact with machinery and animals;
- the poor surface conditions of existing accesses;
- the opening and closing of gates that segregate livestock to allow vehicular access;
- the applicants partner is not familiar with dangers and hazards on farms neither would their children;
- risk of inhalation and fire from fumes;
- the spillage of fuel;
- the presence of a river which is susceptible to flooding
- the absence of security fencing and lockable gates and
- the erection of anti-climb fencing around farm is not practicable or economically viable.

Further, it was outlined in correspondence from the agent that *"the land at 108 Dundalk Road and in particular parcels 1, 2, 3 and 10 are unsuitable due to the easy access to the farm yard and buildings which are used daily for farming and heavy machinery, including slurry tanks and pits, there is also safety aspects for the animals and with this veterinary inspections"*. The agent also stated that land within Parcel 11 on the farm maps, is rocky in nature and is too small and restrictive in access to site a dwelling.

While the potential hazards and dangers associated with a running farm are extremely important to consider, it is noted that the hazards as outlined in the submitted audit report are not solely specific to this farm and are aspects experienced by every operational farm across Northern Ireland and it is anticipated that farmers implement measures and standard practices to adhere to the health and safety legislation and guidance as outlined by the Health and Safety Executive of Northern Ireland to reduce potential risks to those living and working on farms. The farm dwelling policy as outline by CTY 10 is clear that new dwellings are to be sited to cluster or visually link with the existing farm building and it is considered measures can be put in place to deal with the hazards specified as is the case with all new dwellings on farms. It is not considered justifiable to permit the proposal as outlined by this application on health and safety grounds which are relevant and overcome on all other farms.

To address the 75 metre setback of new farm buildings to dwellings as cited in the audit report, it must be clarified that this is only a recommendation and is implemented to protect properties surrounding the farm which are not associated with it, this is not the case for this proposal.

The Planning Department met with the applicant on site and had discussed an alternative site for the proposed farm dwelling on land south of the registered farm building farm dwelling at 108 Dundalk Road which would fulfil the criteria of CTY 10 in that a new dwelling could both cluster with the established farm dwelling and farm buildings on the southern side of the road and visually link with the established farm sheds on the northern side of the road when viewed from the Dundalk Road to the west. It was suggested that a new dwelling at this location could use the existing

access to the west (rear) of the existing farm dwelling, however the applicant explained the farm dwelling was currently occupied by a relative and they currently access land to the south / south-east of the dwelling through the field to the west of the farm dwelling. The applicant stated that using this existing access could present difficulties in obtaining a mortgage; however the Planning Department explained to the applicant that this was not a planning consideration. It is noted that the existing farm dwelling is served by two accesses, one to the east (front of the dwelling) and one to the west (rear of the dwelling). It is considered that the use of the existing access to reach the alternative site selected by Planning Department is not impracticable or unachievable. The audit report further specifies that a river runs along the western boundary of the farm presenting safety concerns, there is substantial distance (approx. 85 metres) between the river and the alternative site suggested by the Planning Department and measures can be put in place to secure access to this river.

The P1C form provided with this application detailed that the application site selected for the dwelling would be farmed solely by the applicant in the future and this is where the applicant hopes to expand the farm. Further, it was detailed that it was considered a waste of resources by the applicant to invest in the existing farm buildings and the development of a dwelling on the site selected would lead to new farm buildings being created here to run the farm in an economical manner. No evidence to demonstrate any future expansion of the farm business such as valid planning permission, building control approvals or contractual obligations to supply farm produce as outlined by section 5.42 of policy CTY 10 has been submitted to the Planning Department to support these reasons for siting a dwelling away from the established farm buildings. The applicant was advised that new farm buildings at the chosen site may need a planning permission.

It is considered the proposal fails to meet criteria (c) of policy CTY10 and is therefore unacceptable in principle as development in the countryside under policy CTY1. It is contrary to the equivalent policy in the SPPS (paragraph 6.73).

Integration and Design

Paragraph 6.73 of the SPPS confirms that "*Dwellings on farms must also comply with LDP policies regarding integration and rural character.*" In the absence of an adopted LDP these considerations must be assessed under policies CTY8, CTY13 and CTY14 of PPS21.

With regard to integration, a new dwelling on the site would be viewed from Dundalk Road and due to the topography within the site would be prominent particularly when travelling north along Dundalk Road on approach to the site. While there is significant hedging defining the site boundary presently along Dundalk Road, approx. 65 metres of the length of this hedge will have to be removed to enable the required site lines to be achieved. Further a new boundary is required to define the southern boundary of the application site. It is considered that the site will lack mature boundaries and will be relying on new landscaping for integration which would take a significant time to mature and until then there would be no adequate form of enclosure resulting in an adverse impact on the local views. As previously stated, it is not visually linked or sited to cluster with an established group of buildings on the farm. The planning department have been provided with an indicative house design

and layout however no definitive detailed design for consideration at outline state, however the proposal fails on criteria (a), (b), (c), (f) and (g) of Policy CTY 13.

It is considered the proposed building would be unduly prominent in the landscape as discussed above. It would create an impression of suburban-style build-up in the area when viewed with the surrounding dwellings to the south and north-west. It is not in keeping with the desired settlement pattern for the area of clustered farm groups, but instead represents a one-off development in the countryside. As no ancillary works are proposed under this outline application, it is difficult to assess the application under criteria (e), but the application is contrary to the other four criteria of policy CTY14, and also policy CTY8.

Access

Transport NI were consulted on this application. They requested further details regarding forward sight distance and sight lines. Following re-consultation on receipt of an amended drawing, Transport NI provided an RS1 form to be attached to any outline approval.

Amenity

There is sufficient separation distance from the neighbouring dwelling that a new dwelling would not adversely affect existing residential amenity at No. 85 and No. 81.

In summary, the proposal is contrary to policies CTY1, CTY10, CTY13 and CTY14 of PPS21 and paragraph 6.73 of the SPPS. We consider that this application fails to satisfy all the criteria of CTY 10 as evidence from a competent and independent authority was not sufficient in justifying a dwelling away from established farm buildings and no evidence relating to the proposed future expansion of the farm business has been provided.

This application is therefore recommended for refusal.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm and does not merit being considered as an exceptional case in that evidence submitted by a competent independent authority does not justify an alternative site and no verifiable plans to expand the farm business to justify an alternative site have been provided to the Planning Department.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and 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, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the are and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

RE: Speaking Rights - Item 36 LA07/2016/0748/0 - 150M N of 81 Dundalk Road, Newtownhamilton

The points I will be discussing are as follows,

- current site
- alternative sites
- health and safety issues
- applicants needs
- future development of farm

Regards

Alastair Parke

On behalf of Cornett Design Associates

Cornett Design Associates
4 Hartford Place
The Mall
Armagh
BT61 9BJ

Tel: 028 37 523330

Fax: 028 37 528808

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ITEM NO 17
APPLIC NO LA07/2016/1483/F Full **DATE VALID** 11/3/16
COUNCIL OPINION REFUSAL
APPLICANT Mr Michael McConville 19 **AGENT** Henry Marshall Brown
 Carrickrovaddy Road Architectural Partnership 10
 Jerrettspass Union Street
 Newry Cookstown
 BT34 1SN BT80 8NN
 028 86763515

LOCATION Land approx. 100m NW of 16 Carrickrovaddy Road
 Jerrettspass
 Newry
 BT34 1SN

PROPOSAL Proposed free range poultry shed with 2no feed bins and a standby generator building
 (poultry shed to contain 16,000 free range hens laying eggs)

| | | | | |
|------------------------|--------------------|--------------------|----------------------|----------------------|
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 4 | 0 | 0 | 0 |

Addresses Signatures Addresses Signatures

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the proposal is sited away from the existing farm buildings and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
 - the impact of ancillary works would damage rural character; and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1483/F

Date Received: 03.11.16

Proposal: Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

Location: Land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass

Site Characteristics & Area Characteristics:

Site comprises of small portion of a much larger elevated and roadside agricultural field fronting onto Carrickrovaddy Road.

Site History:

No planning history

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015

PPS3, DCAN 15 and Parking Standards: Transport NI comments dated 22.11.16 have no objections

PPS6: No impact to built heritage or archaeological interests

PPS15: Rivers Agency in comments dated 12.01.17 have raised no objections

SPPS and PPS21 (CTY12, CTY13 and CTY14)

Active and Established Agricultural holding:

DAERA in their consultation response dated 14.12.16 advise that the farm business has been in existence for more than 6 years and single farm payments have been made within the last year indicating that the farm is active and established at this location.

Necessary for the efficient operation of the holding

In correspondence from the agent dated 3rd November 2016 he advises that the poultry shed represents a major economic investment for the applicant which is essential for the long term survival of the existing holding, diversification of this type will support the farm income and ensure long term survival.

Sited beside existing farm buildings on the holding

Mr Mc Cornville's holding is registered to No. 19 Carrickovaddy Road which comprises of an existing farm dwelling and agricultural buildings. The proposed site is located approximately 200m NW away from the farm buildings and is not visually linked or grouped with them. The policy is very specific with regard to new buildings in that they 'must be sited beside the existing farm' to which this proposal fails to adhere.

The agent has set out in correspondence (dated 21.04.17, 16.03.17 and 03.11.16) justification for an alternative site elsewhere on the holding stating that there are no suitable buildings within the holding built to meet specifications required, land immediately beside existing farm buildings is unsuitable as it cannot meet 'maximum' density levels for 16000 birds (2000 birds per hectare British Egg Industry Council 21.04.17/ 2500 birds per ha Ulster Farmers Union 16.03.17) and in the interests of biosecurity the separation of poultry units from other farm activities negates risk of disease to flock.

Despite the justification provided above it has not been adequately demonstrated that there are no alternative sites available at another group of buildings on the holding, nor has there been any health and safety reasons outlined to justify an alternative site away from the existing farm buildings. Proposals are not deemed exceptional, do not meet the requirements of planning policy and a poultry shed could be located beside the existing farm buildings meeting the requirements of planning policy

Character and Scale appropriate to Location

The proposed shed is of typical character and scale of poultry houses located in the countryside.

Integration/ Landscaping

The site is located on elevated land with long distant views from Jockeys Brae, Knockduff Road and Tandragee Road from these vantage points the site would not fulfil the criteria of CTY 13 due to the prominent and open nature of the site. It is difficult to envisage how a poultry shed including ancillary works or even in the case of a modest dwelling could be adequately integrated when it is located on such an open and exposed site with no degree of enclosure or screening.

The proposed poultry shed will be located mid frontage of a much larger roadside agricultural field with no means of separation of the site from surrounding ground. This portion of the site has only one existing vegetative boundary along the frontage

which will be entirely removed to accommodate visibility splays along with ancillary works to provide access/ hard standing along with the formation of a level platform to facilitate development will require extensive site works and thus the open and prominent nature of the site will be clearly amplified and exposed when viewed from the Carrickvaddy Road in either direction.

The poultry shed proposed for this site cannot be adequately integrated as it will sit higher than the roadside boundary and will require substantial landscaping in order to be adequately integrated. Any new build at this location will appear dominant in the local landscape and will cause an adverse visual impact and an unacceptable change in rural character of this area.

Adverse Impact on Natural Built Heritage

HED Monuments have raised no objections in their consultation dated 29.06.17

Impact to Amenity

Objections have been received from neighbours at Nos.14 Carrickvaddy Road and Brilliant Red Limited of 10 Carrickvaddy Road these properties are sited approximately 120 – 197m away from the proposed poultry house, properties 15, 16 and 17 are located much closer (80-100m) and no issues have been raised by these occupiers. Environmental Health has considered the objections but has raised no concern with regard to impact to amenity. The proposed location of the poultry house will not cause adverse impact to the amenity of nearest neighbours through loss of light, privacy etc.

Consultations:

NIEA (17.02.17) - No objections raised

Rivers (12.01.17) - No objection

DAERA (14.12.16) - Farm business i.d for more than 6 years and single farm payments within last year

Environmental Health (13.12.16) - Non objection in principle

Transport NI (22.11.16) - No objection

HED (29.06.17) - Content

Objections & Representations

13 Neighbours notified

Advertised November 2016

4 letters received from 2 Objectors

Issues:

- Smell
- Dust
- Noise
- Vermin
- Road Infrastructure
- Viability of project
- Free range definition
- Request for notification for speaking rights

Consideration of Issues:

Environmental Health have considered objections and have raised no concerns with regard to smell, dust, noise, vermin etc. nor have they raised any general concerns with regard to impact to amenity. Transport NI have also raised no concerns with regard to road infrastructure.

In terms of viability of the project or indeed the free range definition this is outside the remit of the planning authority to comment.

With regard to request of speaking rights the objectors/ objectors representative will be notified should the application be presented before committee.

Consideration and Assessment:

Objections have been fully considered. Proposals fail to meet the requirements of planning policy for the reasons set out above and is recommended for refusal

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that

- it is not appropriate to this location due to the unacceptable character and scale of the development;

- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

- the proposal is sited away from the existing farm buildings

and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and

- that health and safety reasons exist to justify an alternative site away from the existing farm buildings;

- that the alternative site away is essential for the efficient functioning of the business.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - the impact of ancillary works would damage rural character;
- and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.

Case Officer

Authorised Officer

Photographs



19th July 2017

Our Ref: 15173

Your Ref: LA07/2016/1483/F

Re: Proposed Free Range Poultry Shed with 2No. Feed Bins and a Standby Generator Building at Land Approx. 100m N.W. of 16, Carrickrovaddy Road, Jerrettspass, Newry, BT34 1SN, for Mr. Michael McConville. (Poultry Shed to Contain 16,000 Free Range Egg Laying Hens)

As Agents on the scheme we wish to make the following points in support of the Application and challenge the Council's recommendation for refusal.

INTRODUCTION

- The Applicant is relatively young and is married with a young family.
- He works out part time but runs the Family Farm with his father on a part time basis. The Farm is a mixture of livestock and arable.
- This scheme would secure the future viability of the farm and would allow our client to work the farm full time bringing financial security to his family.
- The decision to apply for Planning Permission and avail of the opportunity to construct this poultry shed was not taken lightly as it represents a major investment of over 400K.
- Our client has also applied for funding under Tier 2 of the Farm Business Improvement Scheme and only requires Planning Approval to avail of 40% funding.

THE SCHEME

- Our client is seeking to build a 16,000 bird Free Range Poultry Shed – this is really the smallest shed constructed as a modern Poultry Unit. Under The British Egg Industry Council's Code of Practice this size of flock will require access to 20 acres of land i.e. a maximum stocking density of 2,000 birds/Ha

SITE SELECTION

- Our client's farm land is split by the public road with the Farm Building set on one side with the smaller block of land (approx. 16 acres). This area is obviously too small to erect a 16,000 bird unit.
- The application site is the only other available site on the family's land and is set in a natural valley albeit in a fairly large field.



Architectural EPC Energy Assessors

Directors: Adrian Brown MCIAT, Philip Marshall

Henry Marshall Brown Architectural Partnership is the trading name of Henry Marshall Brown Limited.

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Registered in Northern Ireland No. NI 57065

PLANNING MEETING

- A very constructive meeting was held on 5th April 2017 with Andrew Davidson and Patricia Manley and the main concerns seemed to be site selection (away from main Farm) and integration. Following this meeting additional supporting Documentation was submitted (copies attached) including a letter from Bowler Eggs, extracts from different Welfare Standards/Codes of Practice and Maps highlighting available land areas which dictated site selection. During the meeting Andrew suggested he would visit the site and I understand this took place in June.

REFUSAL REASONS

- A lengthy list of Refusal reasons has been given under CTY12 and CTY13/14 but basically boils down to:
 - 1) Being sited away from the Farm Group
 - 2) The proposed Building does not integrate and will be visually obtrusive.

CONCLUSION

In my opinion we have covered both Refusal Reasons with all documents and additional Drawings submitted and all Statutory Consultees have no issues with the Scheme.

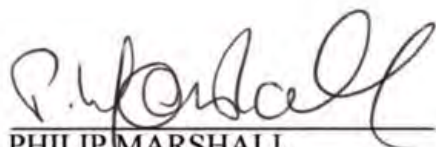
Substantial screen planting has been shown on the road frontage, along the access laneway and also on the SW boundary to the closest 3rd party Dwelling.

I would also like to say that recently we have had 2 very similar applications approved by this Council. Both were sited away from the Farm Group on fairly open sites.

The Ref Nos. are: LA07/2015/0473/F and LA07/2016/0780/F.

It would be nice to have some consistency from the Council on these Agricultural Applications.

In conclusion may I suggest that a site visit may alleviate some concerns the Committee Members may have although this will delay the issue of a Decision Notice and perhaps the opportunity to benefit of Tier 2 Grant Funding.



PHILIP MARSHALL

For Henry Marshall Brown Ltd.

Encs.






LEGEND

-  3rd Party Dwelling
-  100m Buffer zone around 3rd party dwellings
-  75m Buffer zone around Financially connected dwellings
-  Financially connected dwelling
-  Land Ownership

| | | |
|--|--|--|
| Revision: | | |
| Client: | MR. MICHAEL McCONVILLE | |
| Scheme: | PROPOSED FREE RANGE POULTRY SHED AT LAND 100M N.W. OF OF 16, CARRICKROVADY ROAD, JERRETTSPASS, NEWRY, BT34 1SN. AREA EDGED RED - 0.99Ha | |
| Drawing: | SITE JUSTIFICATION - Buffer Zones | henry marshall brown architectural partnership |
| Scale: | 1:2500 @ A3 | Date: March 2017 |
| Dwg No: | 15173-06 | Drawn By: MM |
| <small>Henry Marshall Brown Architectural Partnership is the trading name for Henry Marshall Brown Limited Registered in Northern Ireland N 5395</small> | | |
| | | 10, Union Street, COOKSTOWN. BT80 8NN Tel. no: 028 8676 3515 Fax no: 028 8676 6658 Email: info@hmbarchitecture.co.uk |
| | |  |



| | | |
|--|-----------|--|
| LEGEND  Site beside existing sheds has a total area of 6.0Ha – a min of 8.0Ha range is required plus the shed area – INADEQUATE RANGE AREA  Proposed Site has a total area of 15.74Ha – which is almost twice what is required. | Revision: | |
| | Client: | MR. MICHAEL McCONVILLE |
| | Scheme: | PROPOSED FREE RANGE POULTRY SHED AT LAND 100M N.W. OF OF 16, CARRICKROVADY ROAD, JERRETTSPASS, NEWRY, BT34 1SN. AREA EDGED RED – 0.99Ha |
| | Drawing: | SITE JUSTIFICATION – Range Areas |
| | Scale: | 1:2500 @ A3 |
| Dwg No: | 15173-07 | Drawn By: MM |
| Henry Marshall Brown Architectural Partnership is the trading name for Henry Marshall Brown Limited Registered in Northern Ireland N 5095 | | henry marshall brown architectural partnership 10, Union Street, COOKSTOWN, BT80 8NN Tel. no: 028 8676 3515 Fax no: 028 8676 6658 Email: info@hmbarchitecture.co.uk |
| | |  |

Code of Practice for Lion eggs

The British Egg Industry Council



ANNEX J LAYING HEN WELFARE STANDARDS

1.0 ENRICHED CAGE PRODUCTION

Enriched caged birds must be kept in accordance with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) (similar legislation made in Wales, Scotland and Northern Ireland), made in implementation of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (or any amendment thereto).

Birds must not be induced to moult.

2.0 FREE RANGE PRODUCTION

Free range birds must be kept in accordance with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) (similar legislation made in Wales, Scotland and Northern Ireland), made in implementation of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (or any amendment thereto).

All units must comply with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) (similar legislation made in Wales, Scotland and Northern Ireland).

2.1 REPLACEMENT PULLETS

All replacement pullets destined for free range must be reared from day-old on litter and not from caged systems; access to perches should be provided wherever practical.

2.2 FLOCK SIZE / COLONY SIZE

Adequate levels of management must be provided to the flock/colony size. Houses and ranging areas must be divided as appropriate. The maximum flock size is 16,000 birds. Where the flock size is more than 6,000 birds it must be divided into colonies. The maximum colony size is 4,000 birds.

2.3 MAXIMUM PERMISSIBLE STOCKING DENSITY WITHIN THE HOUSE AREA (INCLUDING EXTERNAL VERANDA AREAS THAT IMMEDIATELY ABUTT THE HOUSE)

The maximum stocking density is 9 birds/m² of useable area.

2.4 PERCHES

Perches must comply with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078), and relevant legislation made in Wales, Scotland and Northern Ireland. Perch space provided per bird may include the alighting rail immediately in front of the nest box.

Perches must have no sharp edges and be of non-slip material.

Perches can be incorporated into a slatted floor. (Not applicable in Scotland and Northern Ireland).

Perches must not be mounted above the litter and must be positioned to prevent fouling of any bird below.

2.5 FLOOR TYPES

Timber or plastic floors are permissible.

Wire floors must be overlaid or underlaid with timber slats 30cm. apart; slats to have no sharp edges.

The capacity of the pit below the floor must adequately accommodate the manure produced by 1 full flock of birds unless belts or scrapers are incorporated into the system.

2.6 SCRATCHING AREA

Provision must be made for the birds to be able to dust bathe, having unrestricted access to a litter scratching area during the bird's light hours. This must equate to a minimum of 33% of total floor area available to the birds. This litter scratching area can be either incorporated into the house area or provided under a covered weather proofed veranda attached to the external walls of the building.

The litter must be kept dry and friable and maintained at a minimum depth of at least 5cm. To assist in maintaining good litter management, the stock keeper must have access to the DEFRA booklet Poultry Litter Management (PB1739, 1994, <http://adlib.everysite.co.uk/resources/000/251/080/PB1739.pdf>)

2.7 FEEDING SPACE

Linear feeders providing 10cm. per bird (or 5cm. of linear length with access to both sides of the trough), or 4cm. of circular, feeding space must be provided for each bird.

In multi-tier systems, feeding space must be provided at more than 1 tier level.

2.8 DRINKING SPACE

The allocation of drinkers must not be less than 1 bell drinker per 100 birds, or 1 nipple (or cup) per 10 birds. All drinkers must be spaced evenly along the house.

In multi-tier systems, drinkers must be provided at more than 1 tier level.

2.9 NEST BOXES

Individual nest boxes must provide not less than 1 box per 5 birds.

Communal boxes must provide not less than 1m² of nesting area per 120 birds.

Nest boxes must be provided with a floor substrate which encourages nesting behaviour.

2.10 POP-HOLES

Where practicable, pop-holes should be distributed evenly around the building.

Each pop-hole must be a minimum of 2m. long by 45cm. high, but if necessary to ensure the structural safety of the building the pop-hole may contain a stanchion.

Sufficient pop-holes must be available to provide the equivalent of 1 pop-hole to 600 birds.

Sufficient pop-holes in a building must be opened before 09.00 hours and must be left open so as to provide access to the land area for a daily minimum of 8 hours, or to dusk. Except when this is precluded by inclement weather conditions, or in the case of temporary restrictions imposed by veterinary authorities, all pop-holes should normally be open.

Birds should have full access to the range as soon as practicably possible. The aim should be to allow access at 19 weeks of age and access must be allowed no later than 21 weeks of age.

2.11 LAND AREA

Stocking density of the land must not exceed 2,000 birds/hectare over the flock's life.

Ground rotation should be practised where it is considered necessary for disease or pasture management.

The areas around the house must be well drained in order to avoid poaching.

Land used for arable cropping shall not be regarded as acceptable vegetation and shall be excluded from calculations for stocking density.

Where the birds are provided with a ranging area more than 150 metres from the nearest pop-hole of the building (up to a maximum of 350 metres), a sufficient number of shelters as required by Annex II.1.d of Commission Regulation (EC) No. 589/2008 (or any amendments thereto) (referred to in Article 4(1)(3)(b)(ii) of Directive 1999/74/EC) are to be provided. A minimum of 4 shelters per hectare to be evenly distributed throughout the ranging area, at a minimum of 8m² per 1,000 birds.

Land area allocated to a flock may not be shared by an adjacent flock.

Outdoor shaded areas are required if there are no external verandas and recommended as an extra facility if verandas exist.

2.12 MOULT

Birds must not be induced to moult.

3.0 ORGANIC SYSTEMS

Organic systems must comply with all the requirements of Section 2 of this annex. In addition, such systems must satisfy the requirements of organic certification bodies, plus the relevant legislation of a stocking density of 6 birds/m², with a maximum flock size of 3,000 birds.

4.0 BARN SYSTEMS

Barn birds must be kept in accordance with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) (similar legislation made in Wales, Scotland and Northern Ireland), made in implementation of Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (or any amendment thereto).

All units must comply with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) (similar legislation made in Wales, Scotland and Northern Ireland).

4.1 REPLACEMENT PULLETS

All replacement pullets destined for Barn systems must be reared from day-old on litter and not from caged systems; access to perches should be provided wherever practical.

4.2 FLOCK SIZE / COLONY SIZE

Adequate levels of management must be provided appropriate to the flock/colony size. Houses must be divided as appropriate. The maximum flock size is 32,000 birds. Where the flock size is more than 6,000 birds it must be divided into colonies. The maximum colony size is 4,000 birds.

4.3 MAXIMUM PERMISSIBLE STOCKING DENSITY WITHIN THE HOUSE AREA (INCLUDING EXTERNAL VERANDA AREAS THAT IMMEDIATELY ABUTT THE HOUSE)

The maximum stocking density is 9 birds/m² of useable area.

4.4 PERCHES

Perches must comply with The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078), and relevant legislation made in Wales, Scotland and Northern Ireland. Perch space provided per bird may include the alighting rail immediately in front of the nest box.

Perches must have no sharp edges and be of non-slip material.

Perches can be incorporated into a slatted floor. (Not applicable in Scotland and Northern Ireland).

Perches must not be mounted above the litter and must be positioned to prevent fouling of any bird below.



Our Ref: 047-FS-NIEP-AF

12th April 2017

Mr M McConville
19 Carrickrovaddy Road
Jerrettspass
Newry
BT34 1SN

Bowler Eggs
Badger Farm
Willowpit Lane
Hilton DE65 5FN

T: 01283 734171
E: info@bowlereggs.co.uk
www.bowlereggs.co.uk

Dear Michael

I refer to messages exchanged with Philip Marshall and comment below on our current market position and sector criteria we have to conform to.

There are a number of reasons why a Free Range Unit would be sited in a particular area and I write to confirm the following points covered –

- At the moment our primary objective is sourcing units that can house 16,000 birds. This gives the farmer producer some economies of scale, tends to lower build costs per bird and allows us to pick up more eggs on our collections.
- The current permitted stocking density on the range area is 800 birds to an acre therefore 16,000 birds require a range area of 20 acres. To a large degree positioning a unit depends upon having access to the full range where, under current regulations, the furthest point must not be more than 350 meters from the unit.
- Sites are assessed and agreed with DAERA.
- Adhering to strict biosecurity measures is a key element of maintaining the health and welfare of the birds – this is significantly easier if the poultry house is completely self-contained as it helps avoid cross contamination by vehicles and staff / other callers.
- All of our units comply with Ministry, Lion Code and Freedom Food (RSPCA) legislation which means they meet the highest standards relating to bird welfare / accommodation etc. The producer must meet such criteria to avoid losing the Free Range status of the flock and therefore substantial income.

If you have any queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mick Thomas", written over a light blue horizontal line.

Mick Thomas
Financial Analyst
Bowler Eggs

E: mick@bowlereggs.co.uk
T: 01283 736626
M: 07970 782345



RSPCA welfare standards for

LAYING HENS



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The range

100

The RSPCA welfare standards for laying hens can be applied to barn or free-range systems. The following standards relate to range, where provided.

Management

R 1.0 A Range Management Plan, incorporating the standards in the range section, must be developed, implemented and annually updated.

i The Range Management Plan (R 1.0) is intended to help establish a focus on range quality and management as well as helping to show how the range standards are being met. As a guide, the following should be included:

- general details about the range – total available area, number of birds, stocking density
- map – total range area, location of shade/shelters, natural cover, enrichment, rotated areas
- protective overhead shade/shelter – type (natural/artificial), amount
- natural cover – type, amount (expected area if not fully grown)
- enrichment areas for dustbathing/perching/foraging – type, number, management
- range use – e.g. shelters/enrichment rotation
- strategy for heavily worn and poached areas
- strategy to minimise build up of parasites/disease
- details of any planned rotation of range areas
- details of management of the area directly outside the popholes
- procedure before new flock is placed – plan for heavily contaminated areas
- general comments – observations of range use and any future plans.

R 1.1 Laying hens kept in free-range systems must have continuous daytime access to the range.

R 1.2 * Where birds are intended to be kept for free-range purposes, they must be given access to the range:

- a) within 3 weeks of entering the house at the latest (also see R 3.1)
- b) in any case from 21 weeks of age at the latest.

i Evidence strongly suggests that early access to the range can increase ranging behaviours and decrease the risk of injurious feather pecking. It is therefore strongly recommended to introduce birds to the range area as soon as possible after arrival at the laying hen unit.

A possible way of achieving this, while allowing the hens to get used to using the nest boxes inside in the morning, is to allow access outside in the afternoon to begin with. Also, a gradual approach to help the birds acclimatise before access to the range is given could involve allowing access to a veranda (where present) first, or using a temporary mesh over the popholes in the first few days to allow daylight and natural ventilation in to the house.

R 1.3 Where buildings are converted from barn to free-range when birds are older than 21 weeks, access to the range must be delayed until a new flock is placed (see R 1.2).

R 1.4

The range area must be actively managed in order to:

- a) encourage birds outside, away from the popholes and to use the area fully
- b) prevent and/or manage heavily poached/muddy/worn areas
- c) minimise any build up of parasites or disease.

- i** The aims of active management of the range are to encourage bird use as they can be fearful of exposed areas, help to maintain vegetation quality (including the area under shelters/cover/enrichment) and offer protection and shelter. Ways of satisfying R 1.4 may include:
- provision of natural cover such as trees, bushes and hedgerows
 - provision of a variety of types of both natural and artificial shade/shelters
 - appropriate distribution of shade/shelter and natural cover depending on the behaviour of the individual flock and distance hens are comfortable travelling between sources of overhead cover
 - provision of a 'corridor' of shade/shelter and natural cover to encourage birds onto the range
 - provision of artificial shade/shelters within the first 20m from the house and gradual moving of some further into the range
 - provision of well-managed areas of enrichment and variation, which may include suitable feed crops, herbs, trees and fruit bushes
 - provision of well-managed designated areas with additional facilities for dustbathing, perching and foraging, such as brushings from trees and covered sand areas
 - provision of good vegetation cover as close to the house as possible
 - practice of paddock rotation to promote range quality
 - restricted access to muddy/poached/worn areas to allow re-growth of vegetation
 - drainage improvements to prevent poached areas developing
 - particular attention being paid to the area immediately outside the popholes and up to about 30m from the popholes
 - surface tilling of the land to help remove worm eggs
 - introduction of other species such as llamas and alpacas where appropriate, which can help to encourage birds outside and protect against predators
 - situating popholes on more than one side of the house, which can be of particular importance in units with central nest boxes
 - provision of wind breaks, which may combine with provision of natural cover and shade/shelter
 - regular inspections of the range, which are necessary for effective management and can also be a good opportunity to help lead the birds out to different areas.

- i** European egg marketing regulations (EC 589/2008) require the range to be mainly covered with vegetation, but do not permit range areas to be used for other purposes, except for orchards, woodlands and livestock grazing. As such, arable cropping should not be regarded as acceptable vegetation on the range and shall be excluded from calculations for stocking density, except where plots of such crops are planted specifically to provide effective and appropriate shade/shelter and/or enrichment for birds on the range.

The range

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- R 1.5** The area directly outside the popholes must:
- not be allowed to remain in a muddy condition or with standing water
 - be maintained with short vegetation and/or,
 - covered with a draining material.

i Management of draining material and/or short vegetation outside popholes, an area which can be heavily used, is particularly important in helping to control worms, by exposure of droppings to ultraviolet sunlight and preventing puddles from which the birds can drink contaminated water.

Examples of draining material, which can also help to clean birds' feet, include stones, bark, slats/mesh, which do not have the potential to damage or trap the birds' feet. The relevant distance from the popholes in which to maintain this area will depend on the individual unit, but as a guide should be at least 3m.

Evidence also suggests that good vegetation cover outside the popholes can help to encourage hens out on to the range. This should be taken into careful consideration when managing the pophole area and natural vegetation cover should be in place as close as possible to the house.

Appropriate drainage from the roof and amount of overhang should also be considered, as well as the use of verandas/wintergardens. In addition, shade/shelter, natural cover and range enrichment should be distributed throughout the range in a way to help attract birds away from the popholes and to use the whole of the outside area.

- R 1.6** The perimeter of the range must be within 350m from the house.

i To help to maintain the correct number of birds housed inside in each colony, the range area should be divided between different colonies of birds to at least a 50m distance from the house.

i Due consideration should be given to how the shape of the range could affect how evenly the hens use the total range area. For example, access to a wide, rather than narrow, range area may help to manage range quality directly outside the popholes. As a guide, housing should not be any closer than 50m to the range boundaries on more than two sides of the house.

- R 1.7** Where there is a risk of build up of parasites or disease on free-range land, rotational grazing or other disease control measures must be applied.

- R 1.8** Action must be taken as necessary to address areas with heavily contaminated soil before new birds arrive.

- R 1.9** A plan for regular worming must be drawn up within the Veterinary Health and Welfare Plan (VHWP) (see H 1.1) and carried out on the basis of previous experience, results of regular monitoring and discussion with the attending veterinarian.

i Birds can become infected by picking up worm eggs, which thrive in warm, moist conditions and can be a particular problem in spring and summer, from grass, soil or faeces. Worming should be carried out as regularly as necessary to avoid subsequent build-up and to help break the cycle of infection. Worm burdens should be regularly monitored by examination of faeces, culled birds, or worm egg counts on bulk faeces.

Shade/shelter

- R 2.1** Shade/shelter must:
- be provided at an area of at least 8m² per 1,000 birds
 - be available at all times from when the hens first have access to the range
 - offer adequate protection from inclement weather and overhead predators
 - be available from a distance of no more than 20m from the popholes
 - be distributed appropriately to encourage full range use
 - be of sound construction, secure and not pose any welfare risks, including injury, to the birds.

i Calculation of overhead shade/shelter area referred to in R 2.1 is based on the actual amount of cover provided underneath. For example, hedgerows may be included if they can provide shade at all times of day and there is enough room underneath for hen access. Where trees are deciduous or immature, supplementary shelters will need to be provided during the period in which they cannot provide sufficient cover. Trailers and simple constructions of four downward posts with a solid roof can provide acceptable forms of artificial shelter providing they can satisfy all the requirements of R 2.1.

Popholes

- R 3.1 *** Popholes must be opened, unless bad weather or veterinary advice dictates otherwise;
- no later than 12pm for birds aged under 21 weeks
 - no later than 9am for birds aged 21 weeks and older.
- R 3.1.1 *** Popholes must be closed:
- no earlier than at the time at which artificial lights are being turned off inside the house for birds aged under 21 weeks
 - at dusk for birds aged 21 weeks and older.

i If it is necessary to restrict access to the range while the birds are learning to use the nest boxes inside, R 3.1 a) applies and producers should aim to make the opening time gradually earlier as the birds approach 21 weeks, when R 3.1 b) applies.

Allowing hens access to the range before the onset of lay rather than once they are in lay has been shown to increase ranging behaviour.

- R 3.2** Each pophole must be at least 45cm high and 2m wide to allow the passage of more than one hen at a time.
- R 3.3** There must be at least 1 pophole per 800 birds, except where popholes are wider than 2m in which case the total length of available popholes may be used in calculations of pophole requirements for a house.

The range

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- R 3.4** Where the visual contact between hen and popholes is impeded in any way (for example where access from inside the house is up an incline) pophole height must be increased in order that sight of the range is never obstructed by other hens.

i Where necessary, the height increase required by R 3.4 can be attained with mesh or similar material which allows more light to enter the house. Where the pophole height is above ground level, ramps should be provided to aid birds entering and leaving the house.

- R 3.5** The arrangement of popholes must be such that they are evenly distributed along the line of access to ensure that all hens have ready access to the range.

- R 3.6** For flocks/colonies of birds with 1,200 birds or fewer, the following applies (for flocks of 1,201 birds and above, see R 3.2 and R 3.3):

- a) there must be a minimum of 2 popholes
- b) popholes must be at least 50cm wide and 45cm high
- c)

| Number of birds | Minimum total pophole length (metres) |
|--------------------|---------------------------------------|
| Up to 300 birds | 1.0 |
| 301 to 600 bird | 1.5 |
| 601 to 900 birds | 2.0 |
| 901 to 1,200 birds | 2.5 |

- R 3.7** Where verandas are attached to the side of the house, the popholes on both the house and the veranda must be of the size and ratio stated in R 3.2, R 3.3 and R 3.6.

i The distribution of popholes may be staggered to maintain the thermal environment inside the house.

- R 3.8** The maximum distance travelled by a hen to reach the nearest pophole onto the range must not exceed 20m.

- R 3.9 *** No wire, electric or otherwise, is permitted under the popholes.

Stocking density

- R 4.1 *** For birds aged 21 weeks and older, stocking density must not exceed:

- a) 2,000 hens per hectare over the life of the flock
- b) 2,500 hens per hectare at any one time.

i The maximum stocking density over the life of the flock (R 4.1 a)) should relate to the total amount of range available to the birds. Access to some of this area can be temporarily restricted in order to rest the land to help maintain the quality of the range, as long as R 4.1 b) is never exceeded. Some producers may require a larger overall range area (and hence a lower stocking density over the life of the flock) in order to manage and rotate range areas effectively. This should be carefully considered including factors such as local weather and land conditions.

R 4.2 * For birds aged under 21 weeks the range area must provide at least 1m² per bird at all times.

- **i** Producers should note that European egg marketing regulations (EC 589/2008) apply once eggs are being marketed as free-range.

• **Natural cover and enrichment**

R 5.1 * Natural cover must be present in the form of existing or newly planted trees/shrubs/other at an area equal to at least 5% of the total range area (this may include natural cover meeting the requirements of R 2.1):

- a) if stocking at over 1,000 and up to 2,000 hens/ha over the life of the flock
- b) from 1st October 2014 for all flocks.

- **i** Research and experience shows that natural cover, particularly trees, can help encourage birds to use the range, which in turn can help in range quality management. Natural cover may include trees, shrubs and semi-permanent vegetation that can easily be established and removed, such as artichoke and kale. A well-managed range should include a variety of different types of natural cover and areas of interest for hens. Wide open spaces should be avoided, and moveable artificial shelters, enriched areas (see R 4.3) and newly planted areas should be positioned to help achieve an appropriate distribution of elements to encourage birds out to all areas of the range.

The requirements of R 4.2 differ to those of R 2.1 in that 'natural cover' focuses on enrichment of the range, while 'shade and shelter' must offer actual overhead protection at all times. For any newly planted natural cover, the area that the vegetation is expected to cover when mature will be taken into account for calculating compliance. For example, when mature, trees may cover an average area of 3m x 3m.

R 5.2 If stocking at over 1,000 and up to 2,000 hens/ha over the life of the flock, additional facilities, or designated existing natural elements, must be provided for dustbathing/perching/foraging or a combination of these behaviours:

- a) in at least 1 area per 2,000 birds
- b) in a total of at least 2 areas.

R 5.2.1 * For all flocks from 1st October 2014 additional facilities, or designated existing natural elements, must be provided for dustbathing/perching/foraging or a combination of these behaviours (up to 30th September 2014 see R 5.2 for requirements):

- a) in at least 1 area per 2,000 birds
- b) in a total of at least 2 areas.

- **i** Well managed and positioned brushings from trees, perches and designated covered sand areas are examples of facilities which can help to provide extra opportunity for hens to carry out dustbathing, perching and foraging (see R 5.2) and can help to encourage the whole range area to be used.

Biosecurity

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- i** Consideration should be given to the potential disease risk posed by wild birds, for example, when choosing where to site a new unit.

Wintergardens/verandas which allow access to natural light and fresh air, can be beneficial particularly in the eventuality that access to the range is restricted on veterinary or legal advice.



| | | | | |
|------------------------|--|--------------------|--|----------------------|
| ITEM NO | 20 | | | |
| APPLIC NO | LA07/2017/0049/F | Full | DATE VALID | 1/13/17 |
| COUNCIL OPINION | REFUSAL | | | |
| APPLICANT | Mr & Mrs McGivern Ingleside 5 Windsor Avenue Newry BT34 1EQ | AGENT | Colin Dalton (Gray Design LTD) 5 Edward Street Newry BT35 6AN 028 3025 1885 | |
| LOCATION | Ingleside 5 Windsor Avenue Newry BT34 1EG | | | |
| PROPOSAL | Proposed garage with home office and gym. | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 0 | 0 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 0 0 |

- 1 The proposal is contrary to the designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.
- 2 The proposal is contrary to Para 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:
 - (a) the scale, massing, design and external materials are not sympathetic with the built form would detract from the character of the surrounding area;
 - (c) the proposal would result in an unacceptable loss of trees and landscape features which contribute significantly to the local environmental quality



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/0049/F

Date Received:

04/07/2016

Proposal:

Proposed garage with home office and gym

Location:

Ingleside, 5 Windsor Avenue, Newry, BT34 1EG

Site Characteristics & Area Characteristics:

Located along Windsor Avenue, in an exclusively residential area, the site comprises a relatively sized road side plot enclosed by a 3m high wall and mature roadside foliage and comprising a chalet style dwelling built into the sloping hillside, which includes a lower level garage built into the design. To the front, there is an existing landscaped garden with steeply winding driveway access. The plot sits between No.7, a single storey dwelling to the north, and No. 3 to the South, an established nursing home, with the shared southern boundary formed by steel fencing and a collection of mature trees which extend to the roadside. The area is characterised by mature plot sizes which benefit from mature roadside vegetation. There are a number of listed buildings in the vicinity, including Glebe House, a grade B listed former rectory, located further south of No.5.

Site History:

P/2010/0180/F: Erection of extension to the rear of dwelling with minor alteration and refurbishment works, permission granted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 6 'Planning, Archaeology and Heritage'
- Addendum to PPS6 'Areas of Townscape Character'
- Addendum to PPS 7 'Residential Extensions and Alterations'

Consultations:HED: Historic Buildings:

Considers that the proposal satisfies Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage as it has no greater demonstrable harm on the Listed Building. (Subject to conditions attached)

HED: Historic Monuments:

On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements

Transport NI:

no response required given domestic use i.e.no proposed intensification of existing access.

Objections & Representations

- 8 Neighbour notified issued 30/01/2016 (statutory expiry 13/02/2017)
- Application advertised in 3 press publications (statutory publication expiry 17/02/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

This application seeks full permission for the development of a garage with home office and gym within the curtilage of an existing dwelling.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement limits of Newry (NY01) and is also within Windsor Hill designated Area of Townscape Character (NY104) as identified by the BNMAP 2015. In addition, the site is in proximity to a designated archaeological site and monument (Soutterain, historical reference DOW046:048.)

Historic Environment Division having considered the information provided is content that the proposal (subject to conditions) would meet the policy requirements of PPS6 in terms of policy BH11 and the archaeology requirements.

Para 6.21 of the SPPS in addition to Policy ATC2 of the Addendum to PPS6 stipulate that new development in an ATC should only be permitted where it would maintain or enhance the overall character of the area and respect its built form. In addition, policy EXT1 of the addendum to PPS7 sets out the criteria which must be met for all residential extensions and alterations which includes garages.

Windsor Hill ATC comprises many large houses of varying architectural styles, which benefit from mature landscaped plots which are important to the setting of the individual houses and character of the area as a whole. This proposal comprises the development of a garage with home office and gym sited in the south western area of the curtilage, close to the roadside and forward of the existing building line. In

terms of siting, this does not respect the existing settlement pattern of the area. In addition, policy EXT1 seeks to avoid garages being sited wholly in front gardens or those which extend in front of the established building line, as they can over-dominate the front of the property and detract from the street scene, which I feel would be the case in this context.

Both Policies EXT1 and ATC2 seeks to protect landscape features which contribute to the distinctive character of the area and encourage their integration in a suitable manner into the layout of development. This proposed siting proposed would involve the removal of mature road side trees and established foliage which I feel would be a significant loss to the character of this area.

As outlined by policy EXT1, garages should be subordinate in scale and similar in style to the existing property, taking account of the local character and level of visibility of the building from surrounding views. The design proposed includes a split level building, built into the site's contours, which measures 11m in length by 7.5m in width, with a height of 8.25m from finished floor level to its highest point. Proposed finishes are to match those of the existing dwelling, including dashed painted rendered walls, non-profiled roof slates and uPVC window frames and rainwater goods. Given the existing and proposed boundary arrangement, the proposed building is not expected to unduly affect the privacy or amenity of neighbouring residents. In addition, sufficient space would remain within the curtilage of the property for recreational and domestic purposes, including parking.

Whilst the scale of the building is subordinate to the existing dwelling, given the siting proposed, the building would sit at a ridge level of approximately 28m at its highest point, some 10m higher than the road level. Whilst the existing wall and proposed landscaping to the south would help to screen the building when travelling along Windsor Avenue, the development, in my opinion would over-dominate the front of this plot and detract from the character of the existing street scene.

The agent was made aware of the initial concerns in respect of policies EXT1 and ATC2. A justification for the need was returned, which include the restrictions of this site to accommodate the building in an alternative location. Given that the fundamental concerns are in relation to siting and the restrictive nature of the site, amended drawings were not requested. Considering this, together with the fact that an existing (albeit) smaller garage exists, together with the above assessment, I am of the opinion that the proposal is inappropriate in the context of this site and would in my opinion detract from the character of this ATC and does not respect the existing built form. Were this development to be approved, it could set a precedent for similar road side development in the area.

Recommendation: Refusal

Reasons for refusal

1. The proposal is contrary to the designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:
 - (a) the siting and massing are not sympathetic with the built form would detract from the character of the surrounding area;
 - (b) the proposal would result in an unacceptable loss of trees and landscape features which contribute significantly to the local environmental quality

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



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

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Planning Office
Newry Mourne & Down Council
O Hagan House
Monaghan Row
Newry

Proposed garage with home office and gym

7th August 2017

Ref. GD2999

Your Ref. LA07/2017/0049/F

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse on the grounds of

1 *The proposal is contrary to the designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.*

2 *The proposal is contrary to Para 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:*

(a) the scale, massing, design and external materials are not sympathetic

(b) with the built form would detract from the character of the

(c) surrounding area;

(d) the proposal would result in an unacceptable loss of trees and landscape

(e) features which

contribute significantly to the local environmental quality.

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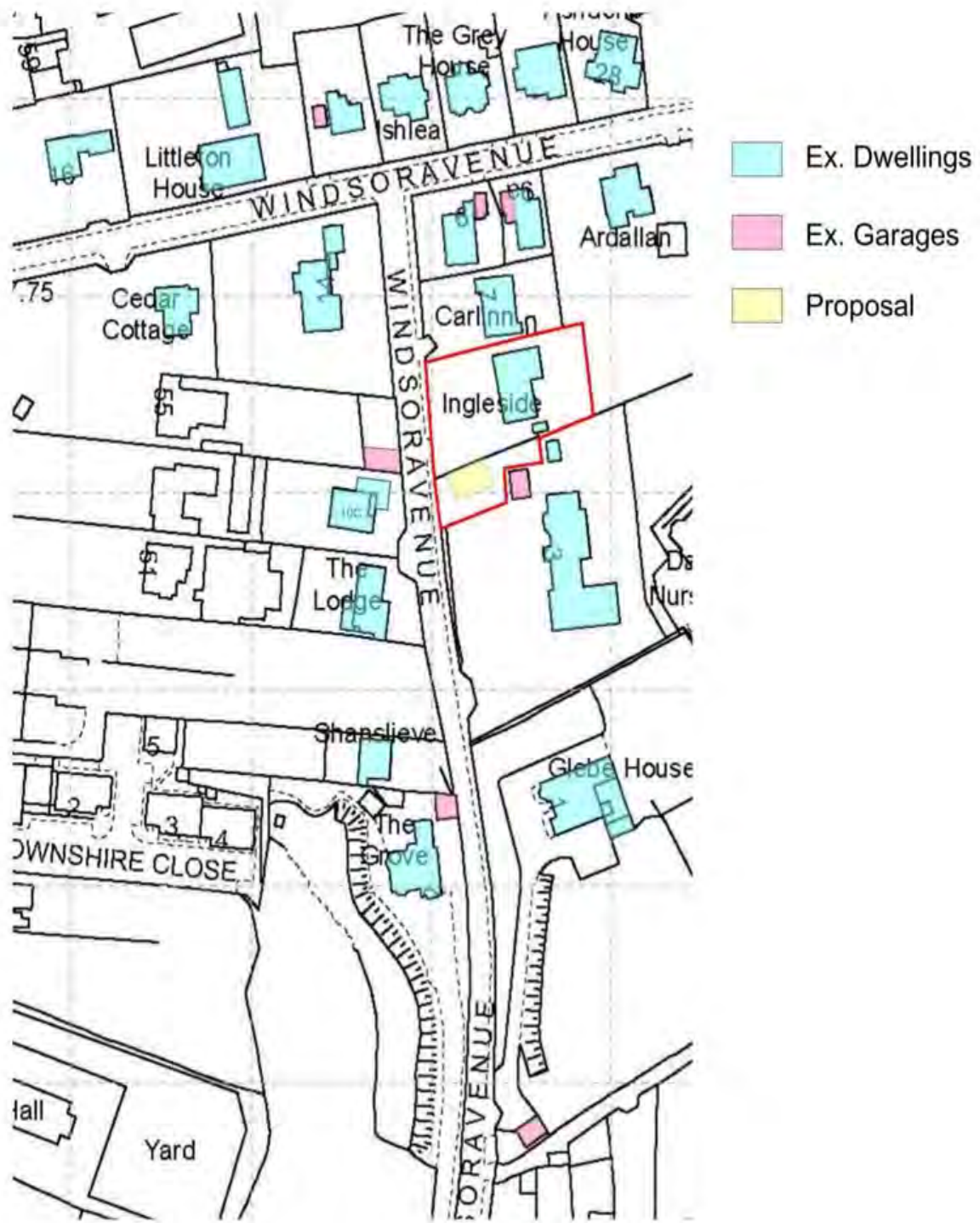
We would request that the Planning Service afford us speaking rights at the meeting on the 16th of August 2017 and provide the following additional information in support of our application;

Regarding point 1 – the case officer stated the following in the report “.....the development of a garage with home office and gym sited in the south western area of the curtilage, close to the roadside and forward of the existing building line. In terms of siting, this does not respect the existing settlement pattern of the area. In addition, policy EXT1 seeks to avoid garages being sited wholly in front gardens or those which extend in front of the established building line, as they can over-dominate the front of the property and detract from the street scene, which I feel would be the case in this context.”

We would be of the opinion that the proposal is not forward of the building line as there is no continuous building line on Windsor Avenue, see the sketch on the next page, clearly showing the development along Windsor Avenue steps in and out along the road frontage. Therefore we feel it does respect the existing settlement

In fact there are 4Nr garages located to the front of dwellings on Windsor Avenue (shown in pink) including one directly across from the proposal on the road edge.

When the applicant purchased this property some years ago it was in bad disrepair they applicant at great expense refurbished the property to retain the original character and intends to construct the garage with the same high attention to detail.



The dwelling opposite the application site has recently constructed an extension to the front of the dwelling (LA07/2015/0191/F) – this extension is located closer to the road edge than our current proposal and is currently being used as a commercial beauty salon.



In the case officers report it is agreed that the proposal is subordinate to the existing dwelling but it is noted that the ridge level would sit approximately at 28M at its highest point – to clarify on our section the 28M level is the os datum in relation to sea level, our garage has a proposed ridge level (l from Windsor Avenue of approx. 4.9M, this is considerably lower than the dwelling and almost 3.3M below the neighbouring garage to the rear. As can be seen from the sketch below the existing 3.4M high stone wall conceals the split level construction. See below existing and proposed street elevations / existing and proposed sections.

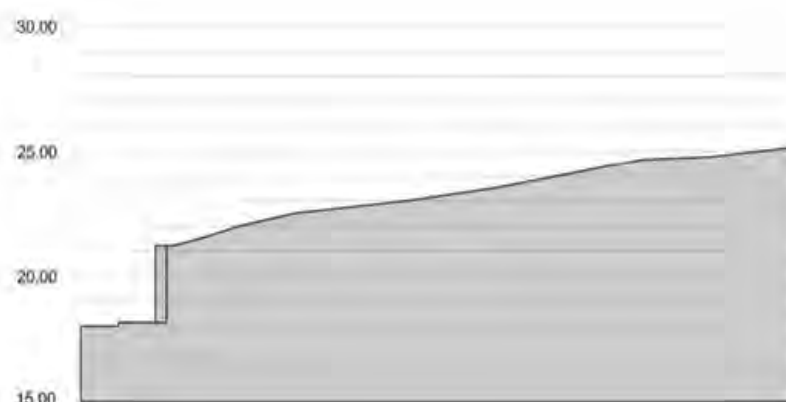


FRONT ELEVATION FROM WINDSOR AVE

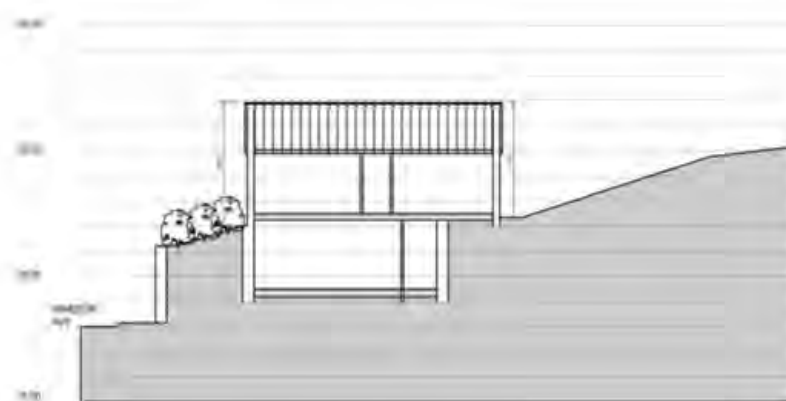


FRONT ELEVATION FROM WINDSOR AVE





SECTION AA



SECTION AA

As was noted in the case officer's report it was confirmed that there is no other location available on the site for this garage, however there is reference to an existing garage – we would like to confirm that the existing "garage" is 2.1 x 3.8 room– which is used as a store.

The case officer reports that it is the opinion that this will over-dominate the site and has also recommended refusal due to loss of landscaping and trees. The proposed location for the garage is currently overgrown with dead shrubs and very poor mix of vegetation including some dangerous trees which the applicant has been advised to have to be felled – this area is currently very overgrown and impossible to maintain. It is the intention of the applicant to remove all these shrubs / trees – these works are to proceed irrespective of the outcome of this application. Below are some photographs taken of the overgrown area.





Justification.

Currently (as can be seen from the photos below) the driveway to the dwelling is very steep and can only be approached from the South due to the 334deg turn which is impossible to manoeuvre when approached from the North. Currently the owners are required to reverse back down the steep drive and onto the main road as there is no turning area available at the dwelling. Visitors coming to the house are required to park on Windsor Avenue – this has created both a problem for visitors and the applicants childminder who is the children's grandparents - currently the children have to run down the driveway onto the main road to get in and out of the car.

As can be seen from the drawings we propose to create a garage that allows cars to park in and also creates a turning area at the bottom of the driveway.

In the winters due to the frosty weather the applicant is forced to park both cars on the main road as there is no area (as we are proposing) at the bottom of the driveway.

Windsor Avenue for anyone that is familiar with the areas is a short cut from the Belfast road to the Rathfriland road and is very busy at most times of the day .

One of the primary reasons for this application is to create a **SAFER** entrance for the applicants and also a SAFER area off the main road for visitors to park and enter and exit in forward gear.





Conclusion

The applicant has spoken to the neighbours who are more than happy to have this entire area tidied up as it is also causing issues with vegetation overgrowing onto their property.

As was mentioned in the case officer's report, we were not afforded the opportunity to submit further or revised drawings and hope the information contained in this report clarifies the issues raised.

And final we are happy to take on-board any further comments the councillors or department have regarding the application and also if any revision are required to the application.

Yours Faithfully



Colin Dalton

For and on behalf of GRAY DESIGN LTD

| | | | | | |
|------------------------|--|--------------------|---|----------------------|-------------------|
| ITEM NO | 35 | | | | |
| APPLIC NO | LA07/2017/0644/F | Full | DATE VALID | 4/28/17 | |
| COUNCIL OPINION | REFUSAL | | | | |
| APPLICANT | Mr C McKeown 16 Lisgarvagh Lislea Newry BT35 9JZ | AGENT | MRL Architects MRL House 56 Armagh Road Newry BT35 6DN 028 3025 3755 | | |
| LOCATION | 70m NE of 23 Lissaraw Road Camlough BT35 7HL | | | | |
| PROPOSAL | Erection of dwelling (Change of house type, amended site access and garage from that previously approved under planning application ref. P/2006/0809/RM) (amended description) | | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions | |
| | 0 | 0 | | 0 | 0 |
| | | | | Addresses | Signatures |
| | | | | 0 | 0 0 0 |

1

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



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0644/F

Date Received: 02.05.2017

Proposal: Erection of dwelling (Change of house type, amended site access and garage from that previously approved under planning application ref. P/2006/0809/RM) (amended description)

Location: 70m NE of 23 Lissaraw Road Camlough BT35 7HL

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

At the time of my inspection there was evidence of foundations and a sub structure having been constructed within the site. Although not clear this would appear to represent a garage type layout as it was to the side of the application site.

Site History:

P/2006/0809/RM- Erection of 1 ½ storey dwelling with attached garage- approval- 1st Aug 07

Objections & Representations

No. of neighbours notified=4

No representations received= 0

Advertise expiry= 8th Aug 2017

Consultations

TransportNI- no objections

NIW- statutory

Consideration and Assessment:

The applicant is seeking an amended house type on a site in which planning permission has expired. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry

of that decision, 1st Aug 2009. As there was a pre-commencement condition attached to the previous approval the onus was also on the agent/applicant to demonstrate compliance with this condition. The agent has simply stated the access and splays have been provided. From the aerial it not clear that the pre-commencement condition had been complied with within the require timeframe. The agent provided a record of building control inspections for the commencement/foundations of the garage dating back to the 1st May 2009. Having reviewing the previous approval P/2006/0809/RM, it would appear that the elevations/floorplans do not correlate with the block plan, both of which are referred to on the decision notice. The garage foundations are within the previously approved curtilage of the dwelling.

As the agent/applicant has not confirmed that the development as approved under P/2006/0809/RM, commenced within the stipulated timeframe, the Planning Department would consider that the permission has lapsed.

No justification has been provided for a new dwelling on the site in line with the prevailing policy. The proposal is therefore considered contrary to PPS 21 CTY1.

The proposed house is to be 1 ½ storey with a ridge height of 7.5 metres above FFL with a single storey detached garage to the side and rear. The proposed dwelling will not be a prominent feature in the landscape and this is ensured by the natural boundaries and the surrounding development. The plans show very little proposed landscaping with the boundaries of the site and access to be defined by timber post and wire fencing with white thorn hedgerow planted to the rear of same. The design of the dwelling is in my opinion appropriate of the site and its locality. The dwelling is of a similar design to that previously approved and in keeping with character of the area.

The proposal includes an amendment to the access, bringing the entrance closer to no. 23. TransportNI have been consulted with regards to the amendment and have returned with no objection. The dwelling and associated works including the access will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Recommendation:

Refusal- CTY 1

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40212 – Plnng 170809 – PROPOSED DWELLING, 70M NE OF LISSERAW ROAD, CAMLOUGH – planning ref. LA07/2017/0644/F –SPEAKING RIGHTS

TO WHOM IT MAY CONCERN

40212 – Plnng 170809 – PROPOSED DWELLING, 70M NE OF LISSERAW ROAD, CAMLOUGH – planning ref. LA07/2017/0644/F –SPEAKING RIGHTS (Item 35 on the agenda)

Further to our request for speaking rights in support of the above application at the Council meeting on the 16th August 2017, please note the following written submission on the issues we are intending to speak on:

This application is for a change of house type from that previously approved under Planning application ref. P/2006/0809/RM and we wish to speak on the issues relating to the Reserved Matters conditions (re access and provision of foundations) being met prior to expiry of the Approval of Reserved Matters.

Regards,

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Architect

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