



April 13th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 26th April 2017** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

Members:	Councillor C Casey	Councillor G Craig
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor K Loughran	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

**Closing date for speaking rights/written submissions.
(Attached).**

 [Closing date for submissions.pdf](#)

Page 1

1.0 Apologies.

2.0 Declarations of Interest.

Minutes for Adoption

**3.0 Minutes of Planning Committee Meeting held on Wednesday
29 March 2017. (To follow).**


For Discussion/Decision

**4.0 Addendum list - planning applications with no representations
received and no requests for speaking rights. (To follow).**

Development Management - Planning Applications for determination

**5.0 LA07/2015/0103/F - KCD Homes Ltd - residential development
of 11no dwellings, on lands to the rear of 14-21 Woodvale,
Burrenwood Road, Castlewellan, with access between no.14
and 18 Woodvale. (Case Officer report attached).**

Rec: APPROVAL

 [LA07-2015-0103-F KCD Homes Ltd.pdf](#)

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**6.0 LA07/2015/1381/0 - Mr & Mrs E Kerr - conversion and
extension of existing stone building to form dwelling plus
detached garage and associated site works - 154a
Downpatrick Road, Teconnaught, Ballynahinch. (Case Officer
report attached).**

Rec: REFUSAL

 [LA07-2015-1381-F Mr & Mrs E Kerr.pdf](#)

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**7.0 LA07/2016/0645/F - Mr Thomas Mageean - proposed
conversion and extension to existing vernacular outbuilding**

into single dwelling and associated site works - adjacent to 20 Junction Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0645-F Thomas Mageean.pdf](#)

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8.0 LA07/2016/1106/F - John Kelly - single storey detached farm dwelling and garage (amended plans) - land to east of 58 Drumsnade Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1106-F John Kelly.pdf](#)

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9.0 LA07/2016/1157/F - Howell Ltd - 19 apartments, 5 retail units, 23 car parking spaces & associated works, on lands at 87-95 Main Street and 18-20 Valentia Place, Newcastle. (Renewal of planning approval R/2010/0510/F). (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-1157-F Howell Ltd.pdf](#)

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10.0 LA07/2016/1405/F - Mr W Herron - proposed detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff, on lands 200m south east of 15 Herons Road, Leitrim, Castlewellan. (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-1405-F William Herron.pdf](#)

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11.0 LA07/2016/1485/F - Mr W Herron - extension to the existing manufacturing/light engineering works to create additional R&D manufacturing and storage facility, also upper level office space and canteen to meet increased export demand and upgrade the existing company corporate image, on lands at 15 Herons Road, Leitrim, Castlewellan. (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-1485-F William Herron.pdf](#)

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12.0 LA07/2016/1635/0 - Eileen Leckey - erection of an infill dwelling - adjacent to No. 16 Rossglass Road, Killough. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1635-O Eileen Leckey.pdf](#)

Page 58

13.0 LA07/2017/0061/0 - Anthony Gibson - 2 dwellings on infill site - 70m NE of 195 Clay Road, Crossgar, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

[LA07-2017-0061-O Andrew Gibson.pdf](#)

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14.0 LA07/2017/0065/0 - Mr Jim Andrews - 1 No. new dwelling - land adjacent to 9 Larchfield Park, Tollymore, Newcastle. (Case Officer report attached).

Rec: REFUSAL

[LA07-2017-0065-O Jim Andrews.pdf](#)

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15.0 LA07/2017/0131/0 - Mr & Mrs McKeown - proposed dwelling on a farm under planning policy CTY10 OF PPS 21- opposite 67 and adjacent to 62 Rocks Chapel Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

[LA07-2017-0131-O Mr & Mrs McKeown.pdf](#)

Page 80

16.0 LA2017/0252/F - Mr Paul Hart - proposed new 2 storey replacement dwelling and associated site works - 3 Vale Road, Listooder, Crossgar. (Case Officer report attached).

Rec: REFUSAL

[LA07-2017-0252-F Paul Hart.pdf](#)

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17.0 R/2014/0499/RM - Dunmore Construction - proposed housing development including alterations to existing junction on Middle Tollymore Road and Tollymore Road, 56 units in total (amended site/access plans received) on lands adjacent to 8 Middle Tollymore Road, and opposite no.11, 13, 15 Middle Tollymore Road, Newcastle. (Case Officer report attached).

Rec: APPROVAL

[R-2014-0499-Rm Dumore Construction.pdf](#)

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18.0 LA07/2015/0150/0 - Mr Clark McCourt - dwelling and garage - lands 30m NE of 32 Cullentragh Road, Jerrettspass, Newry. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0150-O Clark McCourt.pdf](#)

Page 101

19.0 LA07/2015/0276/F - Briege and Terry Rafferty - conversion of existing 1 and 3/4 storey garage and store to self contained 1 bedroom town house - St. Andrews, 13 Seaview, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0276-F Briege and Terry Rafferty.pdf](#)

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20.0 LA07/2015/0910/F - Kieran O'Callaghan - 2 storey farm dwelling & double garage (amended plans) - site adjacent to and south of 20 Chapel Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0910-F Kieran O'Callaghan.pdf](#)

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21.0 LA07/2015/1360/0 - Mr D K S Halliday - single storey dwelling with detached garage - site adjacent to and east of 195 Bessbrook Road, Mountnorris, Armagh. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-1360-O DKS Halliday.pdf](#)

Page 122

22.0 LA07/2015/1363/F - Henderson Group - proposed new petrol station with associated supermarket and car parking and development - 8 The Commons Tullyvullan, Newtownhamilton. (Case Officer report attached).

Rec: APPROVAL

[LA07-2015-1363-F Henderson Group.pdf](#)

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23.0 LA07/2016/0748/0 - Mr Andrew Henry and Miss Emma Clarke - erection of dwelling and detached garage - 150m north of 81 Dundalk Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0748-O Andrew Henry & Emma Clarke.pdf](#)

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24.0 LA07/2016/1323/F - Cathal Sloan - partial conversion of existing domestic garage to provide ancillary residential accommodation - 14 Sandy Brae, Attical, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1323-F Cathal Sloan.pdf](#)

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25.0 LA07/2016/1353/F - Seamus Parr - change of house type in substitution for previous application P/2006/1811/RM and removal of occupancy condition - 109 Rostrevor Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

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

[LA074-2016-1353-F Seamus Parr.pdf](#)

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[Item 25 - submission of support \(Seamus Parr\).pdf](#)

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26.0 LA07/2017/0077/F - Gary O'Hare - Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road

- Lands between No. 20B and No. 22 Derrycraw Road Newry. (Case Officer report attached).

Rec: REFUSAL

[LA07-2017-0077-F Gary O'Hare.pdf](#)

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27.0 P/2009/1336/F - Mr J C Campbell - Proposed new 70 bed nursing home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and under croft car parking). (amended proposal) - 68 to 72 & 74 Shore Rd Rostrevor. (Case Officer report attached).

Rec: REFUSAL

[P-2009-1336-F JC Campbell.pdf](#)

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28.0 P/2014/1076/F - Erection of residential development and associated parking provision, landscaping and site works (comprising 27 No. 2-bed apartments (in 3 No. blocks), 5 No. 2-bed detached dwellings and 10 No. 3-bed semi-detached dwellings (42 units in total)) (Amended Proposal) - Lands opposite Spring Farm Heights and to the rear of no's 2-20 Laurel Hill and no's 1-4 Gortmore Villas Newry. (Case Officer report attached).

Rec: APPROVAL

[P-2014-1076-F Habinteg Housing Association.pdf](#)

Page 197

29.0 P/2015/0090/F - Brian Grant - Part demolition of existing garage block to facilitate the erection of two No. retail units with single apartment above. Extensions and alterations to existing convenience shop with parking provision and associated site works - 6 Hilltown Road Mayobridge Newry. (Case Officer report attached).

Rec: REFUSAL

[P-2015-0090-F Brian Grant.pdf](#)

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30.0 P/2015/0167/F - James Morgan - dwelling and detached garage on a farm - 290m SE of 52 Benagh Road, Mayobridge. (Case Officer report attached).


Rec: REFUSAL

 *P-2015-0167-F James Morgan.pdf*

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For Discussion/Decision

31.0 To agree schedule of Planning Committee Meetings from May 2017-May 2018. (Schedule attached).

 *Dates of Planning Committee Meetings from May 2017-May 2018 (for website and portal).pdf*

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For Noting

32.0 March 2017 Planning Committee Performance Report. (Attached).

 *MARCH 2017 Planning Committee Performance Report.pdf*

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33.0 Record of meetings between Planning Officers and public representatives. (Attached).

 *26 April 2017 Committee Report.pdf*

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34.0 Register of Contacts - Quarter 4 - January-March 2017. (Attached).

 *REGISTER OF CONTACTS - Q4 January - March 2017.pdf*

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35.0 March 2017 Appeals and Decisions. (Attached).

 *Current Appeals and Decisions in March 2017.pdf*

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36.0 Local Development Plan: Preparatory Studies - Paper 12 (Part 2): Countryside - Development Pressure Analysis. (Attached).

 *Planning Report re LDP Paper 12 (Part 2) - Countryside - DPA.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
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Cllr William Walker	william.walker@nmandd.org

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh



Comhairle Ceantair

an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down

District Council

1

SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 26 APRIL 2017

The closing date/time for requests for speaking rights/written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows:-

Wednesday 19 APRIL 2017 by 5.00 pm

Requests for speaking rights/written submissions should be emailed to:-

democratic.services@nmandd.org

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

Council Newry, Mourne and Down Date 26/04/2017

ITEM NO	1			
APPLIC NO	LA07/2015/0103/F	Full	DATE VALID	16/03/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	KCD Homes LTD 4A Tollymore Road Newcastle BT33 0JL		AGENT	Barry Fletcher Architects 25 Main Street Castlewellan Co. Down BT31 9DF 028 4377 8710
LOCATION	Land to rear of 14-21 Woodvale Burrenwood Road Castlewellan with access between 14 & 18 Woodvale Burrenwood Road Castlewellan			
PROPOSAL	Proposed residential development of 11no dwellings.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	7	0	1	
			Addresses	Signatures
			8	13
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0103/F

Date Received: March 2015.

Proposal: Full planning permission is sought for residential development of 11 no dwellings, on lands to the rear of 14-21 Woodvale, Burrenwood Road, Castlewellan, with access between no.14 and 18 Woodvale.

Applicant: KCD Homes Ltd

Location:

The site is located within the development limits of Castlewellan, on land zoned for housing as identified in the Ards and Down Area Plan 2015 (HPA3). It is noted this field comprising the application site is part of a larger zoning, whereby the lands to the north east are residential in character, while the remaining lands are currently undeveloped and rural in form.

The site adjoins the sizeable existing residential development of Burrenwood, which comprises a medium to low density mix of detached and semi-detached dwellings, which also includes a mix of house types and sizes. It is noted the cul-de-sac of Woodvale is largely characterised by detached dwellings, although also includes semi-detached dwellings, whereby the dwellings towards the upper end are generally single storey in form, while those towards the lower end comprise 1 1/2 storey dwellings which are gable end to the road.

It is also noted the lower portion of this cul-de-sac does not include footpaths whereby the front boundaries of properties are open, thus comprising a shared surface arrangement.

Site Characteristics & Area Characteristics:

The site outlined in red extends to comprise a portion of the road serving the cul-de-sac of Woodvale, off Burrenwood Road, and continues to include a portion of land between no.14 and 18 and a field which runs along the rear of no.14, 18, 20 and 21. The cul-de-sac of Woodvale slopes downhill from the junction with Burrenwood Road, and comprises a development of detached and semi-detached dwellings, comprising a mix of single storey dwellings and chalet type 1 1/2 storey dwellings. It is also noted some properties have also been altered and extended and include garages.

The field comprising the application site also slopes gently downhill to the south and east, and is bounded and enclosed by a mix of planting and fencing.

The access serving this field is located between no.14 and 18, comprising a vacant plot, whereby the boundaries with both of these properties is marked by boarded fencing. It is also noted the side gable of no.14 is located 1-2m from the boundary and includes 2 windows, while the side gable of no.18 includes the entrance and several windows. It is noted the driveway and garage of no.18 runs along the boundary with the application site with the dwelling set in from the boundary approx 4m.

Site history

A history search has been carried out for the site and surrounds whereby the most relevant history observed includes:

R/2014/0349- Pre Application enquiry for housing, Lands at Woodvale, Burrenwood Park, Castlewellan, 10 Dwellings as phase one and a further 10 dwellings as phase 2 as future development

R/2007/0961- 94 Newcastle Road, Removal of existing dwelling and replacement with proposed residential development comprising 10 no apartments and 3 no. townhouses providing a total of 13 no. units, Full, Withdrawn (Recommended for Refusal).

LA7/2016/0336- 94 Newcastle Road, Residential development comprising 5no detached dwellings, Full, Approval, 15-12-16, Applicant: Douglan Developments Ltd

LA07/2016/1196/F- Lands to the South East of Mountain View, Castlewellan, Residential development of 34 No semi-detached dwellings (17No pairs) and 1 No detached dwelling, including associated site works, ancillary developments and landscaping, Full, Pending, Applicant: McGrady Contracts.

Representations

7 representations including a petition (8 addresses) in opposition to the proposal have been received to date (11-04-17) from owner/occupiers of properties within Woodvale (No.9, 11, 15, 17, 18, 19, 20 and 22), whereby the main issues raised include:

- Contrary to area plan (roads related issues, key design considerations),
- The entire zoning needs considered as part of this application, possible piecemeal development,
- No TA/TAF forms have been provided for this application,
- Road safety concerns within this narrow cul-de-sac and increased traffic which is not considered appropriate to support this entire zoning (reference is made to the turning head within Mountain View and that this zoning should access from there), safety concerns for children in this area
- Consideration is required regarding the access from Woodvale with the junction with Burrenwood Road and O'Donnell Park,
- Gradient of road levels,

- The right turning lane from the Newcastle Road into Burrenwood results in traffic safety issues at this busy crossroads,
- The road proposed is not designed to appropriate TNI standards
- The relationship between the existing and new development is not safe,
- the proposal is contrary to policy AMP2 of PPS3 in its current form,
- the existing retaining wall needs careful consideration from TNI,
- request that particular regard is given to policy QD1 of PPS7, and concerns have been expressed regarding compliance with this policy test,
- request that NIEA be consulted as there are various species within this site/area which will be affected (an ecological assessment is required),
- a drainage assessment is required
- a landscaping plan is required
- the red line does not include land required to upgrade the road, thus the notice certificate is not correct,
- NN has not been carried out correctly,
- Suggested wording of conditions 'pre-commencement' is requested,
- Loss of privacy and general disruption on no.18 Woodvale,
- 2 storey units proposed are not suitable in this setting of chalet bungalows,
- Loss of views from the rear of properties.
- the applicant does not control the lands required for a safe access to HPA3 via Woodvale and application certificates have been incorrectly completed,
- the access is unsafe by virtue of reduced standards and conflicting traffic movements,
- the application constitutes piecemeal development,

See file for full content of representations received as the above is only a summary of the main issues raised, which are dealt with below.

Having account the extent of the red line and current practice neighbour notification was initially undertaken with several properties within the development of Woodvale as part of this application in May 2015, and again in April, May, July, and Oct 2016 (following receipt of amended plans/corrected address), while it was also advertised in the local press in April 2015 and again in June 2015 (Following receipt of a corrected address). It is considered those properties entitled to have been notified as part of this application, have been notified correctly. Several additional properties were also notified in March 2017 as an amended red line had previously been submitted for access purposes.

Consultation

Having account the nature of this proposal, constraints of this site and area, and issues raised in the representations received, extensive consultation has been undertaken with several bodies as part of this application, including with Transport NI, NI Water, NIEA, Rivers Agency, Environmental Health and Shared Environmental Services.

Following receipt of further information including a Drainage Assessment, Bio Diversity Checklist, Transport Statement and amended plans it is considered no objections have been raised by any of the consultees listed. It is also considered no further consultations or information is required to fully assess or determine this application.

An email was also issued to Transport NI in June 2016 requesting that all representations received are taken into account as part of their considerations. This email was issued to Transport NI on 21st June 2016, whereby it is noted the last representation in opposition to the proposal was received on 8th June 2016. A further 5 responses were received from Transport NI after the issuing of this email. A HRA Screening exercise and EIA determination were also undertaken as part of this application.

Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS7, PPS11, PPS12, PPS15, and supplementary guidance including Creating Places and DCAN8

As stated above the site is located on the inner edge of the development limits of Castlewellan as identified in the Ards and Down Area Plan 2015, whereby some of the lands are also zoned for housing (HPA3). The southern boundary of the site forms the edge of the development limit, while the line of the existing laneway serving no.94, 96 and 96a forms the eastern edge of the development limit. The lands surrounding the site which are within the development limits are largely characterised by housing or undeveloped lands zoned for housing, while the lands beyond the south of the site are rural/agricultural in use. It is also noted this area is an AONB, while there is also a watercourse along the boundary of the site.

Policy HPA3- Lands to the south east of Mountain View and Woodvale. These zoned housing lands comprised some 4 fields and included 4 considerations, namely, housing density (min 20 per hectare), access and buffer planting along edge of settlement development limit.

Assessment

As stated above the site comprises a roughly rectangular shaped plot, accessed via the cul-de-sac of Woodvale, off Burrenwood Road.

This site is low lying, comprising a field, whereby the existing developments of Woodvale and Burrenwood are residential in character. This field and also several adjoining fields are zoned for housing.

This zoning (HPA3) as outlined above includes 4 considerations as summarised above.

The site area measures approx 0.55 hectares, whereby it is considered this proposal for 11 dwellings complies with the density requirements of this zoning.

In addition having account the character of the development of Woodvale and wider area no objections are offered to the principle of detached and semi-detached units, whereby the layout proposed includes detached units at the entrance, of similar footprint to those within the development of Woodvale, with semi-detached units further along.

This site is accessed via the existing development of Woodvale and Burrenwood Road, whereby a right turn facility is currently in place at the junction with the Newcastle Road. There is no requirement for a right turn lane to be provided. The PAC comments at the time of the public inquiry were also noted as part of considerations. In addition, it is noted the points raised in this zoning HPA3 are considerations and not requirements. Also, the size of this entire zoning in relation to the existing development which accesses onto the Newcastle Road via this junction at present, and also the width and layout of the Newcastle Road junction at present were also noted. As such, on balance it has been concluded no further works or improvements are required at this junction.

The units proposed have been sited to front the road, while landscape buffer/belt, outside the curtilage and garden of any property has also been provided along the boundary of the site, where it adjoins the countryside.

As such it is considered the proposal is not contrary to the zoning and requirements of the Area Plan.

As stated above the site is accessed via the cul-de-sac of Woodvale, between the dwellings and curtilages of no.14 and 18 to either side. It is noted the red line of the application site extends to include strips of land along the front of several properties within this cul-de-sac, whereby ownership issues have been raised by no.9. The existing footpath within Woodvale stops further along this development, whereby the bottom end of this cul-de-sac appears to have a shared surface arrangement with open plan front garden areas. This ownership matter was raised with the agent who has provided Land Registry Maps and title deeds showing the extent of the ownership of the applicant, and addressing this matter. It is considered widening the road to 5.5m and extending the footpath within Woodvale will also improve the safety of both existing and new residents. It is noted Transport NI now offer no objections in principle to this development subject to conditions.

As advised above this entrance road passes by the side of both no.14 and 18 to either side. It is noted both of these properties include glazing on the side gables facing towards this entrance road. It is noted no.14 is elevated above the application site and includes a retaining wall and boarded fencing along the boundary, while the boundary of no.18 includes boarded fencing.

It is considered this existing boundary treatment, together with the elevated nature of no.14 and set back from the road from the boundary with no.18 with grassed and planted area, will reduce the potential impact on these adjoining properties. The existing open plan nature of this development is also noted.

As outlined above this development forms part of the zoned lands (HPA3), whereby the road layout includes provision for extending through to the remainder of this zoning, thus does not land-lock this zoning.

It is noted these zoned lands may require to be split in to 2 areas, with 2 separate access points, due to the topography of the ground.

Levels have been provided for this phase of development, whereby it is considered those proposed will respect existing. The lands fall away from Mountain View and also from Woodvale

This development comprises a total of 11 of dwellings, with 3 detached and 4 sets of semi-detached dwellings, and includes 4 different house types (HT A, B, C, C2).

Each of these house types are 2 storey high, with a ridge height of approx 8m, whereby the finishes include non-profiled roof tiles (blue/black), dry dash render walls, cream coloured upvc windows, and white RWGs.

Having account the existing character of development within this Burrenwood development, and also density requirement, it is considered the house types, sizes, designs and finishes as proposed are acceptable and will not result in any unacceptable impact on the character of the area. The unit which faces the access road (No.11), is also double fronted to ensure it provides a frontage to the access road and development.

It is also considered the layout and siting of each unit is positioned to ensure there are no unacceptable relationship or amenity issues on any adjoining property or between units in this urban context.

It is noted the side gable of the dwelling at site no.1 faces towards no.18 and 20 Woodvale, whereby this side gable does not include any habitable room windows. It is also considered the dwelling at Site No.11 is sited a sufficient distance from the boundary adjoining no.14 and 18 Woodvale to prevent any unacceptable impact. The remaining units are sited further away from existing development whereby it is considered they will not result in any unacceptable adverse impact due to the separation distances.

Each unit will have its own in-curtilage parking, while sufficient provision is also considered to have been made for amenity space within each site.

(Conditions are required to ensure landing windows are fitted with obscure glazing, while a 2m high boundary wall is required along part of the boundary of no.11).

As outlined above the site extends to adjoin the boundary/edge of the settlement development limit, whereby it is noted all existing boundary planting/vegetation along the southern boundaries which form the edge of the settlement limit are to be retained and reinforced/strengthened, and together with the existing watercourse will create a belt of buffer planting. This belt of planting is located outside the defined curtilage of any unit and will be approx 7-8m wide, thus providing a suitable boundary buffer and assist in integrating the site to ensure it does not harm or spoil the adjoining countryside and AONB. A planting schedule has been provided for the entire site.

While it is noted there is opposition to this proposal from local residents, it is considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, for the reasons outlined above, and there are no grounds to sustain a refusal.

As such Approval is recommended subject to conditions.

Recommendation: Approval.

(Conditions to include time limit, roads requirements (including pre-commencement conditions), retention of planting, proposed planting, removal of permitted development rights, hours of work, obscure glazing, boundary wall).

ITEM NO	7			
APPLIC NO	LA07/2015/1381/F	Full	DATE VALID	17/12/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs E Kerr 154a Downpatrick Road Teconnaught Ballynahinch BT24 8SN		AGENT	Planning Services 21 Ballynacoy Road Lisburn BT28 3XW NA
LOCATION	154a Downpatrick Road Teconnaught Ballynahinch BT24 8SN			
PROPOSAL	Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

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



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

Application Reference: LA07/2015/1381/O

Date Received: 17.12.2015

Proposal: Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works

Location: 154a Downpatrick Road, Teconnaught, Ballynahinch.

The site is a countryside site located 1 mile west of Annacloy and approx. 5.5 miles south east of Ballynahinch.



Site Characteristics & Area Characteristics

The site is accessed from the Downpatrick Road through an established lane that serves as access for No 154a Downpatrick Road. The dwelling has a large curtilage that includes the building proposed for consideration and a detached garage.

The building proposed is a single storey detached stone building with a tin roof and parapette walls. The building faces south east towards the Downpatrick Road. The building has 2 large openings on its north east facing/rear gable, the south east/side gable is overgrown with vegetation, the south west/front gable that faces the lane

has 2 window openings. The north western gable/side which faces the dwelling is intact with no openings.



Access to the building is obtained from the rear gable. Internal inspection revealed the southern gable wall and roof is in a state of disrepair, the structure appears to be somewhat compromised by vegetation. There appears to be no 'head' over the large openings.

The site has no defined curtilage with as it includes the garden of No 154a, agricultural lands adjacent to the land and overgrown area and a large portion of an agricultural field to the south.

There is a limited view of the site from the Downpatrick Road.



Site History:

R/2009/1013/F Mr & Mrs E Kerr

154a Downpatrick Road Ballynahinch

Alterations to vehicular access & retention of detached garage as built - retrospective application/amended scheme.

GRANTED 09.02.2010

R/2009/0806/F Mr & Mrs E Kerr

154a Downpatrick Road, Ballynahinch

Alterations to vehicular access and retention of detached garage as built (retrospective application).
GRANTED 27.10.2009

R/2005/0294/F Mr & Mrs E Kerr
160 Downpatrick Road, Teconnaught, Ballynahinch
Proposed detached dwelling and retaining existing former dwelling as garage
GRANTED 08.11.2005

R/2005/0764 Mr & Mrs E Kerr
Proposed detached dwelling and garage
Lands to the rear of 160 Downpatrick Road, Teconnaught, Ballynahinch
WITHDRAWN 29.07.2005

R/2004/0190/O Mr & Mrs E Kerr
Land to the rear of 160 Downpatrick Road, Teconnaught, Ballynahinch
Proposed detached dwelling retaining existing former dwelling as garage
GRANTED 02.08.2004

R/2002/1632/F Mr & Mrs E Kerr
Lands approximately 150m to the rear of 158 Downpatrick Road, Teconnaught, Ballynahinch
Proposed dwelling and detached garage
REFUSAL 03.02.2004 (DES5 integration, DES6 Rural Character)

Planning Policies & Material Considerations:

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access Movement and Parking, Departmental Guides - Building on Tradition Design Guide, Parking Standards, DCAN 15 Vehicular Access Standards.

Consultations:

NI Water Ltd

Standard response detailing information for the applicant.

Transport NI

No objections to the proposal.

Rivers Agency

The site is within close proximity of a watercourse that is undesignated in accordance with the Drainage (Northern Ireland) Order 1973. The access lane is within a predicted flooded area as indicated on the Surface Water Flood Map and a Drainage Assessment is not required. The developer is advised to appoint a competent professional to carry out their own assessment of flood risk to the proposed development and elsewhere.

NIEA

- *Water Management Unit*

No objections and referring to standing advice for the applicant to consider.

- *Historic Monuments Unit*

Is content with the details of the application.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 13th of January 2016.

A total of 7 neighbours notified.

No representations received.

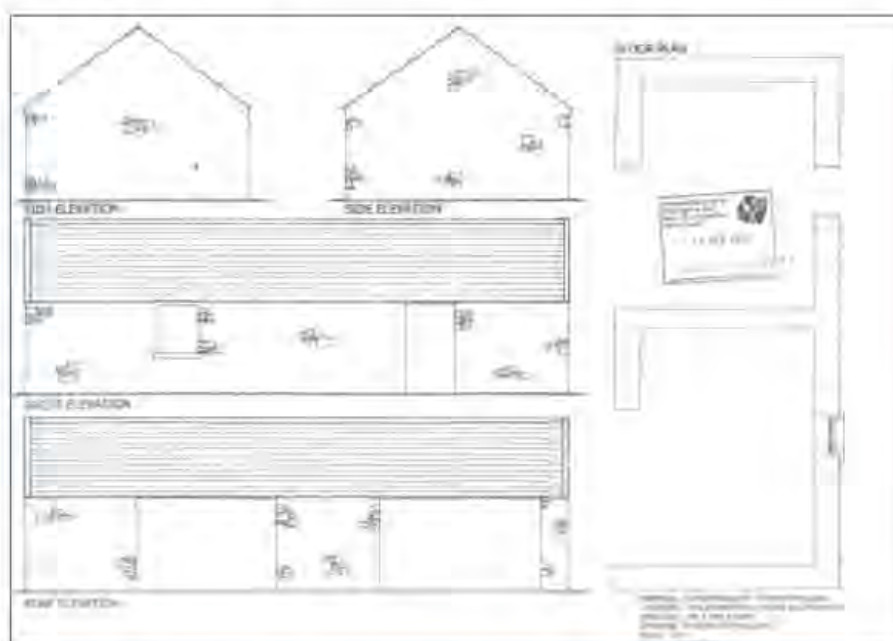
Consideration and Assessment:

The proposal is a full application for the conversion of the building into a 3 bedroom detached dwelling with a front extension and a detached garage. The existing building is proposed to be converted into 3 bedrooms and the front extension is to provide living space ie kitchen and lounge. The conversion, extension and garage are to be finished with natural stone, uPVC sliding sash windows, grey render and bangor blue slate or similar.



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

Policy CTY4 provides permission for the sympathetic conversion and reuse of existing buildings (with adaptation if necessary) of a suitable building to a range of uses such as a dwelling, where it would secure its upkeep and retention. The Strategic Planning Policy Statement for Northern Ireland (SPPS) provided further clarification in relation to a suitable building. The SPPS identifies a suitable building as a locally important building providing examples such as a former school house, churches, and older traditional barns and outbuildings. While this list is not exhaustive, PAC decision 2015/A0150 clarified that the SPPS reference to locally important refers to buildings that 'generally having some design, architectural or historic merit'. The proposal is for the conversion, adaptation and extension of a building to provide a 3 bedroom dwelling and garage. The policy test is if the building proposed is locally important.



The building is an old stone outbuilding that has been adapted for agricultural use. Having inspected the site and the building, the building is not locally important. The building has no design, architectural or historic merit. Council advised the planning agent in letter dated 13th May 2016 that the building was not considered to be locally important and provided an opportunity to submit additional information. No additional information has been received to date of report to support the proposal and therefore Council must consider the proposal on the details of the proposal itself.

The proposal fails to satisfy the first element of the SPPS. While this aspect of locally important building is not referenced within Policy CTY4 of PPS21, greater weight is attached to the SPPS due to the provision within the SPPS relating to transitional arrangements. The building is not locally important, there is no design, architectural or historic merit.

While the proposal is not a suitable building for conversion the Council must also assess the proposal in relation to the additional criteria of planning policy, in this case CTY4 of PPS21.

The building is of a permanent construction. The conversion would include a large extension that would double the size of the building however this includes an extension and a detached garage which therefore breaks up the proposed new build into different elements.

The height and design of the extension reflects that of the existing building. The existing building is noted within the site layout as 61sqm. The proposed extension is 42sqm while the proposed detached garage is 33.5sqm. The total extension would be 75.5sqm which is broken up into 2 elements ie extension and detached garage. The design and materials proposed for the extension and garage would be in keeping with the materials and finishes of the existing building. The height of the extensions would not exceed that of the existing building. The proposal is acceptable in form of design, materials and finishes.



The proposal would not unduly affect the amenities of nearby occupants of No 154a. The size of the curtilage identified within the site location map and the proposed site layout is excessive and if the principle of the proposal was considered acceptable the Council would seek to have this significantly reduced.

Transport NI offered no objections to the proposal. Necessary services can be achieved without adverse impact on the environment or character of the locality and access would not prejudice road safety.

Recommendation:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21 Sustainable Development in the Countryside Policy CTY4 – The Conversion and Reuse of Existing Buildings.

Refusal Reasons/ Conditions:

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

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

Case Officer DATE

Appointed Officer DATE

ITEM NO	8			
APPLIC NO	LA07/2016/0645/F	Full	DATE VALID	16/05/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Thomas Mageean 20 Junction Road Saintfield BT24 7JU		AGENT	2Plan NI 47 Lough Fea Road Cookstown BT80 9QL 028 86764492
LOCATION	Adjacent to 20 Junction Road Saintfield			
PROPOSAL	Proposed conversion and extension to existing vernacular outbuilding into single dwelling and associated site works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building proposed is not a locally important building suitable for conversion.
- 2 The proposal is contrary to Policy CTY4 (c) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.



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Application Reference: LA07/2016/0645/F

Date Received: 16th May 2016

Proposal: Proposed conversion and extension to existing vernacular outbuilding into single dwelling and associated site works

Location: Adjacent to 20 Junction Road, Saintfield.
 The site is located within the countryside approx. 2.4miles South-East of Saintfield Village.



Site Characteristics & Area Characteristics:

The site is within the countryside. The area has a drumlin topography. The site is a roadside site and the red line includes an existing detached dwelling and a separate detached building with a rear extension all within the curtilage of the site

No 20 Junction Road is a detached dwelling with a large plot accessed from Junction Road by an established access. There is an internal tarmac driveway and parking area. The proposal is for conversion of the detached outbuilding. The boundaries of the site are well defined by mature vegetation and trees with a low wall along the Junction Road.

The outbuilding is detached from the dwelling. It is positioned within the eastern section of the larger site within closer proximity to the Junction Road than the dwelling.



Front ie east elevation and north gable North facing gable wall



Southern elevation Eastern elevation

The building is single storey with an external staircase that supports an oil tank positioned in front of a 1st floor bricked up opening that is on the south gable wall. The front elevation has a garage door and door opening faces into the site and is finished with painted render and a pitched roof finished with slate. The north gable wall faces the Junction Road and has 2 ground floor windows and a window opening high in the gable wall. The building has a large flat roof single storey extension to the rear with a garage door that appears to be mechanical, and a small door. This extension is finished with unpainted render and a tin roof.

Site History:

No site history.

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access, Movement and Parking as well as Department Guides such as Building on Tradition A Sustainable Design Guide, Parking Standards, DCAN 15 Vehicular Access Standards.

Consultations:*NI Water Ltd*

Standard Response detailing information for the applicant should the application be approved.

Transport NI

Response dated 9.9.2016 to request amended plans as the existing access must be improved.

Amended Plans received 7th November 2016.

Transport NI reconsulted

Response received 7th December 2016 detailing recommended conditions and information for the applicant should the application be approved.

Objections & Representations

The application was advertised in the local press, Mourne Observer and Down Recorder on the 1st of June 2016.

A total of 8 neighbouring properties have been notified.

No representations have been received prior to completion of this planning report.

Consideration and Assessment:

The proposal is a full application for the conversion of the building to a 4 bedroom detached dwelling.

Amended plans received 5th of December 2016 will be considered. The proposal includes a large 2 storey rear extension, which will replace the existing workshop and office extension, to provide ground floor living space and 1st floor bedroom accommodation. The existing store will be converted to provide additional living space. The primary accommodation is to be provided within the proposed extension.

Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) Policy CTY1 provides consideration for development within the countryside that will contribute to the aims of sustainable development. One such avenue for

consideration of sustainable development is Policy CTY4 the conversion and reuse of existing buildings.

Policy CTY4 provides for development proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of uses such as a single dwelling, where this would secure its upkeep and retention. Policy CTY4 provides detailed criteria that must be accommodated within the proposal (a)-(g).

The amended plans received December were supported with a covering letter dated 30th of November 2016. Within this letter the planning agent referred to policy CTY4 and the lack of definition of a suitable building. However the SPPS is a more recent document with determining weight and it refers to locally important buildings which has been highlighted by the Planning Appeals Commission.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) provides further distinction of a 'suitable building' referred to in CTY4. Paragraph 6.73 identifies that conversion and re-use of existing buildings for residential use refers to that of a locally important building. The SPPS also clarified within the document that where there is any conflict between current planning policy and the SPPS, the SPPS will have determining weight.

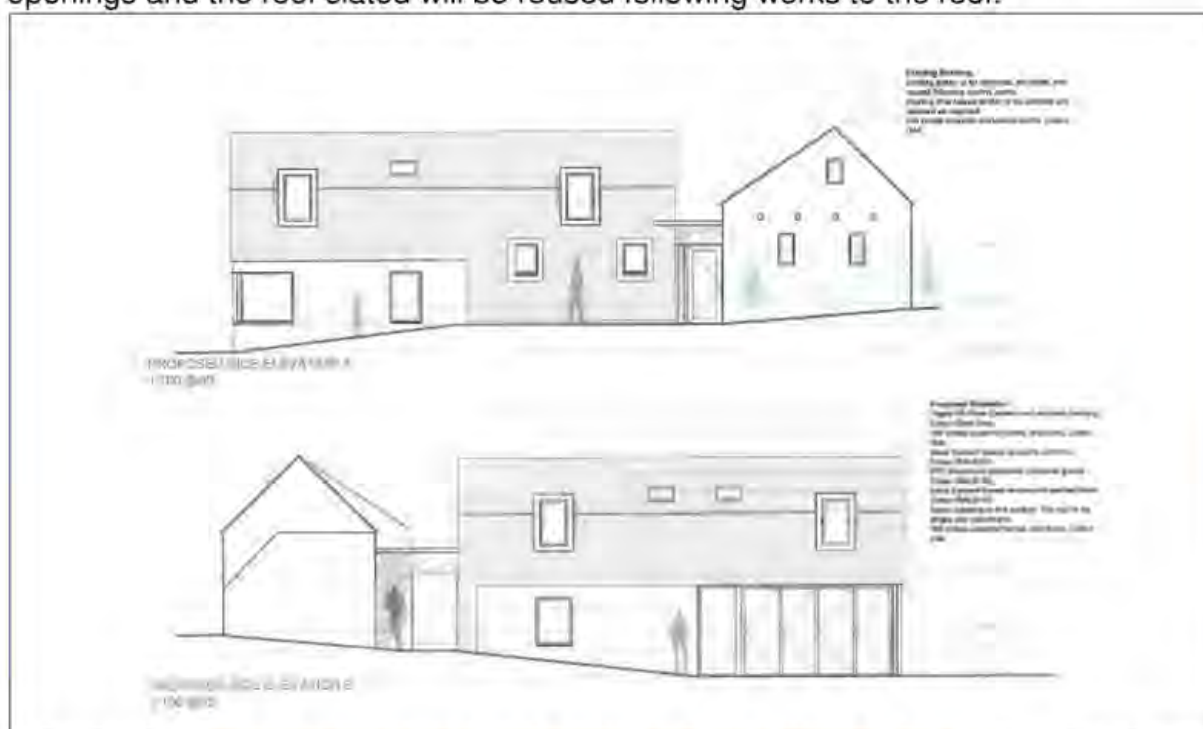
Since the publication of the SPPS The Planning Appeals Commission have also considered appeals, such as appeal reference 2015/A0150, that locally important buildings, referred to in the SPPS, stating that while it does not defined 'locally important' buildings but the examples provided in brackets generally have some design, architectural or historic merit.

The supporting statement submitted with the planning application, dated 16 MAY 2016 refers to the proposed building as an outbuilding that is the only surviving feature of the vernacular farm cluster believed to date pre-1900. The document provides an older aerial photograph, however no date is attached to this photograph and the suggestion within the document is pre-1960s.

The building is of permanent construction in keeping with criteria (a) of Policy CTY4 however Council must consider if the building is locally important. Considering the previous cluster of buildings and the current site, there has been considerable changes resulting in the loss of the farm cluster referred to within the applicants supporting information. The building considered within the proposal has been significantly adapted and extended to accommodate its existing use as a workshop, office and store. While the original purpose of the building was to accommodate a farm complex, its present day use as a workshop sees required a significant rear extension. While there is no visual test for locally important buildings, the interventions and extensions of the building, coupled with the loss of the farm cluster in which it was located, result in the building providing no architectural or historic merit. The external staircase, roof and some opening are retained the rear extension has significantly altered any vernacular character previously exhibit within the pre-1960s photograph supplied within the supporting document. The building is therefore not a locally important building and fails to satisfy this policy requirement.

The re-use and conversion of the building would maintain the form of the original building however the 2 storey rear extension and the buildings position within the established curtilage of No 20 Junction Road must be considered.

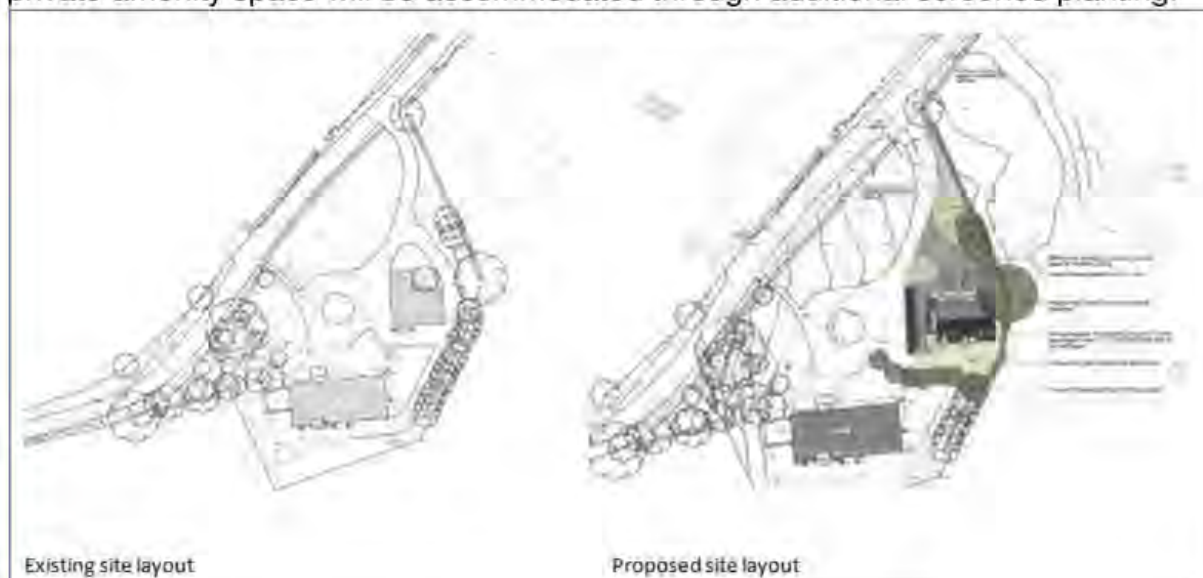
CTY4 (c) requires new extensions to be sympathetic to the scale, massing and architectural style of the existing building. The amended plans received in December were submitted with a covering letter that detailed the reasons for the amended plans and that the reduced height of the extension proposed would be lower than that of the original building. The extension details a 5.7m high element of modern contemporary design materials and finishes. The roof is a gambrel type (Dutch roof) with projecting roof dormer features at 1st floor level. The roof and 1st floor will be finished with a dark grey roof finished with cement fibre and the ground floor is finished with painted render. The conversion of the site will reuse the existing openings and the roof slated will be reused following works to the roof.



The extension will be connected to the existing store though a flat roof stone clad element that will provide a hallway between the new build and the old building.

The proposed extension will replace an existing extension however it will be significantly larger than the extension it will replace and more importantly it will be significantly larger in scale and massing than the existing building. The materials and finishes include cement fibre roof and 1st floor finishes. The design includes a gambrel/dutch roof with dormer features on the 1st floor. The Departments Building on Tradition states that an extension to building proposed within an application for re-use and conversion of an existing building should be of a height, width, general size to integrate with rather than dominate the character of the existing building. While the design, materials and finishes of the proposed extension could be described as innovative and contemporary, the extension would dominate the original building which would be swamped in scale and lost in the overall form. The design of the proposed extension is not sympathetic to the scale, massing or architectural style of the existing building. The proposal is contrary to Policy CTY4 (c).

The proposal is within the curtilage of No 20 Junction Road. The proposed layout illustrates how the applicant intends facilitate the development within the curtilage of an established dwelling. The proposal will use the existing access. Transport NI were consulted and provided conditions and offered no objections to the proposal. The internal driveway will provide access to the existing dwelling and its parking area. The internal alteration to the layout includes a small branching off from the main driveway to the rear extension of the proposal. This will provide a separate parking area that can accommodate more than 2 vehicles for the conversion. Rear private amenity space will be accommodated through additional screened planting.



The building is set back from the Junction Road and has a lower ground level than that of the Junction Road. The site circumstances coupled with the mature boundaries and the drumlin topography of the area ensure there are limited views of the site. As the result the conversion would not have an adverse effect on the character of appearance of the locality.

Having inspected the site and considered the plans I am satisfied that the conversion and extension would not unduly affect the residential amenity and privacy currently enjoyed by No 20 Junction Road.

The proposal does not require a new access to provide a safe access to and from the site. The proposal will amend the existing visibility splays to accommodate the intensification of the existing access. The existing wall along Junction Road will be rebuilt to the rear of the new visibility splays as detailed within the proposed site layout LA07/2016/0645/03 stamp received 07 NOV 2016.

The conversion of the building to residential use would not adversely affect the agricultural use of the surrounding lands.

Recommendation:

Refusal – the proposal is not in keeping with policy in that it is not a locally important building and the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.

Refusal Reasons/ Conditions:

Reasons for refusal are recommended by planning officer which can be subject to change:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building proposed is not a locally important building suitable for conversion.
2. The proposal is contrary to Policy CTY4 (c) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.

Case Officer DATE

Appointed Officer DATE

ITEM NO	10			
APPLIC NO	LA07/2016/1106/F	Full	DATE VALID	19/08/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr John Kelly 39 Drumsnade Road Ballynahinch BT24 8NG		AGENT	
				NA
LOCATION	Land to the East 58 Drumsnade Road Ballynahinch BT24 8NG			
PROPOSAL	Single storey detached farm dwelling and garage (amended plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/1106/F

Date Received: 19.08.2016

Proposal: Single storey detached farm dwelling and garage (amended plans)

Location: Land to the East 58 Drumsnade Road, Ballynahinch, BT24 8NG. This site is 9.4miles west of Downpatrick and 5.3miles South of Ballynahinch. It is positioned within the Eastern portion of the district (Drumaness Council Ward)



Site Characteristics & Area Characteristics

The site is accessed from an established lane that serves as a shared access for farm lands and detached dwellings. The site is within the countryside situated south of Ballynahinch.

The site is the mid-section of a larger agricultural field. The larger field shares its boundaries with the Drumsnade Road, the lane and a neighbouring detached dwelling. The field has an undulating topography with rocky outcrop. Due to the cut-out nature of the site, it lacks boundary definition along the north and south

boundaries. The eastern boundary is defined with a post and wire fence with some hedge and a stone ditch, the western boundary is defined by vegetation and a ditch.



The access land for the site also serves detached dwelling and garage of No 58 Drumsnade Road, farm land and agricultural buildings

Site History:

There is no history associated with the site. The following is the history that includes the lane;

Reference	Location	Proposal/Complaint	Status	Date
LA07/2016/1106/F	Land to the East 58 Drumsnade Road.	Single storey detached farm dwelling and garage	VALID APPLICATION RECEIVED	
R/1996/0195	58 DRUMSNADE ROAD BALLYNAHILL	Dwelling	PERMISSION GRANTED	
R/2010/0042/O	Land approx 240 metres East of 62 Dr.	Proposed single replacement dwelling (single storey), in	PERMISSION REFUSED	03.12.2010
R/2009/0358/Q	Drumsnade, Ballynahinch	Enquiry regarding three replacement dwellings.	PRE APPLICATION ENQUIRY - NO	
R/2010/0344/O	Land approx 220 metres East of No 62	Refurbish and extend existing single dwelling B, includir	APPLICATION WITHDRAWN	01.11.2010
R/2010/0304/O	Land approx 250 metres East of No 62	Refurbish and extend existing single dwelling A, includir	PERMISSION REFUSED	30.09.2010
R/1991/0261	58 DRUMSNADE ROAD BALLYNAHILL	Bungalow and garage	PERMISSION REFUSED	
R/1999/0887/A41	58 Drumsnade Road, Ballynahinch	Roof space conversion and conservatory extension	PERMITTED DEVELOPMENT	
R/1994/0589	58 DRUMSNADE ROAD BALLYNAHILL	Bungalow & Garage	APPLICATION WITHDRAWN	
R/1986/0253	58 DRUMSNADE ROAD, BALLYNAHILL	BUNGALOW	PERMISSION GRANTED	
R/1981/0181	58 DRUMSNADE ROAD, BALLYNAHILL	REPLACEMENT BUNGALOW	PERMISSION GRANTED	
R/1980/0234	"WHINNEY HILL", 102 BRYANSFOR	CHANGE OF USE TO MULTIPLE SCLEROSIS CLINIC	APPLICATION WITHDRAWN	

Farm History

Page 8 and 9 of farm maps include the registered address of the farm business;

R/1999/0317

39 Drumsnade Road

2 Storey replacement farm dwelling

GRANTED 16.7.1999

Farm maps pages 4 and 6;

R/2012/0448/F Mr and Mrs Lurring

Farm dwelling in substitution of R/2010/0830 (Farm business id 645621) Granted

R/2010/0830 Mr James McCormick

Farm dwelling (farm business id 645621) Granted

R/2002/1362/O Mr and Mrs Smyth

Dwelling Refused 30.11.2004

(NOTE the above sites refers to land taken in conacre and the farm dwelling has been granted in relation to a different farm business id)

R/2001/1497/F Mr Finbar Kelly

New domestic dwelling at 57 Magheratimpany Road Granted 2.5.2002

R/1999/0823/O Mr John Kelly

Site for dwelling, Granted 18.1.2000

R/1992/0451

Replacement dwelling at 57 Magheratimpany Road, Granted 30.6.1992

R/1995/0470

Replacement dwelling at 57 Magheratimpany Road, Granted 1.8.1995

Farm map 7

R/2005/0139/O Patrick Kelly

Dwelling 200m W of 86 Drumsnade Road, Refused 22.5.2006

(NOTE this site refers to land taken in conacre)

Farm map 10

R/2014/0639/F Drumsnade Renewables

Wind Turbine 250KW 50m hub and 54m rotor diameter at 494m SW of 15 Newcastle Road, PENDING

R/2014/0467/f Drumsnade renewables

Wind Turbine 250KW 50m hub and 54m rotor diameter at 313m SE of Hackle Hill
WITHDRAWN 20.11.2016

R/2011/0272/F Aircore Drumaness Road

Wind Turbine 50m hub with 30m rotor diameter 505m SE of 62 Drumsnade Road,
GRANTED 7.12.2012

(The wind turbine applications relate to lands taken in conacre)

Farm map 12

R/2013/0161/F Mr John Kelly

Erection of a 30m hub Wind Turbine with 30m rotor, GRANTED 27.11.2013

(land owned by applicant at Drumnaquoile Road)

Planning Policies & Material Considerations:

The application will be considered in relation to the Regional Development Strategy, the current Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access, Movement and Parking and Building on Tradition (design guide associated with PPS21).

Consultations:*Transport NI*

Seeking revised plans to address need for visibility splays at 2.4m by 70m the laneway widened to 4.8m for first 10m and the telegraph pole to be re-sited. The information was forwarded to the applicant in letter dated 6th September 2016 with relevant notices to be served if applicable.

Revised plans received 15th of September 2016. Transport NI re-consulted. Comments received 12th October offering no objections and detailing conditions and information for the applicant. Conditions will be considered and attached should the application be approved.

DAERA Downpatrick

Responded to advise the farm business ID 613009 has been in existence for more than 6 years. The business has claimed Single Farm Payment (SFP), Areas of Natural Constraint (ANC) Payment or Agri Environment Scheme Payment in the past year.

Department for Communities - Historic Environment Division

Responded with no objections to the proposal

NIEA

Responded to advise Drainage and Water offer no objections and referring the applicant to standing advice.

NI Water Ltd

Standard response detailing information for the applicant

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 7th September 2016.

A total of 5 neighbouring dwellings were notified.

Letter of support from then Cllr Clarke received via email on 30.8.2016.

Neighbours re-notified on 29th November 2016 due to amended plans received.

Consideration and Assessment:

The proposal is a full application for a dwelling in relation to farm.

The Strategic Planning Policy Statement for Northern Ireland includes strategic policy for residential and non-residential development in the countryside. It must be considered along with PPS21 Sustainable Development in the Countryside which also identifies criteria for consideration of such proposals within the countryside. One such avenue for sustainable development is the consideration of dwelling granted in relation to farms. The SPPS and PPS21 Policy CTY10 do not differ. The proposal must meet the following criteria:

(a) The farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities (out-with settlement limits) have been sold off from the farm holding within 10 years from the date of the application applicable from the 25th of November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane

The proposal must also comply with policy criteria relating to integration, rural character and development relying on non-mains sewerage.

The farm business is registered to the applicant, Mr John Kelly at 15 and 39 Drumsnade Road, Ballynahinch. This is highlighted on the DARD maps. The farm business ID is 613009.

On receipt of the application, the case officer requested farm maps to be submitted detailing all land owned, land taken in conacre, identifying the main group of buildings and any other buildings on the farm. This information was received on the 9th of September 2016.

Further to Council letter dated 11th November 2016 the design of the proposed dwelling was amended and additional supporting information received on 28th November 2016. Neighbours were re-notified on 29th November 2016. The design of the farm dwelling will be considered after the principle of development has been discussed.

The farm business is active and established for at least 6 years, this is also confirmed by DAERA Response. The proposal is in keeping with CTY10 (a).

Considering the farm history, as with all farm dwelling applications, a thorough search of the farmland has been conducted. It is detailed within site history. There is no evidence to suggest development opportunities within the lands owned by the applicant that have been sold off or disposed from the holding. Recent approvals on the farm land relate to lands taken by the applicant in conacre and wind turbine applications. The proposal is in keeping with CTY10 (b).



Policy CTY10 (c) of PPS21 and the SPPS require a farm dwelling to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane.

The proposal is accessed via an established laneway which serves as access to agricultural lands, buildings and provides an additional access for No 58 Drumsnade Road

Further to request for clarification in relation to the location of farm buildings on the holding in letter dated 25th of August 2016, the applicant highlighted this information in farm maps received 9th September 2016.

The farm is registered to 2 separate addresses, 39 and 15 Drumsnade Road.

The main group of farm buildings appears to be at 39 Drumsnade Road. There are also farm buildings at 15 Drumsnade Road however the applicant did not identify these buildings as being part of the farm business.

The buildings at No 39 Drumsnade Road are access through a shared lane and the farm maps indicate the applicant owns farm land to the side and rear of these farm buildings. However the applicant does not own the land either side of the lane which provides access to Drumsnade Road. This lane also serves as access to No 39

Drumsnade Road and a neighbouring dwelling at No 37 Drumsnade Road. No 37 is not linked to the farm business. This lane is not owned by the applicant who makes use of this lane by way of a 'right of way' as detailed within supporting information supplied by the applicant.

There are agricultural buildings at No 15 Drumsnade Road. This buildings are not identified within the farm maps as part of the holding. The applicant also owns the farmland to the side and rear of this address.

The proposed farm dwelling would not be sited to cluster with or have a visual link with existing buildings on the farm.

Considering the site proposed by the applicant for the farm dwelling, the proposal will make use of an established access onto the Drumsnade Road. To the immediate south of the site is a singular structure of a temporary nature with an informal turning/passing bay. There is no formal yard area or boundary definition to separate this area, ie passing bay from the lane. During site inspection the building was used as a shelter for storing hay with silage bales also within the layby area, photography below. The building has a metal frame and is enclosed on 3 sides and the roof by a single layer of tin that is incomplete in places. The front elevation of the building, which faces south east, is completely open.

Front elevation of the building



Rear of the structure



The policy requires dwelling on farms to be sited to visually link with or cluster with an established group of buildings on the farm. The lane serves as access to an additional farm building to some distance to the south of the site which is also a singular building with an associated yard and silo. Considering the site in relation to the farm buildings served by the lane, the site does not have a visual link or is sited to cluster with an established group of buildings on the farm.

When measuring from the site layout, a scaled plan submitted by the applicant, this singular building has a separation of over 90m to the established farm building to the south.



A history search of the area reveals there is no current or previous approval for the singular farm shelter immediately south of the site, on the applicants holding. When you consider the criteria of agricultural permitted development as defined within The Planning (General Permitted Development) Order (Northern Ireland) 2015, Part 7 Agricultural Buildings and Operations, the proposal is located more than 75m from the farm building to the south.

The established building to the south of the site would measure approximately 195m to the south of the proposed dwelling. Having inspected the site and the surrounding area, there is no visual link between the established group of buildings to the south and the proposed farm dwelling. The applicant appears to rely on a singular building on the farm which does not benefit from planning permission and is unlawful. This is not in keeping with CTY10(c).

The applicant has provided supporting details, submitted with the application on 19th of August 2016 which supported the proposed site. This information identifies the proposed farm dwelling as having a visual link to both the singular building and the farm building further south. Having inspected the site and considered the view identified by the applicant as north of the site on Drumsnade Road I would not share the applicants opinion. The proposed site would have a visual link with the singular shelter that abuts the southern boundary of the site. There is no visual link with the applicants farm building and yard further south of the site. The view is detailed in the following photo:

View of the site from the Northern most corner of the field at Drumsnade Road.



The Council advised applicant of concerns relating to policy and the design of the proposal in letter dated 11th November 2016. Additional information received 28th of November 2016 has been considered. The applicant refers to the critical view previously identified on the Drumsnade Road to the north of the site (at the field gate) within the original submission. This view has been considered, and is identified in the photograph above. This view does not demonstrate a visual link between the site and an established group of buildings on the farm.



The applicants information refers to appeal decision 2014/A0255 (P/2014/0190/O) for a dwelling on a farm at lands adjacent and south and south west of no.36 Glenloughan Road, Kilkeel which allowed for a farm dwelling to be positioned beside 2 farm buildings. Considering the details of the appeal referenced it does not reflect the circumstances of farm buildings relating to the application at hand. Each application must be considered on its own merits.

The applicant also highlights there is no scope for improvements to visibility splays for access to facilitate development of a farm dwelling at 39 Drumsnade Road ie established group of buildings on the farm and internal access through the farm yard would not be ideal for the applicant. The applicant considers the site, as proposed, would provide an opportunity to improve the visibly splays and a safe access. The applicant acknowledges that issues concerning ownership of the laneway remain a civil matter.

There are options available on the applicants owned lands at 39 and perhaps 15 Drumsnade Road that would provide sites that could meet policy criteria relating to dwellings on farms.

Further to internal discussions the Council, in letter to applicant dated 23rd of January 2017, highlighted concerns related to the unauthorised building adjacent to the site and the requirement for dwellings to be visually linked or sited to cluster with an established group of buildings on the farm. Council received a response on the 26th of January 2017 which has been considered. However Council must assess the plans as submitted by the applicant which highlight a significant separation between the shelter, neighbouring the proposed site and the farm building and yard, owned by the applicant and positioned further south.

The applicant also highlights the topography and geology of the land results in difficult terrain to re-site the proposed farm dwelling within land to the south of the site. The applicant also highlights personal circumstances relating to the farm business and its future within the family.

Policy CTY10 provides an exception to criteria (c) provided there are no other sites available at another group of buildings on the farm and where there are verifiable plans to expand the farm business at the existing building groups or demonstrable health and safety reasons. Considering the supporting information supplied by the applicant during the processing of the application, the proposal would not satisfy the exceptions to the policy.

Considering all the proposal in relation to policy as well as supporting information submitted by the applicant, the proposal fails to satisfy policy CTY(c).

Policy CTY10 also requires that the proposed site must also meet requirements of CTY13 Integration, CTY14 Rural Character, and CTY16 Development relying on non-mains sewage disposal.

The proposal is a full application and is supported with plans of the proposed dwelling.

Policy CTY13 considers integration and design of buildings in the countryside and sets out criteria (a)-(g) for consideration.

The design of the proposal was originally for a hipped roof dwelling. Further to comments from the Council in letter dated 11th November 2016 regarding the design, form, and proportions the applicant amended the roof and submitted plans on 28th of November 2016 for consideration. The applicant also highlighted dwellings within the area with similar designs and proportions to that of the dwelling proposed.

The amended proposal provides a dwelling that is of a better form and proportion than the original and has a more simple form. There remains a concern that the garage proposed would have a greater ridge height than the proposed dwelling. If the principle of the farm dwelling was accepted amendments to the ridge height of the garage would be sought.

The proposal would require new landscaping which would augment the integration provided by the undulating topography. The proposal would not rely primarily on new landscaping for integration as the topography of the area and site would provide integration for the dwelling proposed. Due to the established hedge along the Drumsnade Road coupled with the set back within the agricultural field, the site would only be visible for a short distance when moving south from 54 Drumsnade Road.

Policy CTY also requires farm dwelling to be sited to cluster with or visually link with an established group of buildings on the farm. The proposal fails to satisfy CTY13 (g).

The proposed dwelling would not result in a detrimental change to the rural character of the area in keeping with CTY14.

The proposal would not be able to make use of mains sewerage disposal due to its location in the countryside. The applicant has demonstrated a septic tank within the site layout. This will be sited on the applicant's lands and is in keeping with Policy CTY16.

Recommendation:

Refusal, the proposal fails to satisfy criteria CTY10 (c), SPPS and CTY13 (g) and is therefore contrary to planning policy relating to dwellings on farms as site does not visually link or sited to cluster with an established group of buildings on the farm.

Refusal Reasons:

Recommended by planning officer and can be subject to change;

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

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

Case Officer DATE

Appointed Officer DATE

ITEM NO	11			
APPLIC NO	LA07/2016/1157/F	Full	DATE VALID	23/08/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Howell LTD C/O 4 Dundrine Road Castlewellan BT31		AGENT	John McElroy 72 Osborne Drive Belfast BT9 6LJ 07738 515098
LOCATION	Lands at 87-95 Main Street and 18-20 Valentia Place Newcastle			
PROPOSAL	Proposed development of 19 apartments, 5 retail units, 23 car parking spaces & associated works (renewal of planning approval R/2010/0510/F)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1157/F

Date Received: Sept 2016.

Proposal:

Full permission is sought for the development of 19 apartments, 5 retail units, 23 car parking spaces & associated works, on lands at 87-95 Main Street and 18-20 Valentia Place, Newcastle.

(Renewal of planning approval R/2010/0510/F)

Applicant: Howell Ltd

Location:

The entire site is located within the town centre boundary of Newcastle, and is identified as a development opportunity site as identified in the Ards and Down Area Plan 2015. The frontage along Main Street is also within the primary retail core. It is also noted the church hall opposite was previously listed however has since been de-listed. This area includes a mix of uses.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include no.87-95 Main Street and also extends through to No.18-20 Valentia Place to the rear, and includes a number of properties. An alleyway (public ROW) runs through the site, along the side of no.91 which provides a pedestrian link from Main Street through to Valentia Place. There is also a small 2 storey hall and 2 garages within the red line which is located between the properties along Main Street and Valentia Place along this alleyway.

No.85-89 Main Street are 2 storey while no. 91-95 are 3 storey. The properties along Valentia Place are 2 storey. Each property along both Main Street and Valentia Place open onto a public footpath, and there is on street parking available.

No.87-95 include several commercial and residential properties, while the properties to the rear along Valentia Place consist of residential properties.

No.83 and 97 Main Street adjoin the site to each side whereby No.83-85 Main Street includes a shoe shop, while No.97 is now a jewellers.

No.22-26 Valentia Place consist of a row of 2 storey dwellings with a small enclosed area to the rear.

The properties opposite along Main Street include commercial units at ground floor with flats above (3 storey), a church hall, graveyard, and bank. Valentia Place is characterised by terraces of residential properties, although also includes the social security office and a fire station.

Site History

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

R/2010/0510/F- Lands at 87-95 Main Street and 18-20 Valentia Place, Newcastle, Proposed development of 19 apartments, 5 retail units, 24 car parking spaces, associated site works, and realignment of right of way, Full, Approval, 24-08-11, Applicant: N and S Contracts.

As part of this application some 8 drawings were stamped granted, while the decision notice included 10 conditions.

In addition as part of the processing of this application it is noted consultation was undertaken with Environmental Health, Rivers Agency, PHB, WMU, Transport NI, NIW, and construction Service. It is also noted 7 representations were received in opposition to this proposal from properties along Valentia Place.

This approved application was amended and reduced from that first submitted.

The proposal was original for a total of 21 apartments and 5 retail units with parking, and included a 4 storey return to the front and rear of the larger block fronting Main Street, while the block to the rear was 3 storey high.

This was subsequently reduced due to a number of concerns being raised regarding the size, design and amenity issues, whereby the block fronting Main Street was reduced to 3 storey with roof lights, while the block to the rear was reduced with a 2 storey frontage to Valentia Place and 3 storey return facing into the development.

Representations

None received to date (31-03-17).

Having account the extent of the red line, neighbour notification was undertaken with several properties along Main Street and Valentia Place in Oct 2016, while the application was also advertised in the local press in Sept 2016.

Consultations

Due to the nature of this proposal and location and constraints of the site, and also having account the site history, consultations have been carried out with Transport NI, NI Water, NIEA, Rivers Agency, Shared Environmental Services, Environmental Health and Historic Environment Division (HED), as part of this application. A Habitats Regulations Assessment Screening exercise was also undertaken, while a Drainage Assessment was also submitted.

It is not considered necessary to seek comments from any other body to fully assess and determine this application.

HED have expressed concern regarding the scheme advising that on the basis of the information submitted it is considered the proposal will adversely impact on a listed building in its present form, and is contrary to policy BH11 of PPS6.

The Planning Dept queried these comments with HED who have confirmed the Listed Building in question is the Presbyterian Church which is located approx 140m further along Main Street in the direction of the bus station.

HED have advised this Listed Building sits towards one end of a long straight street-scape, whereby the existing characteristics of this street-scape as a whole contribute significantly to the character of the setting of this Listed Building (St Nicholas's Presbyterian Church).

It is noted HED (formerly Protecting Historic Buildings) were consulted as part of the previous application (R/10/0510) as referred to above, and who advised at this time the proposals would adversely impact this same church. This application was subsequently amended, and reduced following which full planning permission was granted, whereby it was not considered necessary to re-consult HED on the reduced scheme, having account the size of the existing buildings on site, and varying designs and building sizes of properties along this stretch of Main Street.

As advised above this current application seeks to Renew this previous permission, whereby the proposals are identical to those previously approved. As such, in being consistent and fair to all parties it is considered the current scheme remains acceptable, and no issue can be raised regarding these comments.

The remaining consultees offer no objections to the proposals.

It is noted the receiving WWTW of Newcastle have been upgraded since the previous scheme was approved, whereby it is noted NI Water have offered no objections.

Policy considerations, RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6, PPS7, PPS8, PPS11, PPS15 and supplementary guidance.

As stated above the entire site is located within the boundary of Newcastle town centre, on a development opportunity site as identified in the Ards and Down Area Plan 2015. The frontage along Main Street is also within the primary retail core.

There are a number of zonings contained within the Area Plan which affects the site, including Policy- NE14- (Apartments), NE22- (Town Centre), NE23- (Primary Retail Core), and NE26- (Development Opportunity Site).

NE14- proposals for apartment development in Newcastle shall reflect the architectural, streetscape and landscape character of the area and shall be in conformity with its established character in terms of certain named criteria.

NE22- the whole site from Main Street through to Valentia Place is located within the town centre boundary. it is noted a large number of upper floors of buildings in the town centre, particularly along Main Street are vacant or underused as storage for ground floor shops. This policy acknowledges there are opportunities to introduce

residential use into existing commercial properties through conversion of upper storeys. In addition that the upper storeys of many of these town centre buildings retain many of their attractive original architectural features and should be retained where practicably possible.

NE23- this primary retail core is drawn to consolidate those areas considered to be the core areas of retail activity, and it is important to facilitate a strong retail presence in order to provide a focus for retail activity in Main Street.

NE26- Development Opportunity Sites are designated in accordance with Policy SETT3 in Volume 1 of the Plan. Such sites perform a valuable role within the town centre. Where feasible, new development should provide traditional shop fronts to replace existing dead frontages, and appropriate uses include retail, office, civic with housing on the upper floors in accordance with prevailing planning policy.

SETT3- Development opportunity sites are identified where lands are under utilised or vacant and where development, which might provide a mix of new uses, could promote the vitality and viability of the urban area or town centre, or could enhance the townscape, for example by closing frontage gaps or by replacing unattractive features. Such development within a town centre could enhance shopping frontages, encourage pedestrian movement and so assist commercial growth.

As stated above the site outlined in red extends from no.87-95 Main Street, through to No.18-20 Valentia Place to the rear, and includes a number of properties. A public alleyway also runs through the middle of the site, along the side of no.91 which provides a pedestrian link from Main Street through to Valentine Place.

As this site is centrally located in the middle of Newcastle and as it extends from Main Street back onto Valentia Place it will be readily visible from a number of public viewpoints and buildings and from along both streets, thus is considered to occupy a prominent and important location.

(It is noted Main Street operates a one-way traffic system running in a south-bound direction, while Valentia Place is 2 way).

The existing buildings within the application site along Main Street consist of a mix of 2 and 3 storey properties, while those along Valentia Place are 2 storey. All existing buildings are to be demolished to facilitate this re-development.

This stretch of Main Street includes a mix of 2 and 3 storey properties of varying eaves and ridge heights, designs and frontages.

As outlined above this application seeks to Renew the previous approval R/2010/0510/F. This previous permission was approved on 24th Aug 2011, while this current application was received on 23rd Aug 2016, thus was within the life span of this previous permission.

The condition of the existing buildings and contribution they make to the character of the area, and also the impact the proposed re-development would have on the character of the area and existing properties were fully considered and deemed acceptable as part of the previous application, in accordance with the applicable policy tests including PPS2, PPS3, PPS4, PPS6, PPS7, PPS8, PPS11, PPS15.

This current proposal is identical to that previously approved, and includes 2 blocks, one fronting Main Street (Block A) and one fronting Valentia Place (Block B), with basement and surface level parking.

This development includes a total of 19 apartments, with 5 retail units at ground floor and 23 parking spaces.

Block A will extend across the full width of the site and will include a basement parking level (15 spaces), with 5 shop units at ground floor which will all front and access onto Main Street, with 3 floors of residential accommodation above (17no. 2 bed units). These 5 shop units will retain and protect the primary retail core thus no objections are offered. These units will include large glazed display panels which is common along this ground floor frontage.

This block will include 4 floors of accommodation, although will appear 3 storey high to Main Street, with roof lights only at the top floor, while the rear return will appear 4 storey with 3 storey rear returns.

It was considered this building (as amended and reduced), although higher than the adjoining properties will respect the existing building line and will not appear unduly prominent and will tie in with the street-scene, whereby the design, finishes and appearance are acceptable.

It is noted that while the rear return of this block has a 4 storey return it is set down from the ridge and is subordinate to the main building and frontage, whereby the layout had been designed to prevent any unacceptable amenity issues on any adjoining property. The use of the adjoining properties was also noted which included a mix of residential and commercial properties.

Block B is located to the rear and will front Valentia Place. No.18-20 Valentia Place are to be demolished with a new entrance road serving this development which will be built over. This block (as amended and reduced) will appear 2 storey high with upper floor roof lights, and will now only be slightly higher than the adjoining properties of no.22-28 to either side, and it will tie in with the existing building line. It will have a wide built over vehicular entrance which provides access into the site. The rear internal return of this block will still appear 2 1/2 storey.

The proposal also involves relocating the ROW which connects Main Street to Valentia Place some 10m further along the street. This relocated ROW will run in a straight uninterrupted line with clear line of site through to Valentia Place from Main Street and vice-versa. A small portion of the front and rear of this relocated ROW will be built over with ceiling and wall mounted lighting, and this was accepted and again remains the same as that previously approved. The condition of the existing ROW is also noted, and it is important to emphasise a ROW is being retained in this area, being relocated only 10m.

It is also noted that as the site is centrally located in the town centre in close proximity to areas of open space, there was no requirement for the provision of amenity space in this instance. The existing layout and use of this site is also noted.

In addition no objections were offered to the principle of basement parking for this proposal and the number of spaces provided (23) in this town centre location. 4 eurobins are proposed to serve these apartment units which will again be located in the middle of the site (It is noted the siting of these eurobins was amended due to amenity concerns).

The layout and number of units proposed (apartments and retail) of this current scheme including the siting, footprint, design, height, scale, massing, access, and parking provision are identical to that previously approved, whereby this current application was submitted before the previous permission expired.

As such in being consistent, it is considered the proposals remain acceptable. It is noted the SPPS has been published since the previous application was approved, however it is considered there is no significant change or shift in policy as a result of the publication of this SPPS which would prevent this scheme from being approved again. Each of these 2 bedroom apartments has approx 55-60sqm of floor-space again as per the previous approval, whereby the space standards are noted.

Accordingly Approval is recommended subject to conditions.

Recommendation: Approval

ITEM NO	14			
APPLIC NO	LA07/2016/1405/F	Full	DATE VALID	24/10/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr William Herron T/A Herron Engineering Leitrim Castlewellan BT31 9SR		AGENT	Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR 02840638842
LOCATION	200m south east of 15 Heron's Road Leitrim Castlewellan BT31 9SR			
PROPOSAL	Proposed detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
	0	0	0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1405/F

Date Received: Oct 2016.

Proposal: Full planning permission is sought for a proposed detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff, on lands 200m south east of 15 Herons road, Leitrim

Applicant: Mr W Herron

Location:

The site is located in the countryside approx 1 mile north east of the village of Leitrim as identified in the Banbridge, Newry and Mourne Area Plan 2015, and is in an AONB.

This area is pre-dominantly rural in character with rolling topography and includes a hillside (Carrivmoragh) to the rear of the site, although also includes several dwellings, holdings and the established grounds of Herrons engineering works.

Site Characteristics & Area Characteristics:

The site outlined in red is irregular in shape and extends to include part of the grounds of these established engineering works, and extends down to adjoin Herons Road, thus creating a new access.

This stretch of Herons Road rises from Leitrim whereby the lands along this side and stretch of road are elevated above road level. These extensive grounds of the engineering works extend to include a sizeable area, with a number of buildings and yard areas.

It is noted works have been carried out including the creation of a new entrance road, although which does not extend to adjoin the public road at present, and also additional levelled areas to the southern end of the site.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous approvals in the within and adjacent to the site, although the most relevant history observed includes:

LA07/2016/1485/F- Lands at 15 Herons Road, Extension to the existing manufacturing/light engineering works to create additional R&D manufacturing and storage facility, also upper level office space and canteen to meet increased export demand and upgrade the existing company corporate image, Full, Pending, Applicant: Mr W Herron

It is noted there have been recent permission for the erection of a wind turbine (Q/11/0342) and retention of the extension to the trailer manufacturing facility (Q/07/0051).

Objections & Representations

None received to date (30-03-17)

Having account the extent of the red line and current practice neighbour notification was undertaken with 4 properties along Herons Road (No.10, 12, 15, 15a), in Nov 2016, while the case was also advertised in the local press in Nov 2016.

Consultations:

Having account the nature of this proposal, and constraints of the site and area, consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Rivers Agency and Environmental Health as part of this application, whereby it is considered no objections are offered in principle.

It is not considered necessary to seek any further comments or request any further information to fully assess and determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS11, PPS15, PPS21 and supplementary guidance

As outlined above site is located in the countryside, thus the SPPS and PPS21 applies.

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

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

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

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

CTY1 of PPS21 states, amongst other things, that planning permission will be granted for industry and business uses in the countryside in accordance with PPS4.

Policy PED2 of PPS4 allows for categories of economic development in the countryside in accordance with the provisions of specific policies contained in PPS4. Having account the nature of this proposal (extension) it is considered Policy PED3 (Expansion of an established economic development use in the countryside), and also PED9 (General criteria for economic development) are key.

Policy PED3 of PPS4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Also, where new buildings are proposed they should be in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building.

As stated above the site forms part of the large established grounds of Herrons Engineering works, which is located off Herons Road.

Having account the established nature of this site, it is considered there can be no objections in principle to this use on this site.

Herrons Engineering specialises in the design and manufacture of a range of trailers for agriculture and construction equipment.

Herons Road is a rural road which slopes uphill in a northerly direction, whereby the application site is elevated above road level, occupying an elevated site, although the main grounds and works are set well back from the road, whereby the site also backs onto and adjoins a hillside (Carrivmoragh) to the rear which acts as a backdrop to the site.

Due to the undulating nature of the land form in this area, the site is visible from the surrounding area, although particularly when travelling in a North Easterly direction, as the hillside to the rear blocks views of the site from beyond. The main grounds of the site however are only partially visible from the immediate environs of Herons Road, due to the set back of the main grounds from the road, although longer distant views south of Leitrim village on higher grounds afford distant views of the site. The erected wind turbine associated with these grounds also attract ones eye and attention towards the site from the surrounding landscape.

This application proposes a detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff, as outlined in the proposal description submitted by the agent/applicant.

A history search has been undertaken for these lands, whereby it is unclear as to when this business commenced operations, however the site history which included a wind turbine associated to this site in 2011, retention of extension application in 2007, and workshop in 1995, indicate that works have been on-going in excess of 20 years.

The business plan submitted also indicates Herron Engineering was established in 1989, whereby satellite imagery indicates the original business and premises were contained and restricted to the area enclosed by the original bank and boundary which is approx 30m south of the existing large manufacturing building.

This same satellite imagery indicates the boundary of the site and earth works including access road were extended to the current situation in approx 2013, whereby this application now seeks permission for this extension to the works, car parking, access road and entrance, and also a proposed extension to the building.

As part of this application a P1 form, design and access statement, site location plan, site layout plan and existing and proposed plans have been submitted. A business plan (2016-2019) was also submitted.

As outlined above there are several elements to this application, namely:

- new office block,
- new staff car parking with holding yard,
- new vehicular entrance and entrance road.

The new office block will be located to the south side of the existing large manufacturing building, the new access and entrance road is south of the existing access, which is currently located adjacent to no.15, while the new staff car parking and holding yard is located to the southern end of these grounds.

It is noted no works have commenced for the office block, however the entrance road, staff car parking and holding yard areas have been dug out and levelled, although the entrance road currently stops short of Herons Road.

This proposed office block will be single storey with a footprint of approx 20m by 9m, to be finished in grey coloured kingspan panels and cladding with red trims and black RWGs, with a mono-pitch roof, whereby the height varies from 4-5m.

This office block will include a reception, offices, storage, canteen, board room and toilet.

It is noted a septic tank will serve this building whereby it is considered the applicant owns/controls sufficient lands to accommodate this tank and associated soak-aways.

As stated above this office block will be sited to the south side of the existing large manufacturing building and will be set back approx 100m from the road, whereby its visual impact will be limited when viewed from along Herons Road due to this distance, and existing topography and boundary planting.

As outlined above distant views from more elevated viewpoints may be possible of this building, however it is considered it will read together with the existing building and will have little impact over and above existing when viewed from the surrounding landscape.

This office block is clearly associated with the existing business and can be conditioned as such in the event permission is granted.

The extension of these grounds comprises an additional 80-90m of lands to the south side of the original boundary referred to above. The works for this extension are well advanced, whereby the lands have been levelled to match those of the existing approved grounds, and which fall away gently to the south. These lands and levels step down towards the Herons Road, and include 3 separate areas, the storage area on the upper level, staff parking area in the middle level with a holding area on the lower level.

While it is noted the extension to these premises is sizeable having account its location, which includes a hillside as a backdrop, it is considered the works will not result in any significant additional or unacceptable impact on the character of this area or any nearby property, over and above those existing.

It is noted this existing business including large building and turbine are visible from the surrounding landscape and particularly from lands to the south west, while the hillside to the rear of the site screens the existing buildings to the north.

It is noted landscaping is proposed around the site whereby it is considered, this planting should be mature in form and a minimum height of 1m at the time of planting, which should be allowed to grow on, to minimise the potential impact of the works and assist in integration.

While it is noted the site includes mature planting to the front of the building at present, this existing building and site is still visible from certain viewpoints (as outlined above), and while the lands associated with this application are to be used for staff car parking and holding area, it is considered mature planting is required to reduce the potential visual impact. It is noted this staff car parking and holding area located towards the lower end of the site.

A new entrance road has been created which extends from the storage yard down past the staff car parking and holding areas and turns the corner running along the boundary of the site, and ends adjacent to the existing shot blasting and paint work shop building. This new entrance road follows the existing ground levels and slopes steadily and continuously downhill from the storage yard area towards the Herons Road, although currently stops short of the Herons Road by some 50m.

It is proposed to create a new entrance on to Herons Road which will be approx 70m south of the existing site entrance.

It is noted this existing site entrance runs along the side of the dwelling of no.15 which then continues at an angle along a bumpy surface which rises to the existing working yard of these grounds. Indeed during a site visit in Dec 2016 access was readily available to drive throughout the site across a working yard area with moving machinery and persons.

It is considered this existing access in such close proximity to No.15, which passes by the front door and several windows of this property, has a negative impact on the occupants of this property. It is noted this property is not identified as being in the control/ownership of the applicant as part of this application.

The current proposal includes blocking up the existing access to the engineering yard, except in the case of emergency, whereby this access will now only be used for the occupants of no.15. This new access will clearly bring benefits to the occupants of no.15.

As stated above this proposed new entrance will be located further south of the existing entrance, whereby the entrance point will be set in approx 20m from the road and will include a sizeable turning and manoeuvring area to the front which would allow for vehicles to wait off the road and not impact on traffic movement along Herons Road.

This new entrance will include gates with a new fence (2.4m high), and hedgerow along the site frontage, whereby the fencing will be erected behind the hedging. Planting is also proposed to line the new entrance road.

While it is acknowledged the proposed entrance is substantially larger than existing, it is noted this existing access is limited and possibly formed the original site

entrance which is no longer fit for purpose in today's standards, notwithstanding the impacts it has on the occupants of no.15.

In addition, it is considered this proposed access and new layout creates a safer entrance point and environment for all users.

It is also considered the visual impact of this new access point will be limited to the immediate area, and is commonly the type of entrance that would be expected for a business of this size which attracts heavy goods vehicles with trailers.

As such it is considered the benefits of this entrance outweigh any potential negative impact it will have on the character of this area, thus on balance no objections are offered. As advised above new planting is proposed to either side of the new entrance and also along the side of the entrance road which will also reduce the potential impact. As outlined above any planting should be conditioned to be a minimum height of 1m at the time of planting which should be allowed to grow on. It is noted Transport NI are content with these proposals and offer no objections.

As such it is considered the expansion of this established business is of a scale and nature that does not result in any unacceptable impact or harm on the rural character and appearance of the area, and does not offend policy PED3 or PED9 of PPS4.

The P1 form advises the proposed works will result in the creation of 4 extra staff, and also result in an increase in the persons and vehicles attracted to the site. The total number of people employed at this site as outlined on the P1 form of this application and also that of the associated application LA07/16/1485 are also noted.

The Planning Dept recognises the significant economic benefits created by the existing business, and is also mindful of the role of Planning and the Council in facilitating the growth of business and growing the local economy, where appropriate.

While it is acknowledged the works associated with this application, are sizeable, on balance, it is considered the extension to the grounds and new office block are of an appropriate size, scale, and design, whereby the landscape is able to absorb these works (set back from the road with a hillside to the rear) without resulting in any significant increased or unacceptable impact on any property or the character of this AONB area, for the reasons outlined, and does not offend the requirements of the respective policy including PPS2, PPS4, and PPS21.

It is also noted this extension will be located some distance from any residential property, whereby Environmental Health have offered no objections, while the other consultees have also offered no objections.

Accordingly Approval is recommended subject to conditions.

Recommendation: Approval.

ITEM NO	15			
APPLIC NO	LA07/2016/1485/F	Full	DATE VALID	07/11/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr William Herron T/A Herron Engineering 15 Herons Road Leitrim Castlewellan Bt31 9SR		AGENT	Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR 028 4063 8842
LOCATION	15 Herons Road Leitrim Castlewellan BT31 9SR			
PROPOSAL	Extension to existing manufacturing/light engineering works to create additional R&D manufacturing and storage facility, also upper level office space and canteen to meet increased export demand and upgrade the existing company corporate image.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures		Addresses Signatures	
	0	0	0	0



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/1485/F

Date Received: Nov 2016.

Proposal: Full planning permission is sought for an extension to the existing manufacturing/light engineering works to create additional R&D manufacturing and storage facility, also upper level office space and canteen to meet increased export demand and upgrade the existing company corporate image, on lands at 15 Herons road, Leitrim

Applicant: Mr W Herron

Location:

The site is located in the countryside approx 1 mile north east of the village of Leitrim as identified in the Banbridge, Newry and Mourne Area Plan 2015, and is in an AONB.

This area is pre-dominantly rural in character with rolling topography and includes a hillside (Carrivmoragh) to the rear of the site, although also includes several dwellings, holdings and the established grounds of Herrons engineering works.

Site Characteristics & Area Characteristics:

The site outlined in red is irregular in shape and extends to include part of the grounds of these established engineering works, and extends down to adjoin Herons Road, thus creating a new access.

This stretch of Herons Road rises from Leitrim whereby the lands along this side and stretch of road are elevated above road level. These extensive grounds of the engineering works extend to include a sizeable area, with a number of buildings and yard areas.

It is noted works have been carried out including the creation of a new entrance road, although which does not extend to adjoin the public road at present, and also additional levelled areas to the southern end of the site.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous approvals in the within and adjacent to the site, although the most relevant history observed includes:

LA07/2016/1405/F- Lands 200m SE of 15 Herons Road, Proposed detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff, Full, Pending, Applicant: Mr W Herron

It is noted there have been recent permission for the erection of a wind turbine (Q/11/0342) and retention of the extension to the trailer manufacturing facility (Q/07/0051).

Objections & Representations

None received to date (30-03-17)

Having account the extent of the red line and current practice neighbour notification was undertaken with 1 property along Herons Road (No.10), in Nov 2016, while the case was also advertised in the local press in Nov 2016.

Consultations:

Having account the nature of this proposal, and constraints of the site and area, consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Rivers Agency and Environmental Health as part of this application, whereby it is considered no objections are offered in principle.

It is not considered necessary to seek any further comments or request any further information to fully assess and determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS11, PPS15, PPS21 and supplementary guidance

As outlined above site is located in the countryside, thus the SPPS and PPS21 applies.

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

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

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

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

CTY1 of PPS21 states, amongst other things, that planning permission will be granted for industry and business uses in the countryside in accordance with PPS4.

Policy PED2 of PPS4 allows for categories of economic development in the countryside in accordance with the provisions of specific policies contained in PPS4. Having account the nature of this proposal (extension) it is considered Policy PED3 (Expansion of an established economic development use in the countryside), and also PED9 (General criteria for economic development) are key.

Policy PED3 of PPS4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Also, where new buildings are proposed they should be in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building.

As stated above the site forms part of the large established grounds of Herrons Engineering works, which is located off Herons Road.

Having account the established nature of this site, it is considered there can be no objections in principle to this use on this site.

Herrons Engineering specialises in the design and manufacture of a range of trailers for agriculture and construction equipment.

Herons Road is a rural road which slopes uphill in a northerly direction, whereby the application site is elevated above road level, occupying an elevated site, although the main grounds and works are set well back from the road, whereby the site also backs onto and adjoins a hillside (Carrivmoragh) to the rear which acts as a backdrop to the site.

Due to the undulating nature of the land form in this area, the site is visible from the surrounding area, although particularly when travelling in a North Easterly direction, as the hillside to the rear blocks views of the site from beyond. The main grounds of the site however are only partially visible from the immediate environs of Herons Road, due to the set back of the main grounds from the road, although longer distant views south of Leitrim village on higher grounds afford distant views of the site. The erected wind turbine associated with these grounds also attract ones eye and attention towards the site from the surrounding landscape.

This application proposes an extension to the existing manufacturing works to create additional manufacturing space and storage space.

A history search has been undertaken for these lands, whereby it is unclear as to when this business commenced operations, however the site history which included a wind turbine associated to this site in 2011, retention of extension application in 2007, and workshop in 1995, indicate that works have been ongoing in excess of 20 years.

The business plan submitted also indicates Herron Engineering was established in 1989, whereby satellite imagery indicates the original business and premises were contained and restricted to the area enclosed by the original bank and boundary which is approx 30m south of the existing large manufacturing building.

This same satellite imagery indicates the boundary of the site was extended to the current situation in approx 2013, whereby this application now seeks permission for this extension to the works, and also a proposed extension to the building.

As part of this application a P1 form, design and access statement, site location plan, site layout plan and existing and proposed plans have been submitted. A business plan (2016-2019) was also submitted.

The extension of these grounds comprises an additional 80-90m of lands to the south side of the original boundary referred to above. These lands have been levelled to match those of the approved grounds, although fall away gently to the south. In addition the lands and levels step down towards the Herons Road. While it is noted the extension to these premises is sizeable having account its location, which includes a hillside as a backdrop, it is considered the works will not result in any significant additional impact on the character of this area or any nearby property, over and above those existing.

It is noted this existing business including large building and turbine are visible from the surrounding landscape and particularly from lands to the south west, while the hillside to the rear of the site screens the existing buildings to the north.

It is noted landscaping is proposed around the site whereby it is considered, this planting should be mature in form and a minimum height of 1m at the time of planting, which should be allowed to grow on, to minimise the potential impact of the works and assist in integration.

While it is noted the site includes mature planting to the front of the building, this existing building is still visible from certain viewpoints (as outlined above), and while the lands associated with this application are to be used for the storage of manufactured goods, it is considered mature planting is required to reduce the potential visual impact.

The proposed extension to the building will be located to the rear of the existing manufacturing building and will include a large area to provide additional floor-space for manufacturing, while also providing storage space, toilets, with offices and a canteen above the storage and toilet area.

R & D relates to research and development which refers to investigative activities that a business conducts to improve existing products and procedures or to lead to the development of new products and procedures.

As stated above this building will be located to the rear of the existing manufacturing building, with the hillside to the rear, and will be no higher than the existing building thus it is considered it will have minimal impact on the surrounding landscape, even though it is noted the footprint of this building is similar to that of the existing adjoining building. This proposed extension will be internally linked to the existing building.

This building will be constructed in kingspan cladding, similar to existing, and as advised above will be no higher than the existing building.

The office space and canteen area are ancillary to the business for staff, as there appear to be very limited facilities at present.

As such it is considered the extension respects the size, scale, design and materials of the existing building, and will not adversely impact on any known feature of historic/architectural interest, and does not offend any of the criteria listed in policy PED9.

The P1 form advises the proposed works will result in the creation of 12 extra staff, and also result in an increase in the persons and vehicles attracted to the site, while the business currently employs in excess of 20 persons.

The Planning Dept recognises the significant economic benefits created by the existing business, and also the role of Planning and the Council in facilitating the growth of business and growing the local economy, where appropriate.

It was also noted from a site inspection in Dec 2016 works have also been carried out for the creation of an area of staff car parking, holding yard and new entrance road to the southern end of these grounds. It was also observed during this site visit the existing parking arrangement is informal and limited. These elements are dealt with in the associated application LA07/2016/1485.

While it is acknowledged the works associated with this application, are sizeable, on balance, it is considered the extension to the grounds including proposed extension to the building is of an appropriate size, scale, and design, whereby the landscape is able to absorb these works (set back from the road with a hillside to the rear) without resulting in any significant increased or unacceptable impact on any property or the character of this AONB area, for the reasons outlined, and does not offend the requirements of the respective policy including PPS2, PPS4, and PPS21.

It is also acknowledged the totality of works associated with this application and also that under LA07/2016/1405 will improve the layout and safety of the site, with specific designated areas for parking, with holding area, separate offices away from the operations, and security barrier which separates these areas from working yard. It is also noted this extension will be located some distance from any residential property, whereby Environmental Health have offered no objections, while the other consultees have also offered no objections.

Accordingly Approval is recommended subject to conditions.

Recommendation: Approval.

ITEM NO	16			
APPLIC NO	LA07/2016/1635/O	Outline	DATE VALID	08/12/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Eileen Leckey 21 Seaview Killough BT30 7PT		AGENT	
LOCATION	Adjacent 16 Rossglass Road Killough			NA
PROPOSAL	Erection of an infill dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Rossglass Road.
- 3 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Killough and the surrounding countryside.



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/1635/O

Date Received: 16th November 2016

Proposal: Erection of an infill dwelling

Location: Adjacent to No. 16 Rossglass Road, Killough.

Site Characteristics & Area Characteristics:



The site is located along the minor Rossglass Road, Killough in the east of the district. It is comprised of a 0.14 hectare portion of land, which is cut out of a larger agricultural field. The site immediately abuts the public road, albeit for the public footpath and is defined at the roadside by a mature hedge. To the eastern boundary of the site there is mature hedge, while to the west the site is defined by a mature hedge and part of the stonewall which defines the adjacent site at Charles Sheil's Institution. The site is relatively flat and appears to be currently used for agricultural purposes.

Immediately to the east of the site lies No 16 Rossglass Road, a detached two storey dwelling, while to the west lies the Charles Shiel's Institution Alms Houses, which is comprised of 32 listed alms houses in 4 separate blocks. These dwellings and their surroundings, along with the site form the a Local Landscape Policy Area, as designated in the Ards and Down Area Plan 2015. The land beyond the site is

agricultural, while immediately to the south-east is zoned for existing amenity open space and recreation.

The site is located outside the settlement limits of Killough as designated in the Ards and Down Area Plan 2015.

Site History:

R/2009/0879/O – Adjacent to 16 Rossglass Road, Killough, Site for Dwelling – Permission Refused 24.03.10 – Contrary to CTY 1 and 8 of draft PPS 21.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, 6 and 21 (CTY 1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 04.01.17

The following neighbours were notified of the proposal on 21.12.16:

12 and 16 Rossglass Road, Killough
Nos 1 – 31 Charles Sheil's Building, Killough

Consultations:

Consultations were carried out with Transport NI, Northern Ireland Water (NIW) and Historic Environment Division (HED).

No objections have been received from Transport NI and NIW. However, HED have expressed concerns regarding the proposal in that the proposal is likely to have an adverse impact on the setting of the Listed Buildings (Sheil's Institute) under Policy BH 11 of PPS 6.

Objections & Representations

No objections or representations have been received.

Consideration and Assessment:

The settlement limit of Killough extends along the eastern boundary, while the remaining boundaries lie within the open countryside. The adjacent development at Charles Shiels Institute lies within the countryside and has been designated within in a LLPA as designated in the Ards and Down Area Plan 2015. This designation includes the application site and it is noted in the Plan that the designation has been applied to create a buffer between the site and the Settlement Limit.

The policy context for this application is provided for by Planning Policy Statement 21 ' Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21

states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that she considers the proposal to comply with CTY 8 of PPS 21 (infill dwelling).

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc. In assessment of this, it is considered that the proposal is relying on existing buildings within the settlement limit to comply with CTY 8, and this approach has previously been refused by Local Planning Authoritys and the Planning Appeals Commission (PAC). The proposal is therefore contrary to Policy CTY 1 and 8 of PPS 21.

Given the location of the site, immediately adjacent the settlement limit of Killough, CTY 15 is also applicable, which states that planning permission will be refused for development that mars the distinction between a settlement limit and the surrounding countryside or that otherwise results in urban sprawl. The site when viewed on approach from both directions along Rossglass Road, provides a distinct break from the existing development at 12 and 16 Rossglass Road. The fact that the LLPA has been specifically designated to create a buffer between the settlement limit and the countryside, would mean that any development of this site into the countryside, would undermine this designation and also mar the distinction the between the countryside and the settlement. The proposal is therefore considered to be contrary to Policy CTY 15 of PPS21.

Recommendation:

The proposed development fails to meet the requirements of PPS 21.

Refusal Reason:

1. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Rossglass Road.

- 3. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Killough and the surrounding countryside.

Signed

Date

Signed

Date

ITEM NO	17			
APPLIC NO	LA07/2017/0061/O	Outline	DATE VALID	16/01/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Andrew Gibson 125 Derryboy Road Crossgar BT30 9DH		AGENT	Dickson Architectural Services 141 Greyabbey Road Ballywalter Newtownabbey BT22 2NY 07870914452

LOCATION 70m North East of 195 Clay Road
Crossgar
Downpatrick
BT30 9LS

PROPOSAL 2 dwellings on infill site

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



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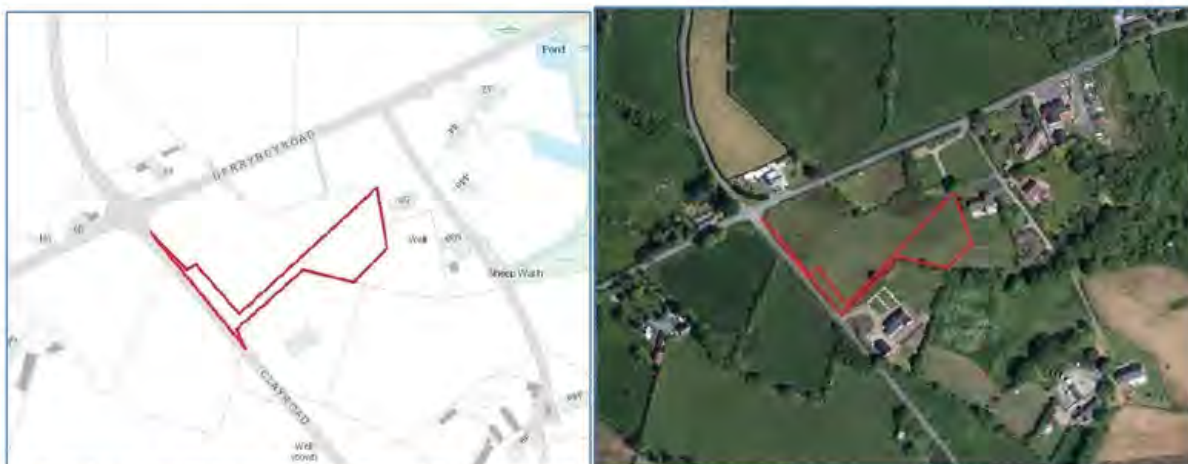
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0061/O

Date Received: 16.01.2017

Proposal: 2 dwellings on infill site

Location: 70m North East of 195 Clay Road, Crossgar, Downpatrick.



The site is within the countryside located between Saintfield and Killyleagh. It is approx. 5 miles NW of Killyleagh.

Site Characteristics & Area Characteristics

The site is a portion of a larger agricultural field. It is accessed from the Clay Road. The larger field shares its western boundary with the Clay Road and a portion of its northern boundary with the Derryboy Road. The site shares its southern boundary with the detached dwelling of No 195 Clay Road. This boundary is defined by a post and wire fence with the hedge located within the grounds of No 195. The site rises in level along the proposed access lane to the western boundary of the site which is shared with No 50 Derryboy Road defined by a post and wire fence. As the site is cut out of a larger field the northern boundary and a portion of the southern boundary of the site has no boundary definition.



Site History:

There is no site specific history. There is history relating to neighbouring dwelling at 195 Clay Road regarding conversion and domestic extension which are not relevant to the planning application under consideration.

Planning Policies & Material Considerations:

The site is within the countryside and will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access Movement and Parking as well as PPS2 Natural Heritage. Planning guides such as Building on Tradition Design Guide, DCAN 15 Vehicular Access Standards, Parking Standards will also be considered.

Consultations:

NI Water Ltd

No objections to the proposal and advising public water supply within 20m, no foul sewer, no surface water sewer and noting there is no capacity available at the WWTW a temp package treatment plant/septic tank may be needed. See file/planning portal for full details of response.

Transport NI

No objections to the proposal and responded with a recommended condition referring to the RS1 form included in their response. The RS1 form identified the visibility splays of 2m by 60m to facilitate a safe access to serve the proposal.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 1st February 2017.

A total of 6 neighbouring dwellings were notified.

Representation received on behalf of neighbouring residents of 195 Clay Road, submitted by Worthingtons Solicitors. For the purposes of the planning report the concerns are summarised, however the full objection can be viewed via the planning portal and has been placed on file for record. The concerns are as follows;

- Impact on road safety in terms of access and traffic
- The access is across an agricultural field which is described as boggy
- The impact the access would have on shared vegetation namely a mature tree (located on boundary shared with No 195 Clay Road)
- Previous approvals in the area are in relation to replacement dwellings

It must be noted the concerns are expressed in relation to a commercial development. The proposal is for residential development to achieve 2 infill dwellings. The objection also noted the land was 'extremely boggy', the case officer has checked the site in relation to the NI Flood Maps (Rivers Agency tool available online) and there is no site specific (including access and lane) surface water flooding and site is not within floodplain associated with rivers or coastal as highlighted within the NI Flood Maps. The objection also referenced Greenfield Site, the application is within the countryside and falls to be considered under the Strategic Planning Policy Statement for Northern Ireland and PPS21 Sustainable Development in the Countryside to consider the principle of development.

Transport NI has been consulted in relation to the access and returned no objection with a recommended planning condition for visibility splays.

Council would note that the vegetation referred to within the objection could be conditioned to be retained if the proposal was considered acceptable in principle and permission granted.

Consideration and Assessment:

The proposal is an outline application for 2 dwellings within the countryside. Policy CTY1 of PPS21 identifies a range of development considered acceptable in principle within the countryside that will contribute to the aims of sustainable development. One such avenue is the development of a small gap site within an otherwise substantial and continuously built up frontage in keeping with Policy CTY8 Ribbon Development.

Policy CTY8 Ribbon Development provides an exception to facilitate the infill of a small gap site. The policy identifies the small gap as 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 in terms of size, scale, siting, plot size and meets other planning and environmental criteria. The policy provides further definition which clarifies that a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The Strategic Planning Policy Statement (SPPS) does not conflict with policy relating to the development of infill sites within the countryside

The site proposed is accessed from the Clay Road. It is set back from the public roads by the intervening agricultural lands and is located between detached dwelling of No 195 Clay Road and No 50 Derryboy Road.

The set back of the proposed site from the public road is substantial. When measuring from the junction of the Clay and Derryboy Road it would be approx. 130m from the junction to the northern boundary (of the proposed site). The site does not share the frontage of No 50 Derryboy Road. As demonstrated in the schematic diagram the case officer created below, No 50 Derryboy Road fronts onto Derryboy Road and a private laneway which also provides access to detached dwellings of Nos 44a, and 50a Derryboy Road. The detached dwelling of 195 Clay Road has a detached garage, it is accessed from and fronts onto the Clay Road. The dwellings of No 195 Clay Road and 50 Derryboy Road do not share the same ie common frontage.



Due to the setback coupled with the lack of a shared frontage between Nos 195 Clay Road and No 50 Derryboy Road the site fails to satisfy the criteria as a small gap site within a substantially and continuously built up frontage. The site does not share a frontage onto the Derryboy Road or the Clay Road. The proposal is contrary to Policy CTY8 of PPS21 and the SPPS.

Considering the site in relation in terms of integration and impact on rural character of the area ie Policies CTY13 and CTY14 of PPS21. The proposal lacks long established natural boundaries and is unable to provide a suitable degree of enclosure. It would rely primarily on new landscaping for integration purposes. Due to the level of the site being higher than the public road and the lack of boundary definition within the main portion of the site, if the principle was considered acceptable a planning condition restricting the ridge height to single storey at 5.4m would be recommended by the case officer.

Policy CTY14 states that permission will be granted for a building in the countryside where it would not cause detrimental change to or further erode the rural character of the area. The proposal would result in a suburban style build-up of development when viewed from the junction of Clay Road and Derryboy Road. The proposal would have a detrimental impact on the rural character of the area contrary to Policy CTY14.

PPS2 Natural heritage Policy NH6 considers new development in relation to Areas of Outstanding Natural Beauty. The policy requires new development to be appropriate for the locality in terms of design, size and scale and identifies criteria for consideration. The proposal is outline and the principle for development has not been established. However if the principle was acceptable conditions could be attached relating to design, access, boundary treatments and landscaping if considered necessary.

Recommendation:

Refusal – the site is not a small gap site within a substantial and continuously built up frontage, the development would lack integration and have a detrimental impact on the rural character of the area.

Refusal Reasons/ Conditions:

Reasons of refusal as recommended by the case officer (may be subject to change);

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 Strategic Planning Policy Statement (SPPS) and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer DATE

Appointed Officer DATE

ITEM NO 18
APPLIC NO LA07/2017/0065/O Outline **DATE VALID** 18/01/2017
COUNCIL OPINION REFUSAL
APPLICANT Mr Jim Andrews 21 Rathfort **AGENT** Ronan Murphy
 Crescent Craft Village
 Rathmore Belleek
 Belleek Co Fermanagh
 Co Fermanagh BT93 3FX
 BT93 3JP

02868658190

LOCATION Land adjacent to 9
 Larchfield Park
 Tollymore
 Newcastle
 Co Down
 BT33 0BB

PROPOSAL 1 No. new dwelling

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (a) in that the proposed density of the development would be significantly higher than that found in the established residential area.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(c) in that adequate provision has not been made for private amenity space.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that a new dwelling would create conflict with the adjacent residential property of No 12 Elmgrove Park as a result of overlooking and loss of privacy.
- 6 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 15 Planning and Flood Risk Policy FLD1 in that the applicant would not be able to demonstrate that the proposal constitutes an exception to the policy for new development within a 1 in 100year fluvial flood plain.
- 7 The proposal is contrary to the Strategic Planning Policy Statement 201 and Planning Policy Statement 2 Natural Heritage Policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of design; size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0065/O

Date Received: 18.01.2017

Proposal: 1 No. new dwelling

Location: Land adjacent to 9 Larchfield Park, Tollymore, Newcastle.

The site is within the settlement limits of Newcastle.



Site Characteristics & Area Characteristics

The site is a vacant plot within Larchfield Park. It is a narrow plot that shares its western boundary, defined with a 1.0m high (approx.) rendered wall with detached bungalow of No 9. The wall defined the side and rear boundary. The rear boundary is shared with No 12 Elmgrove Park which has a close board fence at a height of 1.8m high to the rear of the 1.0m (approx.) rendered wall. The north west boundary is shed with an NIE transformer site. The front boundary has a gated vehicular access with a 0.5m high rendered wall. The site is flat and non profiled with a gravel finish.



Larchfield Park is an established residential area with a mix of detached and semi-detached dwellings with medium sized plots, small front gardens, side driveways for parking vehicles within the curtilage of their properties and medium sized rear gardens. Opposite the site is number 14 a semi-detached storey and a half dwelling, and No 12 a detached single storey dwelling.

Site History:

R/1978/0442

Garage at 9 Larchfield Park, Newcastle

GRANTED

Planning Policies & Material Considerations:

The site is within a designated settlement limit and will be considered in relation to the Regional Development Strategy, The Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement (PPS) 7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS12 Housing in Settlements, PPS15 Planning and Flood Risk, PPS3 Access Movement and Parking. The site is within the Mourne designated Area Of Outstanding Natural Beauty (AONB) and PPS2 Natural Heritage will also be considered. Departmental guides such as Development Control Advice Note 8 Housing in Existing Urban Settlements (DCAN8), DCAN 15 Vehicular Access Standards, Parking Standards, Creating Places will also be considered

Consultations:*Transport NI*

8.2.2017 - No objection to the proposal subject to condition of visibility splays and information detailed on RS1 form X2m and Y as existing etc. See file for full details.

Rivers Agency

8.3.2017 – advising the site is within close proximity of two designated watercourses ie the Burren River and the Shimna River, designated in accordance with the Drainage (Northern Ireland) Order 1973. The site is identified within the Strategic Flood Map NI as within the 1 in 100year fluvial flood plain and the proposal is therefore contrary to policy FLD1 of PPS15 Planning and Flood Risk. Rivers agency draft reservoir inundation maps indicate the site is in an area of inundation emanating from Lough Island Reavy Reservoir and Fofanny Dam and Policy FLD 5 should be applied (PPS15). See file or planning portal for full details of the consultation response.

Department of Agriculture, Environment and Rural Affairs (formerly known as NIEA)

1.2.2017 – Water Management Unit offered no site specific comment and directed applicant to standing advice via conditions and informative that could be applied should the application be approved. See file for full details.

NI Water

30.1.2017 – WWTW has available capacity, public water supply, surface water sewer and foul sewer within 20m contact NI Water for connection

NIE consulted due to neighbouring transformer however no response received and application cannot be held indefinitely.

Objections & Representations

The site was advertised in Mourne Observer on the 1st February 2017.

A total of 9 neighbouring dwellings were notified.

Representations have been received relating to the planning application.

C McGrath MLA objected to the proposal and requested an office meeting. Council planning staff requested dates to accommodate the office meeting.

Mr McGrath MLA voiced concerns of local residents and the representation received have both been summarised as follows:

- The proposal would result in overdevelopment of the site and would be out of keeping with the character of the area
- Potential for flood risk due to flood issues in the area in August 2008 when Shimna River flooded and the site is within a designated 'Significant Flood Risk Area' within Rivers Agency Flood Maps
- The balcony proposed at the front would result in overlooking and loss of privacy for residents opposite the application at 14 Larchfield Park
- The lack of amenity space proposed is out of character with dwellings in the area and contrary to Creating Places and PPS7

- Highlighting there may have been a convenient between the property owner and NIE due to an overhead pylon that is no longer used and notes this is a civil matter
- The site was previously part of the garden of No 9 Larchfield Park and was divided by the applicant by a wall and the property deeds on 1st September 2016 when No 9 Larchfield transferred to new owners and this did not include the application site.
- The proposal includes a new building and a change of use from garden which is not detailed within the P1 form.
- Concern about neighbour notification and that the proposal may not be administered properly and dwellings of 16 and 19 Larchfield Park were not neighbour notified.
- The plot size is smaller than that in the area and would impact the character of the area
- The design, scale, height and width of the dwelling proposed would be out of keeping with that of the area and dominate the street scene.
- Impact on neighbouring 9 Larchfield Park in terms of loss of light, impact on privacy and amenity.
- Concern about separation distances between the proposed dwelling and neighbouring properties
- Lack of ability for 2 cars to park within the curtilage of the site

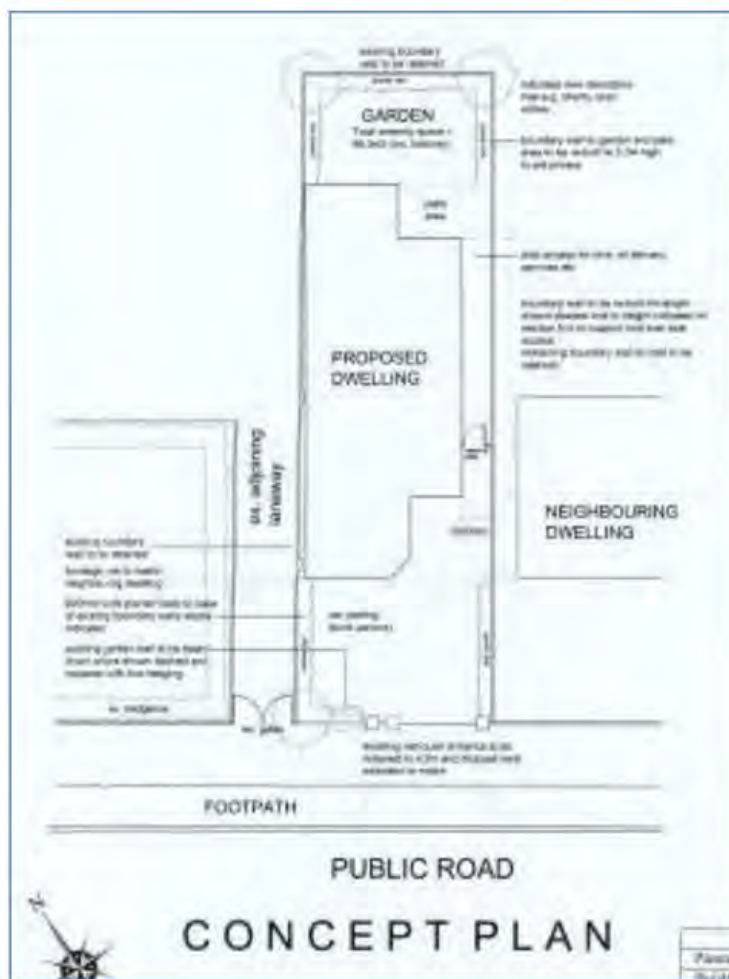
Neighbour notification has been carried out in relation to The Planning (General Development Procedure) Order (NI) 2015 which states that any identified occupier on neighbouring land must be notified of development proposals. The definition of 'Neighbouring land' is detailed as lane which directly adjoins the application site, or which would adjoin it but for an entry road less than 20metres in width. The definition of 'identified occupier' is defined as the occupier if premises within a 90metre radius of the boundary of the site.

Due to comments received relating to historical flooding on the site and area Council consulted with Rivers Agency.

Council responded to objection letter received 15th February 2017 to highlight neighbour notification and the current scheme of delegation (at the time).

Consideration and Assessment:

The proposal is an outline application for a dwelling within the settlement limits of Newcastle. While the proposal is outline the plans submitted are detailed however the concept layout does not appear to measure to the scale detailed, it is suitable as a concept tool. Concept drawings have been provided for consideration.



Larchfield Park is an established residential area. The plot is narrow plot which has been annexed from the garden of No 9 Larchfield Park. Spatial NI details the site as part of the garden, see snapshot below.



Residential development must draw from the positive aspects of the character and appearance of the surrounding area. With established residential areas, PPS7 Policy QD1 states that permission will not be permitted where it would result in unacceptable damage to the local character, environmental quality or residential amenity of the area.

The proposal must respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped/hard surfaced areas. The PPS7 Addendum provides additional criteria for consideration. Policy LC1 of the PPS7 Addendum states that redevelopment of existing buildings, or as this case is, infilling of vacant sites for housing must reflect the density of that which is found in the established residential area.

The proposal is within an established residential area. The density of this established residential area, measuring dwelling Nos 1-20 Larchfield Park within 0.85Ha, is 23.5 units per Hectare (Ha). The proposal is for one dwelling within a plot that has a much smaller width and plot size than that of the neighbouring dwellings within the vicinity of the site. The density of this plot would measure 1 dwelling within 0.0202Ha ie 49.5 dwellings per Hectare. This is a significantly higher density than that which is found within Larchfield Park and the surrounding residential area.

Numbers 1, 3, 5, 7 and 9 Larchfield Park have a plot width of over 15m of boundary shared with the public footpath. The proposed site has a plot width of 8m (measured from site location map). This is considerably less than the width of its neighbouring dwellings. It must be noted that the semi-detached dwellings of No 14 and 16 Larchfield plot, opposite the site have a narrow plot width of 11m along the public footpath. The concept plan demonstrates how the applicant proposes to address the narrow width of the plot. The dwelling would not be able to provide a side drive but it would reflect the building line of No 9 Larchfield Park and provide in curtilage parking to the front in keeping with that which is required by Parking Standards and Policy QD1 (d). Transport NI has been consulted and have not objected to the proposal.

In terms of plot sized, the proposed plot is significantly smaller than that which is found in the area. The semi-detached dwellings of 14-20 Larchfield Park appear to have the smallest plots sized within the immediate vicinity of the site. Nos 14-20 Larchfield Park have an average plot size of approx. 320sqm. The proposal has an approximate plot size of just 202sqm. This demonstrates that the proposal would not reflect the plot sized found within this established residential area.

Considering the proposed layout in terms of the narrow and restricted nature of the site proposed, a dwelling on the site would not be able to reflect the spacing between units as the dwelling cannot accommodate a size drive and parking area which reflects the established layout of each dwelling within the area.

The 2 storey nature of the proposal would have a different design and orientation within the site than the existing dwellings. I would be concerned that the height would be out of keeping with the character of the area, however the dwelling opposite the site, No 14 Larchfield is a storey and a half semi-detached dwelling with a larger 1st floor dormer.



View of the site taken from (NW) adj to No 22 Larchfield Pk

View of the site taken from (SE) adj to No 8 Larchfield Pk

The proposed concept plans detail a 3 bedroom detached dwelling. PPS7 Addendum Annex A Space Standards as referenced within Policy LC1 (c) which requires residential developments to be built to a size not less than that as set within Annex A. The floor plans and elevations detail a 2 storey dwelling with approx. 180sqm of floor space within a site area that measures at 202sqm. The proposed floor space is well above that which is set out of a 2 storey 3 bedroom dwelling suitable for 6 people as detailed within the annex.

The proposal would have a much higher density than that which is found within this established residential area and would have an adverse impact on the character of the area. The proposal is contrary to Policy QD1 (a) of PPS7 as well as Policy LC1 (a) and (b) of PPS7 Addendum.

The proposal neighbours a NIE site which contains a transformer. NIE have been consulted on the proposal and their comments have also been chased via email.

There are no features of archaeological and/or built heritage or landscape features on site that require to be protected or integrated into the proposal.

In terms of private open space, the concept plan states the proposal can provide a rear private amenity space of 58.3sqm which includes the first floor balcony to the front. This is not in keeping with Creating Places planning guidance which advises

back garden space of around 70sqm per house or greater. While this refers to housing developments Council must be mindful that this proposal is for a dwelling within an established residential area and all the neighbouring dwellings accommodate much larger private rear amenity spaces. The first floor balcony provides floor space of approx. 5sqm measuring from the floor plans. It is located to the front overlooking the public footpath and road of Larchfield Park, therefore it does not provide a level of amenity space which could be identified as private. As a result the development would not be able to accommodate the 58.3sqm of private amenity space but considerably less. Therefore the proposal fails to provide adequate provision for private open space.

Considering the proposal intends to respect the building line of No 9 Larchfield Park, the 1st floor balcony will have a separation of approx. 40m from No 12 and 14 Larchfield Park located opposite the site. No 12 and 14 have no 1st floor windows on their front elevations. At this distance I would not consider the proposal to present conflict with the dwellings opposite in terms of overlooking their front garden spaces which are already visible from the public footpath.

The floor plans and elevations proposed detail a 1st floor rear window which would have the potential to overlook the private rear amenity space of 12 Elmgrove Park. The rear boundary between the units is provided for by a 1m high rendered wall with a 1.8m high close boarded fence within the grounds of No 12 Elmgrove Park. The concept details a planter bed however this would not mitigate against overlooking from the first floor bedroom window as proposed. The proposal is contrary to Policy QD1 (h).

Considering the site in relation to comments received through representation and consultation response from Rivers Agency, the proposal fails to satisfy Policy FLD1 Development within Fluvial (River) and Coastal Flood Plains. This does not permit development within a river or coastal flood plain unless the development is constitutes an exception to the policy. The Policy provides an exceptions test. Considering the details of the proposal in relation to the exceptions test of the planning policy, the proposal is therefore contrary to Policy FLD1 of PPS15.

Rivers Agency has also highlighted that the site is located within the draft reservoir inundation maps which refers to Lough Island Reavy. This is some distance from the site. Policy FLD5 of PPS15 considers development in close proximity to reservoirs. The inundation map referred to by Rivers Agency is in draft form and therefore it would not hold weight for the determination of the planning application in relation to Lough Island Reavy which is located at a distance of over 5 miles from the proposal.

The proposal is located within the settlement of a town, it is also located within the Mourne Area of Outstanding Natural Beauty. Policy NH 6 of PPS2 requires new development to be an appropriate in terms of design, size and scale for the locality. The proposal is not in keeping with the character of the area in terms of PPS7 and PPS7 Addendum for residential development and therefore it may also be considered contrary to PPS6 Policy NH6.

Recommendation:

Refusal, the proposal would not be in keeping with planning policy in terms of new development within a fluvial/coastal flood plain, the impact the proposal would have on the character of an established residential area, lack of private amenity space and impact on neighbouring dwelling ie 12 Elmwood Park.

Refusal Reasons/ Conditions:

Refusal reasons as recommended by case officer and may be subject to change:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (a) in that the proposed density of the development would be significantly higher than that found in the established residential area.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(c) in that adequate provision has not been made for private amenity space.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that a new dwelling would create conflict with the adjacent residential property of No 12 Elmgrove Park as a result of overlooking and loss of privacy.
6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 15 Planning and Flood Risk Policy FLD1 in that the applicant would not be able to demonstrate that the proposal constitutes an exception to the policy for new development within a 1 in 100year fluvial flood plain.
7. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 2 Natural Heritage Policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of

design; size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer DATE

Appointed Officer DATE

ITEM NO	20			
APPLIC NO	LA07/2017/0131/O	Outline	DATE VALID	30/01/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs McKeown 67 Rocks Chapel Road Crossgar Downpatrick BT30 9HN		AGENT	Tumelty Planning Services 11 Ballyalton Park Downpatrick BT30 7BT 07768057822

LOCATION Opposite no 67 and adjacent to 62 Rocks Chapel Road
Crossgar
BT30 9HN

PROPOSAL Proposed dwelling on a farm under planning policy CTY10 of Planning Policy Statement 21 (PPS21)

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement, Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 3 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and would rely primarily on the use of new landscaping for integration, it would not, therefore, visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would be detrimental change to the rural character of the countryside.



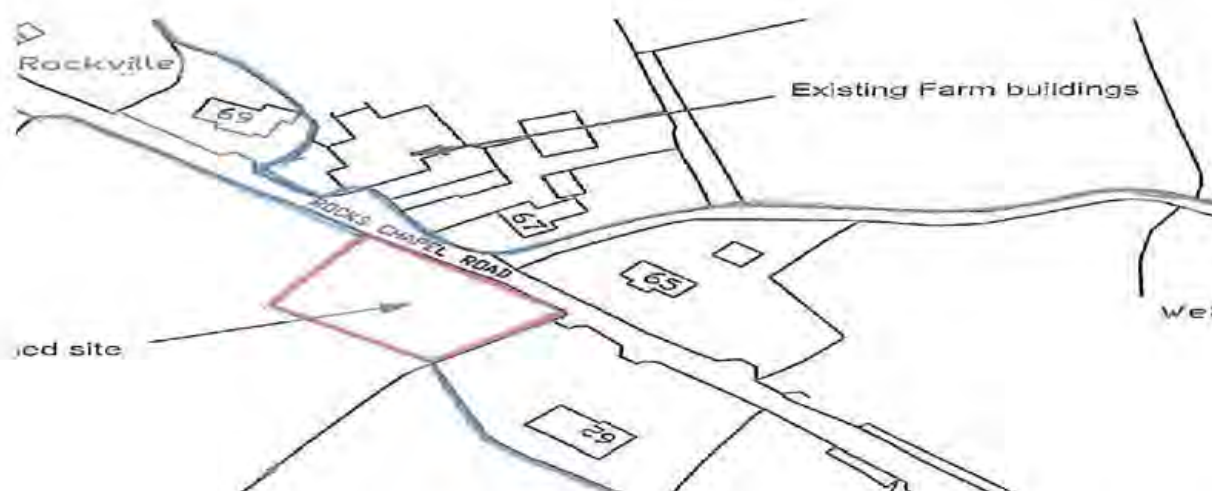
Application Reference: LA07/2017/0131/O

Date Received: 30th January 2017

Proposal: Dwelling on a farm

Location: Opposite 67 and adjacent to 62 Rocks Chapel Rd Crossgar

Site Characteristics & Area Characteristics:



The site is located along Rocks Chapel Road, Crossgar, a rural road, which serves a number of detached dwellings and farm holdings. The site is comprised of relatively flat portion of land which is positioned immediately at the roadside and cut out of a large agricultural field, currently used for grazing. The site is defined at the roadside by a post and wire fence with stone wall and hedging. To the south-east the site is defined by a stone wall and post and wire fence, while the remaining boundaries are undefined. The site lies directly opposite the farm dwelling and out-buildings which are located at No 67 Rocks Chapel Road.

The land immediately surrounding the site is relatively flat and predominantly used for agriculture. There are a number of detached dwellings dispersed along Rocks Chapel Road, a variety of designs are present. The land opposite the site is heavily developed at the roadside with a ribbon of development evident, while on the southern side of Rocks Chapel Road, where the site is located, development is more sporadic with No 62 immediately

adjacent and set back from the road, a large gap is then present within the remaining field of which the site is cut.

Site History:

There is no history relevant to the site specifically.

An infill dwelling has been approved between Nos 58 and 62 Rocks Chapel Road see planning reference LA07/2016/0688/F.

Planning Policies & Material Considerations:

In assessment of the proposal regard shall be given to the RDS 2035, Strategic Planning Policy Statement, Planning Policy Statement 1, 3 and 21, DCAN 15, in addition to any other material consideration.

Consultations:

In assessment of the proposal a number of consultations were carried out with NIEA, Environmental Health, Utility Providers and Roads. No objections were received.

Objections & Representations

The following neighbours were notified of the proposal on 02.01.2017

62 Rocks Chapel Road Crossgar

65 Rocks Chapel Road Crossgar

69 Rocks Chapel Road Crossgar

The proposal was advertised in the local press on 15.02.2017.

No objections or representations have been received.

Consideration and Assessment:

The Ards and Down Area Plan 2015 has identified the site as falling within the open countryside. The plan does not contain any policies or provisions relevant to the proposal. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).

Policy CTY1 of PPS 21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. 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 group (s)

It is noted that the farm on which the dwelling is proposed is registered to the applicant Raymond McKeown of 67 Rocks Chapel Road, Crossgar. The farm has a registered Business ID number 615270 and is comprised of approximately 40.78 hectares. In consideration of current policy, the Council consulted with Dept of Agriculture, Environment and Rural Affairs (DAERA) who confirmed that the farm business ID 615270 has been in existence for more than 6 years and has claimed subsidies in the past year. For the purposes of the policy, the business is considered to be active and established and thereby complies with criteria A.

A history check of the land included within the farm indicates that there do not appear to be any development opportunities sold off since November 2008. The proposal therefore complies satisfactorily with criteria B.

The proposed site is positioned opposite the farm dwelling and associated farm buildings, it is not considered therefore that the proposed dwelling, would, if approved, be visually linked and sited to cluster with an established group of buildings on the farm and therefore is not compliant with Criteria C of CTY 10.

Policy CTY10 also stipulates that proposals must also meet the requirements of CTY 13, 14 and 16. In doing so, it is considered that given the lack of boundaries to the north-west and south-west, a dwelling would not integrate successfully within surrounding landscape, as it

would rely primarily on the use of new landscaping for integration, the proposal is therefore contrary to CTY 13. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where (a) – (e) occur. The development of the site would, be unduly prominent (conspicuous) due to the lack of established natural boundaries and the proposal is therefore also contrary to CTY 14.

During the site inspection, I met with the applicant Mr McKeown, who offered an alternative site, south west of the proposed site, just beyond the field within which the current site is proposed, a small parcel of land between field Nos. 4 and 6 as shown on the farm maps. This site would be accessed via an existing lane, and is considered to be satisfactory in terms of integration, given the existing boundary treatment. However, the site is removed from the farm buildings and would not be considered to visually link or site to cluster with established buildings on the farm. I queried the possibility of using the land to the rear of the farm buildings, but this was not looked favourably upon by the applicant.

Recommendation:

The application, as submitted, should therefore be refused on the basis that it does not comply with the SPPS, Policy CTY 1, 10, 13 and 14, in that the proposed dwelling is not sited to visually link or cluster with the established buildings on the farm and would, if permitted, lack integration and be prominent in the landscape due to the lack of established boundaries to the north-west and south-west. .

Refusal Reason:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement, Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

- 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and would rely primarily on the use of new landscaping for integration, it would not, therefore, visually integrate into the surrounding landscape

- 4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would be detrimental change to the rural character of the countryside.

Signed

Date

Signed

Date

ITEM NO	21				
APPLIC NO	LA07/2017/0252/F	Full	DATE VALID	20/02/2017	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Paul Hart 3 Vale Road Listooder Crossgar BT30 9JN		AGENT	Premier Building Design Ltd 1st Floor Unit 3 27 Wallace Avenue Lisburn BT27 4AE 02892660776	
LOCATION	3 Vale Road Listooder Crossgar BT30 9JN				
PROPOSAL	Proposed new 2 storey replacement dwelling and associated site works				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses Signatures	Addresses Signatures	
			0 0	0 0	
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.				
2	The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.				
3	The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.				



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0252/F

Date Received: 20th February 2017

Proposal: Proposed new 2 storey replacement dwelling and associated site works

Location: 3 Vale Road, Listooder, Crossgar.



The site is within the Countryside between Crossgar and Ballynahinch. The site is approx. 3 miles west of Crossgar.

Site Characteristics & Area Characteristics

The site is a roadside site on the main road between Crossgar and Ballynahinch. The dwelling has an established access to the south which is gated and provides access to the internal yard. The curtilage of the dwelling is well defined through several vernacular outbuildings clustered around the concrete yard. The dwelling itself is single storey and shares its gable wall of the dwelling and a detached outbuilding with the grass verge that provides a small set back from the Vale Road. The boundary is also defined with a rendered wall serving the yard area and a hedge within the garden boundary. The site shares its north, east and southern boundary

with agricultural land and the garden has a mature boundary defined with trees, vegetation and a post and wire fence. The dwelling has a single storey extension to the north and south gable.

The dwelling, yard and outbuildings are set within a lower ground level than that of the adjacent Vale Road. The area has a drumlin topography with detached rural dwellings and agricultural outbuildings dotted between the fields.



View of the site from the North



View of the site adj to existing access



View of the site from the South



Dwelling

Site History:

R/2014/0162/F Mr P Hart

3 Vale Road, Crossgar, Downpatrick

Refurbishment and extension of existing dwelling and new vehicular access

Granted 13.05.2015

Planning Policies & Material Considerations:

The proposal is for a replacement dwelling within the countryside. It will be assessed having consideration of the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside, PPS3 Access, Movement and Parking and PPS6 Archaeology and the Built Environment.

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

Consultations:

NI Water Ltd

Response received

Transport NI

Response received 8.3.2017 requested amended plans relating to the access point.

DFC Historic Environment Division

Consulted as the site is within close proximity of a scheduled monument - SM 11/1 DOW 023:030. Response received 22.3.2017 with no objection to the proposal in terms of PPS6 and the SPPS.

Objections & Representations

The site was advertised in Mourne Observer on 8th of March 2017.

The site has no neighbours which meet the criteria as set out in the legislation for neighbour notification.

The Council has not received any representations relating to this proposal prior to completion of planning report.

Consideration and Assessment:

The proposal is for a replacement of a single storey dwelling with a 2 storey dwelling. The plans detail a 4 bedroom dwelling with ground floor living space and 1st floor sleeping quarters. The height of the dwelling is over 8m and is finished with a hipped roof with black tiles, the dwelling will be finished in white coloured render and white PVC windows. The dwelling has a single storey ground floor flat roof projection to the side and rear that provides a 1st floor balcony feature with an external staircase.



Proposed elevations

Proposed site layout

The SPPS and PPS21 provide policy for the consideration of replacement dwellings within the countryside where the building proposed exhibits the essential characteristics of a dwelling. Having inspected the site the dwelling meets this

criteria and the dwelling is not listed. There is previous history on the site for the extension and improvements granted for the dwelling in May 2015 under planning application reference R/2014/0162/F.

The existing dwelling would have once been vernacular reflecting the period of the neighbouring vernacular outbuildings. However the dwelling has been modified and extended and while the original building may convey vernacular proportions the extensions have altered the character and appearance of the dwelling beyond that of a non-listed vernacular dwelling.

The proposal will replace the existing dwelling within the established curtilage of the existing dwelling. However the replacement dwelling proposed is significantly larger than the dwelling it is to replace.

Policy CTY3 and the SPPS are clear in relation to replacements in terms of their visual impact on the surrounding landscape. CTY3 states that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

The existing dwelling is single storey. The extension and improvements to the dwelling previously permitted under R/2014/0162/F granted a single storey extension. The proposal will provide a slightly larger set back from the Vale Road than the existing dwelling however the 2 storey height, scale and massing of the dwelling would result in the dwelling having a significantly greater visual impact on the countryside than the existing dwelling. While the existing dwelling, outbuildings, yard and garden are on a lower ground level than that of the Vale Road, there are no levels detailed on the site layout to demonstrate this difference to justify the large scale nature of the proposed replacement dwelling. The layout does not include any details of boundary treatments ie retention, planting, wall or fencing details.

Building on Tradition – Design Guide refers to the simplicity of form and grouping found in traditional Glebe and linear farm houses. The design of the proposed dwelling would somewhat reflect this however it cannot set aside the policy requirement within both the SPPS and CTY3 of PPS21 that the overall size of a replacement dwelling should enable integration into the landscape and not have a significant greater visual impact than that of the existing dwelling. The critical views of this site are approaching the site to from the north and south. There would also be a view of the proposal from the Ballynahinch Road.

Policy CTY 3 requires that necessary services are available, or can be provided without significant adverse impact on the environment or character of the locality.

The proposal includes a new access. Policy requires access, serving the proposed replacement, to the public road would not prejudice road safety or significantly inconvenience the flow of traffic. Transport NI were unable to respond to the site layout which does not identify the achievable visibility splays. As the proposal details a new access, the visibility splays must be demonstrated in order to ensure a safe access in keeping with Policy CTY3.

The previous application on site approved R/2014/0162/F for refurbishment and extension to No3 included a new vehicular access which was detailed on plan

R/2014/0162/07 stamp dated 05 NOV 2014 and conditioned within the approval (planning condition No 2). The visibility splays for the new access associated with planning approval R/2014/0162/F demonstrated 2.4m by 90m could be achieved. Transport NI offered no objections to R/2014/0162/F.

Considering the details of the planning application, unlike the previous application R/2014/0162/F, it has not been demonstrated that the proposed new access will not prejudice road safety or inconvenience the flow of traffic. However a safe access can be achieved from the site, it may not be detailed on the site layout yet Council must be mindful that this could be accommodated through a revised site layout.

Policy CTY13 and 14 of PPS21 consider integration and design as well as rural character in terms of new development within the countryside. Considering the roadside nature of the site and the scale height and massing of the proposed replacement dwelling the proposal would result in a prominent feature within the landscape. The design of the proposal would reflect similar development within the larger area however dwellings within the immediate vicinity of the site have a storey and a half bungalow design which reduces their visual impact when viewed from the Vale Road and reflects that lack of a backcloth to the rear which would aid integration. As the proposed replacement would result in an unduly prominent feature within the landscape this is contrary to the criteria of policies CTY13 and CTY14.

Transport NI have raised concerns relating to the access require amended plans to achieve a safe access. The proposal will not re-use the existing access which is to the south of the dwelling and provides access into a yard area and the outbuildings within the curtilage of the dwelling. The proposed access is to the north, the current plans do not detail the closure of the established access and therefore it can be concluded that the applicant intended for this access to remain in place. The double access was not highlighted by Transport NI as a concern. However Policy CTY3 requires that access to the public road to serve a replacement dwelling must not prejudice road safety or significantly inconvenience the flow of traffic.

The site is within an area of influence relating to a monument. Council consulted with the Department for Communities Historic Environment Division who considered the details of the proposal to be acceptable in relation to current planning policy.

Recommendation:

Refusal – the proposal would have a significantly greater visual impact than that of the existing dwelling and is therefore contrary to the SPPS and PPS21 Policy CTY3. The height, scale and massing of the proposed replacement would result in an unduly prominent feature within the landscape contrary to CTY13 as it cannot be visually integrated into the landscape and CTY14 as the proposal would cause a detrimental change to the rural character of the area.

Refusal Reasons/ Conditions:

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer DATE

Appointed Officer DATE

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

ITEM NO	26			
APPLIC NO	R/2014/0499/RM	Reserved M	DATE VALID	19/09/2014
COUNCIL OPINION	APPROVAL			
APPLICANT	Dumore Construction	c/o agent	AGENT	Gray Design Limited 5 Edward Street Newry BT35 6AN 02830251885
LOCATION	Lands adjacent to 8 Middle Tollymore Road And opposite 11 13 & 15 Middle Tollymore Road Newcastle			
PROPOSAL	Proposed housing development including alterations to existing junction on Middle Tollymore Road and Tollymore Road, 56 units in total. (Amended site/access plans received)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	133	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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

Application Reference: R/2014/0499/RM

Date Received: Sept 2014.

Proposal: Reserved Matters (RM) is sought for a housing development of 56 units, on lands adjacent to 8 Middle Tollymore Road, and opposite no.11, 13, 15 Middle Tollymore Road, Newcastle, including alterations to existing Middle Tollymore Road and Tollymore Road junction.

Applicant: Dunmore Construction

Location:

The site is located within the development limits of Newcastle on land zoned for housing (NE12), as identified in the Ards and Down Area Plan 2015, whereby the Western boundary marks the edge of the development limit. These lands comprise a field at present.

This site is also within an AONB and Area of Constraint on Mineral Developments. It is noted the lands adjoining the site to the north, south and east are largely residential in character, comprising a mix of house types and sizes, while the lands to the west are rural in form. It is noted there is a TPO which affects trees along part of the eastern boundary.

Site Characteristics & Area Characteristics:

The site outlined in red extends to include a large field although also extends to include a portion of the Middle Tollymore Road and Tollymore Road, and the frontage of a number of properties. This site is located approx 200m from the junction with the Tollymore Road whereby this stretch of road rises from the Tollymore Road. The field comprising the application site is rectangular in shape, whereby the boundaries include post and wire fencing and planting. This field also extends to adjoin a number of properties.

Site History:

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

R/2007/0706/O- Lands adjacent to 8 Middle Tollymore Road and opposite no.11, 13 and 15 Middle Tollymore Road, Outline planning application to establish residential use on the site, Outline, Approval, 05-10-11, Applicant: Dunmore Construction Ltd. (It is noted this Outline approval included 6 conditions, whereby both the site location plan and access details plan were stamp granted. It is also noted consultation was undertaken with a number of bodies as part of this application including with Roads Service (now Transport NI), NIW, Development Plan, WMU, and Rivers Agency. It is also noted there was significant local opposition to this Outline application). (Conditions included time limit, access and roads improvements, retention of vegetation along eastern boundary and provision of landscaping buffer along western boundary).

It is also noted there is a Tree Preservation Order (TPO) within the grounds of the Strathern development, which affects trees along the eastern boundary of the site. This is considered further below.

Objections & Representations

Well in excess of 100 representations in opposition to the proposal have been received to date (22-03-17). Currently approx 133 in total), from owner/occupiers of properties within Meadowvale, Meadowvale Avenue, Meadowvale Park, Mounthorris, Bryansford Road, Tollymore Road, Middle Tollymore Road, Mourne View, Castlewellan Road, Tollymore Cottages, Strathern Manor, The Courtyard (Strathern), The Lodge (Strathern), De Courcey Way (Dundrum), College Walk (Lurgan), Gordon Bell and Son Solicitors on behalf of resident, and also from Cllr W Clarke, Cllrs O'Boyle and former Cllr P Clarke, and also J Wells MLA, whereby the main issues raised include:

- the Tollymore Road and Middle Tollymore Road are already extremely hazardous regarding traffic, and this proposal will increase this issue and risk to pedestrians/cyclists/children and is unreasonable and unrealistic, and will be overwhelmed by this development. The Middle Tollymore Road is too narrow to sustain any increased traffic,
- ongoing flooding/drainage issues affecting the Middle Tollymore road would be compounded by this development,
- the dwellings are completely out of character/keeping with the surrounding area, and will have a serious effect on the light, privacy, pollution, noise of adjoining properties,
- high density of development, along this rural road,
- the developer is not in control of the lands required to be upgraded and to serve this development (to both sides of the site),
- development will adversely impact on the wildlife and bio-diversity of the area,
- the development will spoil the area,
- there is a public right of way adjacent to the development, and also a private right of way (access and laneway with wall) adjoining the site,
- the sewerage facilities will not be able to cope with the development/increased demand,
- the development will devalue existing properties,
- there is a TPO to the rear of the Strathern development,

- risk of vandalism when the building site is left unguarded and dwellings left idle if not sold,
- extent of neighbour notification,
- loss of views from the rear of the Mountnorris development,
- stress caused to health of residents during construction phase,
- a request for boundary fencing along the boundary with the Strathern development.

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

As outlined above a large volume of representations have been received regarding this proposal since it was received in 2014, whereby a number of issues have been raised. The above summary is only intended to grasp the main issues raised, and does not seek to provide an exhaustive list of each and every representation received, whereby similar issues have often been raised by more than 1 person.

Having account the extent of the red line and current practice neighbour notification was undertaken with a number of properties along Middle Tollymore Road, Tollymore Road, Mountnorris, Meadowvale, and Strathern development (including The Lodge and Courtyard), on a number of occasions and most recently in Dec 2016 (Following receipt of amended plans), while it was also advertised in the local press initially when first received in Oct 2014, and again in June 2016 (following receipt of an amended description).

It is acknowledged some properties within the Strathern development (The Courtyard) were not initially notified however this was subsequently corrected and carried out in June 2016, thus these properties have not been prejudiced. Current guidance is clear as to what properties are entitled to be notified as part of any application.

Consultations:

Having account the nature of this proposal, and constraints and zonings of the site and area, and representations received consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Rivers Agency as part of this application, whereby it is considered no objections are offered in principle. (Since receipt of this application in 2014 consultation has been undertaken with some of the bodies on more than one occasion).

It is considered extensive consultation has been undertaken as part of this application, while a determination was also undertaken as to whether an EIA was required. In addition a Habitats Regulations Assessment screening exercise was also undertaken, while a Bio Diversity Checklist and Drainage Assessment were also requested and submitted to ensure all potential constraints and issues had been identified and considered. As outlined above NIEA were also consulted and have offered no objections.

It has been concluded an EIA is not required, while no further information/surveys are required following receipt and consideration of the completed Bio Diversity Checklist and associated supporting information, to assess or determine this application.

It is noted there have been concerns raised regarding historical flooding, drainage and sewerage issues along the Middle Tollymore Road in particular. Consultation was undertaken with NIW, NIEA and Rivers Agency as part of the processing of this case who provide expert advice and guidance and have offered no objections to the proposals. As such it is considered the proposals do not offend PPS11 and PPS15.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS7 and Addendum, PPS8, PPS11, PPS15, PPS21 and supplementary guidance

As outlined above site is located within the development limits of Newcastle on land zoned for housing (NE12), as identified in the Ards and Down Area Plan 2015, whereby the Western boundary marks the edge of the development limit.

Zoning NE12 (2.36 hectares at Middle Tollymore Road) includes a number of key design considerations, including housing density (between 20-25 dwellings per hectare), access and road improvements, boundary planting and the requirement of interim sewage disposal measures until the WWTW for Newcastle are upgraded.

Assessment

It is clear from the history outlined above there is a previous extant Outline permission for housing on this site (R/2007/0706/O). This Outline application was approved in Oct 2011, while this associated RM application was received in Sept 2014 (within 3 years), thus is valid.

This Outline application included some 6 conditions as outlined above, whereby the site location plan and access details plan were stamped granted as part of this Outline permission. (Conditions are summarised above). No site layout plan was approved at Outline stage.

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

As outlined above this application seeks Reserved Matters approval for a housing development of 56 units.

(It is noted a number of amendments have been made to this application since it was submitted in 2014, and was originally for a total of 58 units.

This report deals with the latest set of revised plans including the site layout plan and access details date stamped 20th Dec 2016).

This is a Reserved Matters application which is associated with an approved Outline permission, whereby the Area Plan zonings have also been noted. As such the principle of development and housing has already been tested, accepted and established on this site, thus in being consistent there can be no objection in principle to housing on this site.

The lands comprising the application site are located along the Middle Tollymore Road and extend to include 2 fields and a portion of the road extending down to the junction with the Tollymore Road.

These lands measure approx 2.4 hectares and extend to form the edge of the settlement development limit of Newcastle as outlined in the Area Plan.

As outlined above these lands are zoned for housing (NE12) whereby the zoning includes some 7 key design considerations, which are summarised above.

The density of development on this site is considered to meet the density requirements of the area plan, whereby it is noted the development proposed includes a mix of detached and semi-detached dwellings.

Having account the existing character of the Middle Tollymore Road, Tollymore Road and adjoining developments, it is considered the layout of the development proposed including plot sizes does not offend the existing the existing character of the area, and as outlined above, complies with the density requirement of this zoning.

The site will access on to the Middle Tollymore Road, whereby improvements are proposed to both the Middle Tollymore Road and junction with the Tollymore Road including new footpath along the Middle Tollymore Road, while improved sight visibility splays are proposed at the junction with the Tollymore Road.

The layout of development within the site also ensures units will front onto the internal access road serving the development while those along the frontage will also provide a frontage to the Middle Tollymore Road. Also, the site layout plan indicates existing boundary planting is to be retained, while a buffer of planting (outside the curtilage of any unit) has also been provided along the boundary which forms the edge of the settlement development limit. Newcastle WWTW have also recently been upgraded, whereby it is noted NI Water offer no objections to this proposal. As such it is considered the proposal does not offend the Area Plan zoning and requirements.

It is noted one of the objectors who owns adjoining lands to the west side (Bryansford side) of the site has made a number of representations regarding the access and associated visibility splays and the need for part of his lands to serve the development.

While it is noted the owner of the adjoining lands has recently erected a fence along the roadside, having account the extent of the red line at Outline stage it is considered no lands are required to the west side of the site, whereby the provision of a footpath along the site frontage is sufficient, in line with the previous Outline. The RS1 of the Outline permission has also been noted.

Following extensive consultation and the submission of a number of amendments, it is noted Transport NI are now content with the proposals subject to conditions.

The owner of the adjoining lands submitted an email with attachments on 20th March 2017 regarding the access and visibility splays and new fence which has been erected on this side of the development, and requested this be forwarded to TNI for comment.

This issue was discussed internally, and in light of the above the Planning Dept has concluded there is no need to forward this to TNI for comment, as nothing new has been raised which impacts this planning application, and the Planning Dept are fully aware of the issues at hand.

As outlined above improvements are proposed to the Middle Tollymore Road with the provision of a new footpath, while improvements are also proposed to the junction with the Tollymore Road to improve visibility. As this is a Reserved Matters application it is not necessary to completed a Certificate of ownership, whereby the onus is now on the applicant to ensure he owns/controls the required lands to carry

out this development. The issue of the control/ownership of the required lands associated with this applicant was raised with the agent on several occasions, who was made aware that in the event permission is granted there would likely be pre-development commencement conditions regarding the access and roads improvements, thus it is crucial the applicant owns/controls the required lands to carry out this development in its entirety.

The provision of a footpath along the Middle Tollymore Road will improve the safety for all pedestrians using this road.

A number of residents have advised this Middle Tollymore Road is a rural road, however as outlined above this site is zoned for housing. This site extends to form the edge of the settlement development limit, thus care is required regarding its frontage to the road and how it deals with and treats the boundary with the adjoining countryside. This is considered further below.

As stated above the development includes a mix of detached and semi-detached dwellings with a number of house types.

Again a number of these house types have been amended as the case has progressed. All units within this development are accessed via the new entrance road which serves the development, with no individual entrances on to the Middle Tollymore Road. This entrance road is centrally located and includes 1 detached dwelling to either side of this entrance road.

These detached dwellings are 1 1/2 storey gate lodge type dwellings which provide the frontage to the site, whereby it is considered the design, size, and siting respect the existing character and building line along the Middle Tollymore Road. The remaining units within the development include a mix of house types and sizes, a number of which have been amended, particularly those which back onto and adjoin the development of Mountnorris. These units have been reduced in size to reduce the potential impact on adjoining properties.

The levels proposed respect existing, whereby it is considered the layout and units, will not result in any unacceptable impact on the amenity of any adjoining property or any inter-relationship issues between units, in terms of unacceptable overlooking, overshadowing, or dominant impact in this urban environment, due to the separation distances and spacing between units and the respective boundaries.

Each unit will also have its own in-curtilage parking and area of private amenity space to the rear. 2 pockets of communal open space have also been provided for this development as per the requirements of PPS8 and SPPS, and which are considered to be sufficient in this instance.

It is also noted all existing planting/vegetation along the eastern boundary is to be retained and reinforced/strengthened, while the protected trees are also to be retained and protected whereby the development as amended has been kept clear of these trees. It is also proposed to erect protective fencing around the TPO trees on the side of the application site during construction stage. A belt of buffer planting is also to be provided along the western boundary of the site, which forms the edge of the settlement development limit. This belt of planting is located outside the defined curtilage of any unit and will be approx 8m wide, thus providing a suitable boundary buffer and assist in integrating the site to ensure it does not harm or spoil the adjoining countryside and AONB.

While it is noted there is significant opposition to this proposal, both for this Reserved Matters application, and also during the processing of the previous Outline

permission, it is considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, for the reasons outlined above, and there are no grounds to sustain a refusal. As outlined above this is a Reserved Matters submission associated to a previous extant Outline permission whereby the principle of development and associated infrastructure works has already been established. It is acknowledged there may be some noise/dust and associated nuisances during construction phase however provided the applicant/developer applies best practice including only carrying out work during normal working hours, this should limit any potential nuisances.

As such Approval is recommended subject to conditions.

Recommendation: Approval.

(Conditions to include time limit, roads requirements (including pre-commencement conditions), retention of planting, proposed planting, removal of permitted development rights, hours of work).

ITEM NO	2			
APPLIC NO	LA07/2015/0150/O	Outline	DATE VALID	15/04/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Clark McCourt 30 Drumbanagher Road Pontyzpass Newry BT35 6SR		AGENT	
				NA
LOCATION	Lands 30m North East of No 32 Cullentragh Road Jerrettspass Newry.			
PROPOSAL	Dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the farm business is currently active;
 - the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
 - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
 - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/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 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.

- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the (building) would, if permitted, be unduly prominent in the landscape;
 - the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the (building) would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - and would therefore result in a detrimental change to and further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0150/O

Date Received: 15.04.2015

Proposal: Dwelling and garage

**Location: Lands 30m North East of No 32 Cullentragh Road, Jerrettspass
Newry.**

Site Characteristics & Area Characteristics:

The site is located at the junction between the Drunbanagher Road and Cullentragh Road. The site covers a large area of agricultural land which rises from the Cullentragh Road in a north westerly direction. The boundary along the Cullentragh of the site is defined by post and wire fencing with a semi mature hedge planted to the inside. The boundary running parallel to the Drumbanagher Road is also defined with a post and wire fence with a section of the boundary planted out with a semi mature hedge. The rear boundary is defined by a mature hedge and the boundary with no. 32 Cullentragh Road is defined by a post and wire fence with a semi mature hedge planted to the side of the dwelling.

Site History:

P/2003/0103/O- site for dwelling and garage- refusal- 8th Jan 2004

Mrs D Mc Court

Reasons for refusal:

- *Suitable degree of enclosure, lack boundaries*
- *Build up*
- *Creation of Ribbon development*

P/2012/0407/O- erection of a dwelling and garage- refusal- 18th April 2013

Mr Clark McCourt

Reasons for refusal:

- *CTY 1 & CTY 10 not demonstrated that the farm business is currently active and established for at least 6 yrs.*
- *New building not visually linked or sited cluster with established grp of buildings on farm*
- *Health and safety reasons exist to justify alternative site*

- CTY 13- lack of boundaries, prominent, relies on new landscaping, ancillary works do not integrate, visual linkage/.cluster with farm buildings
- CTY 14- unduly prominent, build up and ancillary works

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 21
Planning Policy Statement 6*

The site is located within the rural countryside area as defined in the Banbridge Newry and Mourne Area Plan 2015. North and North East of the site lies Drumbanagher Historic Park, Gardens and Demesne.

Consultations:

*DARDNI- see report below
NIEA HMU- content with proposal
NIEA HBU- content subject to conditions
NIEA WMU- content subject to conditions and informs
TransportNI- RS1 2.4x60m splays
EH- condition to discharge*

Objections & Representations

*No. of neighbours notified= 3
Advertised= 27.04.2015
No. of representations received= 1*

Consideration and Assessment:

*The applicant has supplied the following information on the P1 C form:
The applicant and owner of the farm holding is Mr Clark McCourt and he resides at the same address that the business is registered to, 30 Drumbanagher Road, Poyntzpass.
The farm was established on the 23rd Feb 2010 and that he has a category 3 DARD business number (653300 allocated 23/2/2010 and that he does not make a single farm payment return to DARD).
The applicant has submitted a 2005 farm map registered to a Dennis McCourt (applicant's father) and contains 5.86 hectares of land. This map is addressed to 153 Tandragee Road, now referred to as 36 Ash tree Hill. This address change occurred took place 1986. Having contact DARD they have confirmed that the 2005 map was not a farm business map and that Mr Dennis Mc Court never held a farm business id only a customer no with DARD. The 2005 map was produced by DARD at the*

introduction of the SFP scheme to give the registered owner of the lands the opportunity to make a claim. No claim was ever made on the lands. The additional maps supplied by the applicant which are not dated indicate a holding of 5.33 hectares. The lands identified in the additional maps would correlate with the lands contained within the 2005 map but no evidence has been submitted to confirm ownership or that the applicant activity farms these lands. The applicant has stated that he only owns field 5 and all other lands are lease.

It is noted that new 3 dwellings now existing on the lands from that shown on the 2005 farm map.

Field no. 6- No 30 Drumbanagher Road, Mrs Denise McCourt- P/2003/2387/F

Field no. 5- No. 32 Cullentragh Road, Mr P Murphy- P/2002/2331/RM

Field no. 3- No. 29 Tunnell Road, Mr N Mc Court- P/2000/1615/F

The Council requested evidence to confirm that the above list of application sites have not been sold off from the farm holding. In response to the request the applicant supplied a letter which was previously supplied by the planning agent for application ref: P/2012/0407. The letter states that the site within Field no. 3 (Mr N McCourt) is owned by his brother and the lands still remain within the holding. Additional to this a utility bill dated 14th Nov 2012 was lodged for this property registered to Mr N McCourt.

In this letter the agent refers to the site within field no. 5 (no. 32 Cullentragh Road) as being occupied by the applicant's mother and still remains within the holding. No additional evidence has been provided to confirm this.

In relation to the site within field no. 6 (no. 30 Drumbanagher Road) the agent refers to the dwelling being occupied by the applicant's first cousin and that it still remains within the holding. The additional information, utility bill dated Sept 2012 is addressed to Mrs D McCourt at no. 30 Drumbanagher Road. It is has been noted within the history application the applicant stated that this site was occupied by the applicant Clark McCourt's mother.

It would appear that the information supplied by the applicant is incorrect. Having completed a recent land registry check of the 3 opportunities listed above it would appear that:

Field no.6- No 30 Drumbanagher Road was registered to Denise McCourt on the 10th May 2005.

Field no. 5- No 32 Cullentragh Road was registered to Peter Dominic Murphy on the 6th May 2003.

Field no. 3- No. 29 Tunnell Road is registered to a Neill McCourt of 36 Ashtree Hill on 2nd Nov 2001.

It would not appear that the opportunities listed have been transferred since the introduction of this policy.

From the information provided on the P1C form and the comments from the consultation with DARD the Council can ascertain that the farm business Id (Cat 3) has been established for more than 6 years.

However the applicant does not claim any subsidies and has indicated that out of the 7 fields highlighted 6 are in lease and only one is owned. The Council requested that

the applicant provide evidence to prove active farming over a 6 yr period. In response to this the applicant has supplied confirmation of a herd no. allocated in Feb 2010. Inspection record from Food standards agency dated 2/3/16 indicated that the applicant had no feed or medicine records for the animals. Movement document for sheep and goats for 10 no. animals on 28/11/14. The applicant also provided an invoice for ewe breeder nuts dated 2/3/16.

Following a meeting with the Snr officer, the applicant submitted further invoices.

7 invoices- South Armagh Farming Enterprises of which £236 was for ewe nuts. No name or address has been attached to the invoices. Dating from Jan 2016-May 2016.

17 invoices- South Armagh Farming Enterprises for a range of goods including, brushes, compost, sewer pipe, rope, weedkiller, CBO & Gas oil, cement and other items. The invoices are addressed to Clark McCourt of 36 Ashtree Hill (153 Tandragee Road). Dating from Sept 15 – Aug 2016 and 1 for oil on the 14/11/12.

1 invoice- Kingsmill Farm Supplies showing the sale of ewe/lamb meal to Clark McCourt of 30 Drumbanagher Road between 2014 and 2015.

3 invoices have been provided addressed to Mr C McCourt, Drumbanagher Road from J.S Agric- contractor. The invoices dated 2002 & 2003 with the date on one missing. The invoice dated 19th July 2002 was for; mowing the land at Drumbanagher and hay turning and baling. Invoice dated 25th Sept 2003 was for vehicle parts and repairs to a tractor, manure spreading and silage rolling. The third invoice (no date) was for sowing of fertilizer and rolling silage field, repair gates and bush wack hedges.

Although the applicant clearly has 10 sheep within his herd since 28th Nov 2014 the information provided does not demonstrate that the applicant has been actively farming the lands over a continuous 6 year period.

The dwelling is proposed to be sited in an agricultural field south east of no. 30 Drumbanagher Road. It is noted the business is registered to this address but correspondence from DARD upon allocation of the business Id and herd no. was issued to Mr Clark McCourt, 36 Ash tree Hill, Jerrettspass.

The applicants father resides at 36 Ashtree Hill and DARD have confirmed that Category 3 business exists at this address issued to a Ryan McCourt in March 2015 There is a dwelling house and outbuildings located at this address. The applicant has not confirmed that these buildings are not part of the business or presented any health and safety reasons or that verifiable plans exist to expand the farm business at 36 Ash tree Hill in that a dwelling could not be accommodated at this location. It was also noted a large shed has been recently erected at this location without the benefit of planning approval.

From inspection of the proposed site there is small hut of a temporary construction sited along the north east boundary. In an objection letter the objector has stated that a makeshift shed was put up temporarily to justify farming activity on the site. This hut has been erected without the benefit of planning permission. The Council acknowledge that the applicant transferred 10 no. sheep/goat to 30 Drumbanagher Road on the 28/11/14. However, it was noted at the time of inspection that a no. of

Shetland ponies were grazing on the site. The site will visually link with no. 30 Drumbanagher Road, for the purposes of the policy the site is not visually linked or sited to cluster with an established group of buildings on the farm. It has not been demonstrated that 32 Cullentragh Road is actively involved in the farm business.

The site is located at the junction between Drumbanagher Road and Cullentragh Road. The site is quite large and exposed and is unable to provide a suitable degree of enclosure for a dwelling to integrate. In order to enable a dwelling to successfully integrate and to define a reduced curtilage in line with recommended siting by Historic Buildings Unit, the proposal will rely heavily on the use of new landscaping. The proposed access from the Cullentragh Road will require 2.4x60 metres visibility splays. This will remove the roadside hedging therefore further exposing the site. As previously stated the proposal is not visually linked or sited to cluster with an established group of buildings on a farm.

Given the lack of established boundaries the proposal will be unduly prominent in the landscape.

Having considered the proposal cumulatively with the existing buildings and their ancillary features I am of the opinion that a dwelling on this site will result in a build up of development which will be detrimental to the rural character of the area when viewed travelling along the Drumbanagher and Cullentragh Roads.

The proposal is considered contrary to CTY 13 & CTY 14.

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated within the application form their intention to install a septic tank as a method of sewage disposal. If the principle of development is to be accepted a negative condition to be attached to the decision regarding consent approval prior to commencement.

Recommendation:

refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

the farm business is currently active;

the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;

Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape;

the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the proposed building relies primarily on the use of new landscaping for integration;

the ancillary works do not integrate with their surroundings;

the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

and therefore would not visually integrate into the surrounding landscape.

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

the building would, if permitted, be unduly prominent in the landscape;

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

the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;

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

ITEM NO	3			
APPLIC NO	LA07/2015/0276/F	Full	DATE VALID	12/05/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Breiga And Terry Rafferty 48 Killowen Road Killowen Rostrevor		AGENT	
				NA
LOCATION	St Andrews 13 Seaview Warrenpoint			
PROPOSAL	Conversion of existing 1 and 3/4 storey garage and store to self contained 1 bedroom town house			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The proposal is contrary to the provisions of Policy QD1 (a), (c) and (h) in that the proposed development does not respect its surrounding context; there is a lack of private amenity space available within the site; and the proposal will have an unacceptable adverse impact on the existing and proposed house in terms of overlooking and lack of privacy.
- 2 The proposal is contrary to Policy LC1 (Criterion B) of Addendum to PPS7 Safeguarding the Character of Established Residential Areas in that the pattern of development is not in keeping with the overall character and environmental quality of this established residential area.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.



Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Delegated Application

Development Management Officer Report		
Case Officer: Paul Smyth		
Application ID: LA07/2015/0276/F		Target Date:
Proposal: Conversion of existing 1 and 3/4 storey garage and store to self contained 1 bedroom town house		Location: St Andrews, 13 Seaview, Warrenpoint
Applicant Name and Address: Breige And Terry Rafferty 48 Killowen Road Killowen Rostrevor		Agent Name and Address:
Date of last Neighbour Notification:		9th July 2015
Date of Press Advertisement:		27th May 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	Contrary to Policy AMP7 of PPS3
Statutory	NIEA - Historic Building Unit Marine Environment Water Management Unit	Building not Listed. Content Standing Advice
Statutory	NI Water	Standard Response
Advice & Guidance	Environmental Health	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues:

Full planning permission is sought for the conversion of an existing 1¾ storey garage to a self-contained 1 bedroom townhouse.

The proposal involves converting the existing garage and first floor store area to a townhouse. The garage/store is an integral part of the existing dwelling house. It is currently attached to the ground floor bedroom. Work will be carried out to detach the main bulk of the garage/store from the existing dwelling. The adjoining bedroom will be reduced in size to provide a walkway between the existing dwelling house and the proposed townhouse. The garage area will be converted to an open plan living/dining/kitchen area. There will be a small WC on the ground floor and a stairway leading to the first floor aspect of the proposal. The first floor will consist of a bedroom; bathroom and small store area.

A new gateway opening will be formed on the gable end wall facing onto Slieve Foy Place. The gateway will provide access to the shared yard area of the existing dwelling and the proposed townhouse. The proposed rear elevation will have a doorway and window on the ground floor and a bedroom window on the first floor. The rear elevation looks directly at the side elevation of number 2 Slieve Foy Place, which is separated from the subject property by a 3m wide alleyway. The elevation facing onto the shared yard area will have an access door on the ground floor and two small windows on the first floor – one serving the bathroom and one serving the bedroom.

The existing render on the external walls will be cleaned down and painted; the windows will be triple glazed white PVC; the doors hardwood sheeted timber; while the existing natural stone slates and clay ridge tiles will be reused to cover the roof.

Site Visit Report

Site Location Plan:



Date of Site Visit: 5th October 2015

Characteristics of the Site and Area

The application site is located at "St. Andrews" 13 Seaview, Warrenpoint. Number 13 is an end terrace period dwelling situated along the seafront in Warrenpoint. The main bulk of the dwelling house extends over three floors; while the projection to the rear is two storeys high and the integral garage 1 ¾ storeys. There is a small garden area to the front of the dwelling and a small enclosed yard area to the rear. The yard and access path area measure 17.65m². A 3m wide alleyway separates the rear of the property from number 2 Slieve Foy Place. The development pattern in the area is typified by two storey and three storey terraced housing.

The site falls within the Warrenpoint/Burren settlement development limits and the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The area is predominantly residential in character, although the Balmoral Hotel is located directly opposite the left side elevation of the dwelling.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- The Banbridge, Newry and Mourne Area Plan 2015;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 7 – Quality Residential Environments;
- Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas; &
- Planning Policy Statement 2 – Natural Heritage

ZONING: The site falls within the Warrenpoint/Burren settlement development limits and the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015.

HISTORY: There is no relevant planning history on this site.

The Banbridge, Newry and Mourne Area Plan 2015.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located outside settlement limits and within the Mournes Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS7, PPS7 (Addendum) and PPS3.

Principle of Development

As there is no significant change to the policy requirements for a proposed change of use to a dwelling following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS7 and the Addendum to PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 7 – Quality Residential Environments

Policy QD1 states planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Proposals for residential development under policy QD1 are expected to conform to all of criteria (a) – (i).

The policy goes on to state that any proposals for residential development that fail to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

The proposal seeks to convert the existing 1 ¾ storey garage/store to a self-contained 1 bedroom townhouse. The submitted plans show that the proposed townhouse will have a total floor space of 59.87m² split over 2 floors. The proposal seeks to use the existing yard area as shared space. The yard area - including the access walkway leading from the gate to the yard – measures 17.65m². The rear elevation of the proposed townhouse is approximately 3m away from the gable end elevation of number 2 Slieve Foy Place. The doorway on the rear elevation opens directly onto the public alleyway while the gateway access on the side elevation leads directly onto the public footpath. The proposed change of use is unable to provide adequate parking and turning facilities for vehicles that would be attracted to the site.

Due to the restricted curtilage of the site the yard area is the only private amenity space available to both the existing dwelling house and the proposed townhouse. The design guide '*Creating Places: Achieving Quality in Residential Environments*' states private open space will be acceptable for 1 and 2 bedroom townhouses in the form of landscaped areas, courtyards or roof gardens. The space should range from a minimum of 10m² per unit to around 30m² per unit.

Number 13 is currently a 3 storey 5 bedroom house while the proposed change of use is to convert the existing 1 ¾ storey garage to a 1 bedroom townhouse. The proposed shared yard area falls outside the suggested levels and will result in a loss of private amenity for the existing dwelling house and the new townhouse. The development does not respect its surrounding context due to its inability to provide adequate private amenity space.

There are three second floor windows on the rear elevation of the existing dwelling house at number 13 Seaview. One serves a kitchen/dining area; one serves the stairwell and the other serves the bathroom. Although these windows are approximately 11m away from the proposed townhouse; they are at a higher level and have the potential to overlook the bedroom/bathroom windows of the proposed townhouse.

The proposal is considered to be contrary to the provisions of Policy QD1 (a), (c) and (h) in that the proposed development does not respect its surrounding context; there is a lack of private amenity space available within the site; and the proposal will have an unacceptable adverse effect on the existing and proposed properties in terms of overlooking and consequent loss of privacy to these properties.

Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas

Policy LC1 states planning permission will only be granted for the redevelopment of existing buildings in established residential areas to accommodate new housing where all of the criteria set out in the Policy are met.

Due to the restricted size of the site and lack of suitable private amenity space, the conversion of the existing garage/store to a self-contained townhouse is not considered to be in keeping with the overall character and environmental quality of the established residential area. The pattern of development in the area is typified by two storey and three storey terraced housing. The plot sizes and spacing between buildings in Slieve Foy Place follow a similar style and pattern. The design of the proposed townhouse is considered to be out of context with the site and surrounding area in terms of its scale, massing and siting.

Planning Policy Statement 2 – Natural Heritage

Given the siting and design of the proposed conversion, there will be no significant change to views within the AONB and the proposal is not contrary to the requirements of policy NH6 of PPS2.

Planning Policy Statement 3 – Access, Movement and Parking.

Policy AMP 7 of PPS 3 states development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements and should not prejudice road safety or significantly inconvenience the flow of traffic. TransportNI were consulted as part of the assessment process and provided the following response:

"The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the –

1. *parking*
2. *turning*
3. *loading and unloading*

- of vehicles which would be attracted to the site."

This particular area of Warrenpoint has a high demand for car parking spaces and on-street parking is very limited. As the proposed development does not make any provision for the parking, turning, loading and unloading of vehicles that would be attracted to the site, it does not meet the policy requirements set out in AMP 7 of PPS 3. The Planning Authority agrees with TransportNI comments that the proposed development would prejudice the safety and convenience of road users if permitted.

Consultations

TransportNI – Response as above

NI Water – Standard response

Environmental Health – No objection

NIEA: Historic Building Unit – No remit to comment as the building and its terrace are held as record only information and are not Listed Buildings.

Marine Environment Division – Content with the proposal

Water Management Unit – Refers to standing advice.

No third party objections or representations were received.

Case Officer Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

The proposed conversion of the existing 1¾ storey garage/store to a self-contained townhouse is considered contrary to Policy QD1 (a), (c) and (h) of PPS7; Policy LC1 of PPS7 (Addendum); and Policy AMP 7 of PPS3. Refusal is recommended.

Reasons for Refusal:	
<p>The proposal is contrary to the provisions of Policy QD1 (a), (c) and (h) in that the proposed development does not respect its surrounding context; there is a lack of private amenity space available within the site; and the proposal will have an unacceptable adverse impact on the existing and proposed house in terms of overlooking and lack of privacy.</p> <p>The proposal is contrary to Policy LC1 (Criterion B) of Addendum to PPS7 Safeguarding the Character of Established Residential Areas in that the pattern of development is not in keeping with the overall character and environmental quality of this established residential area.</p> <p>The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.</p>	
Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date: 17/12/15	

ITEM NO	4		
APPLIC NO	LA07/2015/0910/F	Full	DATE VALID 17/09/2015
COUNCIL OPINION	REFUSAL		
APPLICANT	Kieran O'Callaghan 20 Chapel Road Camlough Newry BT35 7HN	AGENT	Paul McAlister Architects LTD The Barn 64A Drumnacanvey Road Portadown Craigavon BT63 5LY 028 383 55111

LOCATION PROPOSAL

Site adjacent to and south of 20 Chapel Road Camlough
2 storey farm dwelling & double garage (amended plans)

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Chapel Road.
- 2 The proposal is contrary The Strategic Planning Policy Statement for Northern Ireland and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the building relies primarily on the use of new landscaping for integration. The proposed dwelling would therefore not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0910/F

Date Received: 17.09.2015

Proposal: The proposal seeks full permission for a 2 storey farm dwelling & double garage. Whilst the scheme has since been reduced to 6.7m in part, 1st floor accommodation is still available and it is considered the proposed description is still accurate.

Location: Adjacent to and south of 20 Chapel Road Camlough. The site is located approximately 1.3 miles North West of Camlough in the South Armagh part of the District.

Site Characteristics & Area Characteristics:

The site as defined in the red line on the site location plan takes in a rectangular shape consisting of the North Eastern portion of an agricultural field that includes part of an existing lane way and the area required for site splays. The northern boundary of the site is defined by hedging and timber fencing with more hedging along the roadside eastern boundary. The other boundaries of the site remain undefined. The site falls towards the West and the land starts to rise again in the field opposite to the East of the site. An associated dwelling (No. 20) is located to the north of the site where there are outbuildings and further farm buildings opposite and across the road. The area is rural in character with a dispersed settlement pattern. Development pressure is still at a relatively low level.

Site History:

No recent site history.

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:

NI Water – Generic Response

Transport NI – Following submission of amended plans, no objections subject to the attached conditions and informatives

DARDNI – DARD number has been in existence for at least 6 years and a subsidy has been claimed in this period.

Environmental Health – No objections however recommend that the dwelling is sited a minimum of 75m from farm dwellings.

Objections & Representations

No neighbours notified and application re-advertised on 12.10.2016. No objections or representations received.

Consideration and Assessment:Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

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

Transport NI has confirmed they have no objections following the submission of revised plans showing adequate site splays.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a).

The policy states no dwellings or development opportunities can be sold off from the farm holding within 10 years of the date of the application. The applicant's DARD number has been checked for any previous use for a dwelling house, this produced a negative result. I have also conducted a planning search on the farm land which again has produced a negative result. I am satisfied there has been no development opportunities sold off or disposed from the farm holding. This meets the policy criterion (b) of CTY 10.

The new dwelling will be sited to cluster with an established group of buildings on the farm located adjacent to and immediately North of the site. Access to the dwelling will also be obtained from an existing lane also immediately North of the site. This satisfies the requirements of criterion (c) of CTY 10.

The Strategic Planning Policy Statement also re-emphasises the need for dwellings on farms to comply with the other policies regarding integration and rural character. These will be explored in further detail below.

Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 confirms that ribbon development can be represented by buildings that are visually linked or have a common frontage. For the purposes of this application, the site, No. 20 and the associated buildings immediately North of No. 20 all have a common frontage and can be visually linked. The site would therefore add to ribbon development along this road and is therefore contrary to policy CTY8.

In terms of the design of the dwelling, the dwelling appears as three linear portions joined together all offset from each other. The front portion measures approximately 6.7m to the ridge of the dwelling with the remainder of the rear of the dwelling at lower ridge levels. The dwelling exhibits a mix of traditional rural features combined with a contemporary approach to the scheme which is acceptable for the area. However, with regards to integration it is anticipated that the site will rely primarily on new landscaping for integration due to the lack of established boundaries and with the majority of the roadside hedge removed for visibility. The new planting will invariably take a considerable length of time to mature and in the interim period at least, leave the dwelling lacking integration. The proposal is therefore considered to fail criteria (b) and (c) of policy CTY 13.

As the proposal will add to ribbon development as discussed above under policy CTY 8 this will have an adverse impact on the rural character of the area and consequently fail part (d) of CTY 14.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the building relies primarily on the use of new landscaping for integration. The proposed dwelling would therefore not visually integrate into the surrounding landscape.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Chapel Road.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer:

Authorised Officer:

ITEM NO 5
APPLIC NO LA07/2015/1360/O Outline **DATE VALID** 16/12/2015
COUNCIL OPINION REFUSAL
APPLICANT Mr D K S Halliday 16 **AGENT** McAdam Stewart
 Clogharevan Road Architects
 Bessbrook Banbridge
 BT35 7BH Enterprise Centre
 Scarva Road
 Banbridge
 BT32 3QD
 NA

LOCATION Site adjacent to and East of 195 Bessbrook Road
 Mounthorris
 Armagh
 BT60 2UD

PROPOSAL Single storey dwelling with detached garage

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and policy CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Bessbrook Road.
- 5 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.



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

Application Reference: LA07/2015/1360/O

Date Received: 16.12.2015

Proposal: The proposal seeks Outline Permission for a single storey dwelling with detached garage

Location: Site adjacent to and East of 195 Bessbrook Road, Mountnorris, Armagh, BT60 2UD. The site is located within South Armagh approximately 2.8 miles north of Bessbrook.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a yard area that includes a number of tyres displaced around the yard and a large portacabin with number of trailers located towards the south of the site. As the road rises towards Bessbrook the site sits lower than road level. Natural screening can be found on the boundaries of the site in the form of trees and hedging. To the West of the site are 2 larger yard areas with associated buildings, trailers, what appears as a former dwelling and further tyres displaced. East of the site appears to be derelict land that separates the site from Lisnalea Park. The area is predominately rural in character with undulating landform.

Site History:

P/1996/1229 – Adjacent to 195 Bessbrook road opposite Lisnalee Park, Newry - Erection of dwelling – approval 30.04.1997

P/1996/0580 - Adjacent to 195 Bessbrook road opposite Lisnalee Park, Newry – Site for dwelling – approval 17.09.1996

P/2003/0984/F - Adjacent to 195 Bessbrook Road and opposite and west of Lisnalea Park, Lisnalea, Newry - Erection of two storey dwelling – Approval - 04.12.2004

P/2008/0038CA – Breach of condition – Case Closed 29.05.2009

P/2006/0022/CA – Change of Use – Case Closed 02.06.2009

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

Consultations:

Transport NI – No objections, access to be constructed in accordance with RS1 form
 NI Water – No objections / standing advice
 Environmental Health – No objections, applicants to be advised that they may be affected by noise from the commercial yard.

Objections & Representations

4 neighbours notified on 18.03.2016
 Application re-advertised on 30.03.2016
 No objections or representations received

Consideration and Assessment:

As there is no significant change to the policy requirements for single dwellings in the countryside following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections in relation to the Area Plan provided the application complies with prevailing planning policy at the time of submission.

PPS21 Sustainable Development in the Countryside.

As the proposed dwelling is to be sited outside the development limit in the rural area PPS21 is applicable. Policy CTY1 makes provision for a new dwelling in the countryside where the proposal meets one of the exceptions listed. Originally the application had no accompanying information to indicate the policy the agent wished the application to be assessed against. However the agent has since provided information relating to policies CTY 6 and CTY 7. I will consider the application against both policies.

The agent has advised that the applicant has operated a tyres business for 15 years at the site and has suffered numerous incidents of vandalism and theft. He therefore would like a dwelling located close to the business to provide greater supervision. With regard to policy CTY 7 the justification and amplification states 'a business which has been operating satisfactorily without residential accommodation will be expected to demonstrate why accommodation is now considered necessary in order to enable the enterprise to function properly'. No information has been received documenting how a new dwelling on the site is needed for the business to function properly. Further to this, the justification and amplification goes on to state 'the need to provide improved security from theft and/or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission'. This negates the agent's case for a dwelling located at the site of the business in accordance with policy CTY 7.

With regard to CTY 6 the agent has provided a number of documents containing medical information of the applicant's wife. However it is noted that details of the

level of care required in relation to any medical condition supported by the appropriate health professional, the identity of the main carer, their current address and occupation remains outstanding. Details of alternatives to a new dwelling is considered light in its content and an explanation of why care can only be provided at this specific site location also remains outstanding. The applicant and his wife reside approximately 3.3 miles from the site which is approximately 6 min travel time to the site and with absence of verified evidence of the level of supervision required, is still a relatively short distance. There is no justification of the dwelling with regard to CTY 7 and the information as submitted as part of CTY 6 has not shown that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were to be refused.

As a consequence of the above considerations the proposal does not meet any of the exceptions listed under CTY 1 for a new dwelling in the countryside and with no overriding reasons why this development is essential and cannot be located in a settlement, the proposal is contrary to policy CTY 1.

When the existing buildings to the West of the site are considered, another dwelling at the site would add to ribbon of development and is therefore contrary to CTY 8. With strong natural boundaries and development to the west of the site it is not considered prominent or lacking in integration and generally complies with policy CTY13. With regard to CTY 14, when viewed with existing buildings (to the West of the site), the proposed dwelling would result in a suburban style build up and add to a ribbon of development.

Planning Policy Statement 3 / DCAN 15

Transport NI were consulted with regard to this policy criteria and have no objections to the proposal.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement and policy CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that

genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Bessbrook Road.

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

Case Officer:

Authorised Officer:

ITEM NO	6			
APPLIC NO	LA07/2015/1363/F	Full	DATE VALID	21/12/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Henderson Group PO Box 49 Hightown Avenue Newtownabbey BT36 4RT		AGENT	Henderson Group Property PO Box 49 Hightown Avenue Newtownabbey BT36 4RT 02890337873
LOCATION	8 The Commons Tullyvallon Newtownhamilton Co Armagh BT35 0DA			
PROPOSAL	Proposed new petrol station with associated supermarket and car parking and development			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	13	0	1	0
			Addresses	Signatures
			80	80
			Addresses	Signatures
			0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1363F

Date Received: October 30th 2015

Proposal: Proposed new petrol station with associated supermarket and car parking and development

Location: 8 The Commons, Tullyvallon, Newtownhamilton, Co Armagh

Site Characteristics & Area Characteristics:

The site is the former Newtownhamilton Livestock Market, the business closed some time ago and the site has been cleared of all buildings and structures. It is situated at the northern end of The Commons, a public square within the development limit of Newtownhamilton. The site is flat and level with a small slope near its eastern boundary, the southern boundary of the site is marked with a post and wire fence of about 1 metre in height, the land rises up behind the site and there are mature trees along this boundary, there is a retaining wall along the north eastern side of the site.





There are a number of ornamental railings adjacent to the site that commemorates its past use.



The surrounding area is a mixture of commercial, civic and residential uses, Newtownhamilton Health Centre is located on the eastern boundary of the site. On the eastern side of the Commons is a listed church, behind this is a housing estate, there is further residential development on the southern side of the Commons and beyond that is Newtownhamilton Police Station.





On the western side of The Commons are the rears of the properties on the northern end of Main Street, a mix of commercial and residential. There is a vacant two storey dwelling on the south western corner of the site, behind this is Newtownhamilton Bus Depot and a petrol filling station.



Site History:

There is no recent planning history on the site itself.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 3, Access, Movement and Parking

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage.

Consultations:

Environmental Health No objections subject to the unit only being open between the hours of 07.00 to 23.00 and the implementation of odour abatement systems, and the storage and disposal of waste in a manner so as not to cause a nuisance to neighbouring properties.

NIEA Recommends the installation of a number of measures to control run-off from the car park and to prevent water pollution.

Historic Environment Division Has no objections in principle but requires additional information relating to the boundary treatments and to the re-use of ironwork salvaged from the application site.

Transport NI Content, subject to conditions.

Objections & Representations

A total of 66 nearby addresses have been issued with notification letters. The proposal has been the subject of 13 letters of objection and a petition of objection with 80 signatures. The objections relate to the impact of the proposal on Newtownhamilton Town Centres, they refer to a section of the SPPS which states that *"proposals for shops in villages and small settlements ought to be of a scale, nature and design appropriate to the character of the settlement."* Several objectors have also requested that a full Retail Impact Assessment is required for this proposal. These issues were considered as part of the Planning Authority's assessment of this proposal and will be considered below.

Consideration and Assessment:**Strategic Planning Policy Statement**

The SPPS primarily provides strategic guidance for the preparation of new Local Development Plans by Councils; however it has superseded PPS 5 as the primary policy for the assessment of proposals for retail development. Paragraph 6.272 states that the SPPS's Regional Strategic Policy must be taken into account in the preparation of LDP's and in the determination of planning applications. Paragraph 6.273 states that Planning Authorities must adopt a town centre first approach for retail and main town centre uses, but Paragraph 6.276 states that they should retain and consolidate existing district and local centres and ensure their role is complementary to the role and function of the town centre. It states further that extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment.

Paragraph 6.280 requires Council to impose a sequential test for planning applications which are not in an existing centre and are not in accordance with an up to date LDP. The policy goes on to state that where it can be established that an alternatively sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferable site should be refused.

The sequential test is defined by paragraph 6.281 as being

Primary Retail Core

Town Centre

Edge of Centre and Out of centre, only where sites are accessible by a choice of good public transport modes.

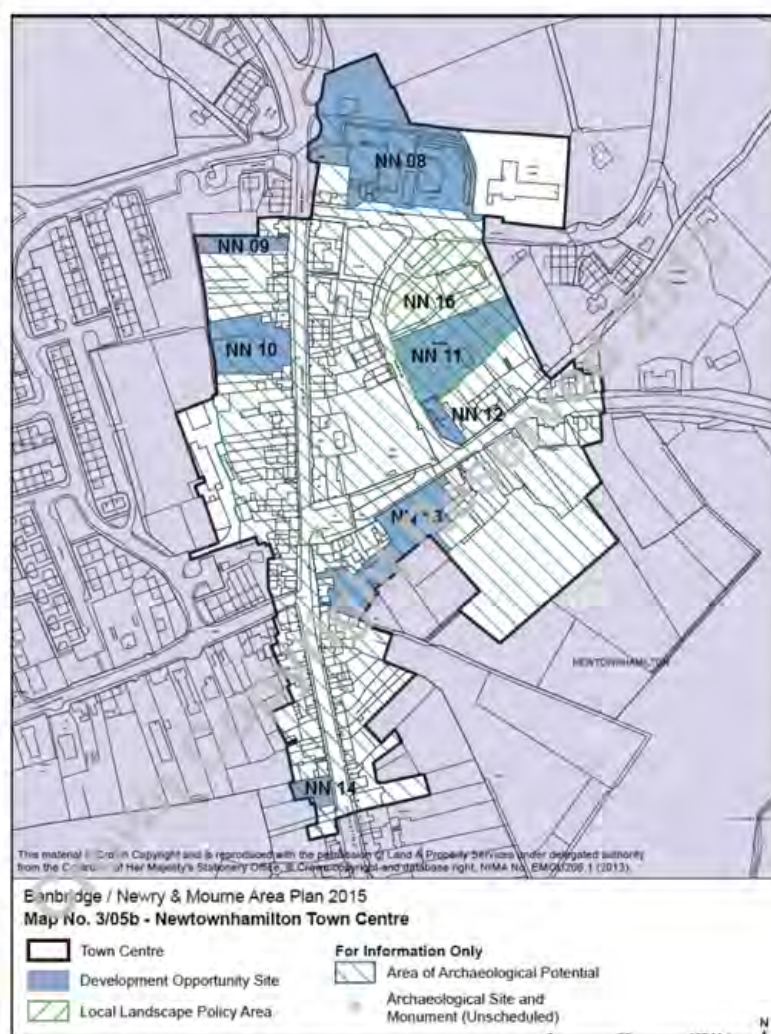
Paragraph 6.282 requires that in the absence of a current and up to date LDP, councils should require applicants to prepare an assessment of need which is proportionate to their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

The proposal seeks to provide a total of 926.36 square metres of floorspace, of which 579 square metres will be for sales. The Petrol Filling Station Element to the proposal will have pumps situated on 4 islands and will therefore be capable of servicing up to 8 cars at once.

The proposal is located on a site within the designated Town Centre of Newtownhamilton which has been designated as an opportunity site under the extant Area Plan. The SPPS contains a sequential approach which identifies such sites as being the first choice for retail developments and this proposal complies with the above mentioned criteria contained within the SPPS.

Banbridge/Newry and Mourne Area Plan 2015

The plan identifies Newtownhamilton as one of the towns in Newry and Mourne, Policy NN07 defines a town centre boundary and states that applications within it will be processed in accordance with prevailing regional policy.



The bulk of the site is designated as a Development Opportunity Site under Policy NN08 of the plan; the only Key Site Requirement is that proposals shall have a frontage of at least two storeys on to the Commons and the proposal complies with this.

Planning Policy Statement 3 Parking Standards

While the P1 form states that 926 square metres are being applied for, measurement of the floorplan puts the gross floor area at 979.265 square metres, calculating a parking requirement for non food retail on the basis of this higher figure provides a requirement for 70 car parking spaces. The submitted site layout plan shows that 71 car parking spaces will be provided; the majority of these will be around the perimeter of the site and along the front of the retail unit, however there will be a cluster of 18 spaces located adjacent to the petrol pumps and a line of 4 spaces provided along the roadside boundary of the site orientated approximately 45 degrees from the boundary. These are located far enough away from the pump islands that there should not be any issues if customers use the parking provided correctly.

The application also shows a lorry parking space adjacent to the unit, although the stated requirement is for 1 space per 750 square metres of gross floor area and a second space is theoretically necessary this requirement can be overcome through management of the site such as staggering delivery times to ensure that there will

not be lorries queuing to access the delivery space. However a submitted autotrack drawing showing that in order to manoeuvre into the space an articulated lorry will need to use some of the cluster of car parking spaces in the centre of the site.

Policy AMP7 of PPS allows for flexibility to be afforded in sites that are well accessible and serviced by public transport or where the proposal would benefit from spare capacity in nearby car parks or on street. The site is located within the Town Centre of Newtownhamilton, there is a car park immediately opposite the site and there are additional spaces in the surrounding streets, while there will be a conflict between a delivery vehicle and cars parked in the spaces in the centre of the site this is likely to only exist for the short period of time needed for a vehicle to carry out the manoeuvre, this is more a management issue for the operator of the site. There is sufficient capacity in the surrounding area to cope with any temporary issues caused by this and by the shortfall of a single space between the spaces provided and the number required by the policy.

Consultees

The proposal has been amended at the request of Historic Environment Division to retain the street furniture and conditions 12 and 13 have both been added to satisfy the requirements outlined by both the Archaeological and Built heritage section of the Historic Environment Division. Environmental Health has expressed that it has no objections to the proposal subject to the restriction of opening hours to between 07:00 and 23:00 hours as well as other conditions which are detailed below (Conditions 4-8). Transport NI has stated that it is content with the access arrangements for the store (See conditions 2 and 3).

Consideration of Objections:

All objections have been fully considered and the Planning Department consider that they do not warrant the refusal of this application. The objections relate to the impact of the proposal on Newtownhamilton Town Centres, they refer to a section of the SPPS which states that "proposals for shops in villages and small settlements ought to be of a scale, nature and design appropriate to the character of the settlement." However, as outline above, Newtownahmilton is designated as a town centre and thus this quote from the SPPS is not applicable for this proposal. Several objectors have also requested that a full Retail Impact Assessment is required for this proposal. However, the wording of the policy is that this is only necessary when the proposal is located outside of a town centre or if the proposal is located within a village or small settlement, the plan designates Newtownhamilton as being a town and the location of the site within the town centre means that a full Retail Impact Assessment is not necessary. The site, within the town centre and within a development opportunity site, is considered an appropriate location for this proposal.

Recommendation:

Therefore having considered all relevant material considerations the Planning Department considers that the proposal complies with policy and approval is recommended, subject to conditions and Informatives.

Conditions:

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

Reason: Time Limit.

2. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the drawing no. 03 (Rev 3) bearing the date stamped 10-01-2017 prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays.

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

5. A proprietary odour abatement system shall be installed to suppress and disperse odours created from operations on the premises.

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

6. The outlet from any ventilation ducting shall terminate at a height not less than 1m above the ridge height of the building and shall be directed away from nearby properties.

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

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

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

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

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

9. All services within the development shall be laid underground

Reason: In the interests of visual amenity.

10. The development shall not become operational until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and agreed in writing with the Council.

Reason: In the interests of public health.

11. The development shall not become operational until drainage works have been completed in accordance with the drainage plans submitted as part of this application.

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

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

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

13. Prior to commencement of the development hereby approved, detailed plans relating to the landscaping of the front of the site and the re-use of salvaged ironwork detailing on the front boundary of the site shall be submitted to and agreed in writing with the Council.

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

ITEM NO	9			
APPLIC NO	LA07/2016/0748/O	Outline	DATE VALID	07/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Andrew Henry and Miss Emma 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	0	0	0	0
	Addresses		Signatures		Addresses		Signatures	
	0	0	0	0	0	0	0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and no health and safety reasons or verifiable plans to expand the farm business exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.



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**Newry, Mourne
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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 a larger agricultural field and it is positioned along the road frontage of Dundalk Road. Access is provided via an agricultural gate from Dundalk Road. The western boundary of the site is defined by high hedging, no other boundaries are formed. The application site is relatively flat.

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:

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 0.76 NE from the registered farm business address, identified as Parcel 11 on the submitted farm maps, with a dwelling and sheds adjacent to the east.

This application proposes a farm dwelling on third parcel of land along Dundalk Road where there are no established farm buildings to visually link or cluster with. 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). A letter send to the agent on 5th January 2017 requested that evidence be submitted in line with criteria c to justify the siting of the dwelling.

In a response dated received by the Planning Department on 17th January 2017 the agent detailed 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. No appropriate and demonstrable evidence from a competent and independent authority was provided to support these health and safety reasons given. 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 correspondence detailed that it was considered a waste of resources 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 to run the farm in an economical manner. No evidence to demonstrate any future expansion of the farm business has been submitted to the Planning Department to support these reasons for siting a dwelling away from the established farm buildings.

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.

We consider that this application fails to satisfy all the criteria of CTY 10 as evidence from a competent and independent authority has not been submitted to support the health and safety reason for siting the 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 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, Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and no health and safety reasons or verifiable plans to expand the farm business exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	12			
APPLIC NO	LA07/2016/1323/F	Full	DATE VALID	04/10/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Cathal Sloan Sandy Brae Kilkeel		AGENT	O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH 028 30835700
LOCATION	14 Sandy Brae Attical Kilkeel			
PROPOSAL	Partial conversion of existing domestic garage to provide ancillary residential accommodation.			
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 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 considered to be contrary to Policy EXT 1 Annex A of the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations in that the proposal does not provide a modest scale of accommodation, does not demonstrate dependency on the existing residential property and could practically and viability operate own its own.



Application Reference: LA07/2016/1323/F

Date Received: 4th October 2017

Proposal: Partial conversion of existing domestic garage to provide ancillary residential accommodation.

Location: 14 Sandy Brae, Attical, Kilkeel

Site Characteristics & Area Characteristics:

The application site is number 14 Sandy Brae, which is located in the open countryside approximately 0.6 miles west of Attical and 3.2 miles north-west of Kilkeel. The site is within the Mourne Area of Outstanding Beauty; a Site of Local Nature Conservation Importance; and an Area of Constraint on Mineral Developments as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The site consists of a large single storey detached dwelling set within a large plot. The subject building is located to the rear of number 14 Sandy Brae. The building has the appearance of a dwelling house; however it has received planning approval as a garage/store associated with number 14. The planning history will be discussed in greater detail below. The curtilage of the site is defined by a timber close boarded fence and dry stone wall and appears to be separate from the main dwelling house. The building is served by its own vehicular access.



Figure 1 - Subject Building

Site History:

- P/2006/0769/F - Erection of a garage/store – Permission granted on 13th February 2007. This approval was not implemented.
- P/2009/0255/CA - An enforcement case was opened in relation to the unauthorised construction of a dwelling and formation of an access on land to the rear of number 14 Sandy Brae (the building subject of this application). Following formal enforcement action, a planning application was submitted and approved for the retention of the building for use as a domestic garage ancillary to the dwelling house at number 14 Sandy Brae. Substantial alterations were carried out to the building and its use as a dwelling house ceased. The enforcement case was subsequently closed.
- P/2010/0552/F - Retention of building for use as domestic garage ancillary to replacement dwelling at 14 Sandy Brae – Permission granted 12th April 2012. The approved floor plan illustrates a double detached garage with a workshop and two store areas. Two roller type garage doors have been erected as approved however there is a set of patio doors in place behind one garage door and a window behind the other. These are not illustrated on the existing floor plan. There is no provision for vehicular access into the garage. The approved site plan show steps which link the garden of the main dwelling house to the curtilage of the garage. These steps have not been put in place therefore the garage building still appears to have its own defined curtilage separate from the main dwelling house. The front door of the building is also not as approved.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS);
- Planning Policy Statement 2 – Natural Heritage; &
- The Addendum to PPS7 (AdPPS7) – Residential Extensions and Alterations

Consultations:

Transport NI - No objections

Objections & Representations

1 neighbour notification letter was issued and the application was advertised in the local press the week beginning 17th October 2016. No objections or representations have been received to date.

Consideration and Assessment:

This proposal is for the partial conversion of the existing domestic garage to provide ancillary residential accommodation. The existing driveway serving number 14 is to be extended to serve the proposed repositioned garage door.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located in the open countryside and within the Mournes Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS 2 and the Addendum to PPS7.

As there is no significant change to the policy requirements for the proposed development following the publication of the SPPS, the retained policy of the PPS 21 and the Addendum to PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS21 sets out the types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted in the countryside for an extension to a dwelling where this is in accordance with the Addendum to Planning Policy Statement 7. (AdPPS7). It goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential.

The Addendum to PPS 7 – Residential Extensions and Alterations.

Policy EXT1 of the AdPPS7 states permission will be granted for proposals to extend or alter a residential property should they meet four specified criteria (a) – (d). The policy head note goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the set criteria. The information contained in the policy document that is relevant to the assessment of this application has been summarised below:

- Paragraph 2.8 of the AdPPS7 explains there may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances.
- Paragraph 2.9 states that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such accommodation should normally be attached to the existing property.

- Paragraph 2.10 goes on to say that where an extension to the existing house is not practicable and it is proposed to convert an existing outbuilding, permission will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling. The construction of a separate building as self-contained accommodation within the curtilage of an existing house will not be acceptable unless a separate dwelling would be granted permission in its own right.
- Paragraph 2.11 indicates that in all cases the Planning Authority will need to be satisfied that the proposed accommodation will remain ancillary to the main dwelling.
- Paragraph 49 of the AdPPS7 is also of relevance. It indicates that ancillary accommodation should be designed to demonstrate dependency on the existing residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. It goes on to say that ancillary uses that could practically and viably operate on their own will not be acceptable.

As detailed in the planning history above, planning permission was granted to retain the subject building as a domestic garage ancillary to number 14 Sandy Brae. This application seeks to convert a substantial portion of the buildings (81.6m²) to ancillary residential accommodation. The proposed floor plans submitted on 4th October 2016 consisted of a kitchen/dining area, utility room, bedroom, bathroom, store and garage area. The existing patio doors and window that are located behind the roller garage doors are to be retained. The garage and store area are to be located to the right hand side of the building.



Figure 2 - Proposed Floor Plan Received on 4th October 2016

In terms of its overall size and scale, the existing building is subordinate to the main dwelling house. However given the considerable level of residential accommodation proposed (81.6m²), it cannot be described as providing a modest level of accommodation. As stated above, ancillary uses should provide limited accommodation and shared facilities. The proposed level of accommodation and the provision of a kitchen/dining area and utility room could support independent living and are not considered acceptable. An email was sent to the agent (Colin O'Callaghan) on 20th March 2017 outlining the Planning Authority's concerns in regards to the level of accommodation proposed and the fact that ancillary uses that could practically and viably operate on their own are not acceptable. A modest level of accommodation that would be acceptable to the Planning Authority would consist of a living area, 1 bedroom and a bathroom.

The agent submitted amended plans on 31st March 2017. The layout of the proposed floor plan was exactly the same as previously submitted; only the rooms were annotated differently. As you can see from the image below, the '*Kitchen/Dining*' area has been changed to '*Living Area*' and the '*Utility*' room has been changed to '*Rear Hall*'. The plans still illustrate the kitchen units and the units associated with what was previously the proposed utility room. The total floor area of the proposal residential ancillary accommodation has not changed and is still considered to be excessive at 81.6m². The proposal does not does not provide a modest scale of accommodation and does not demonstrate dependency on the existing residential property.

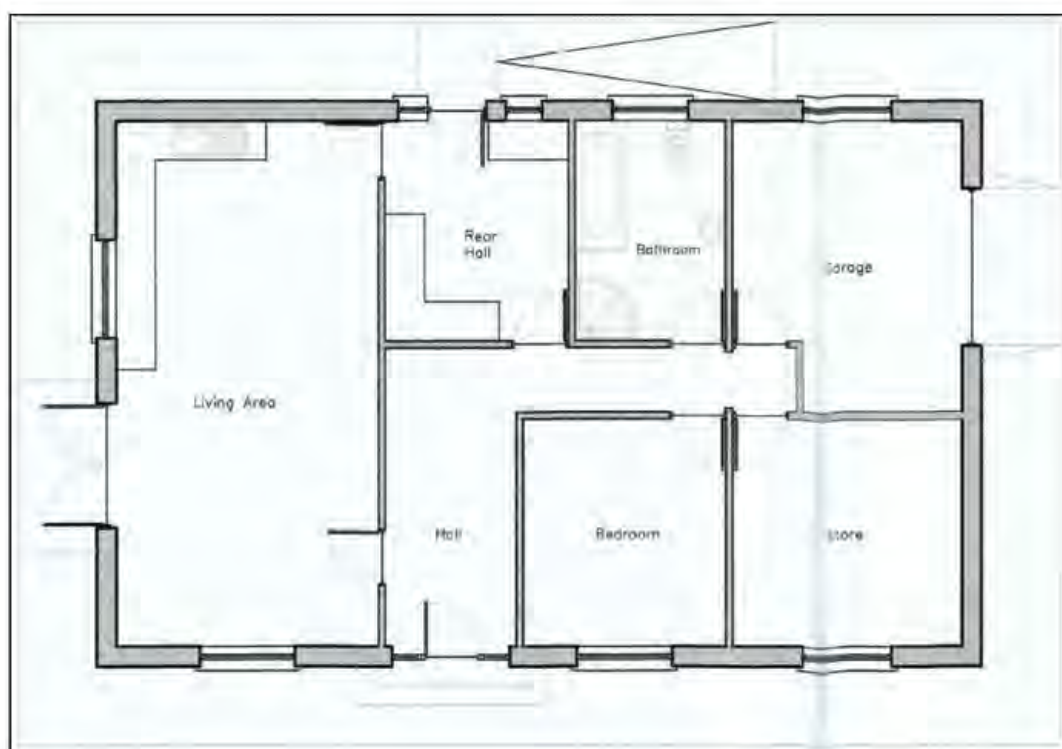


Figure 3 - Proposed Revised Floor Plan Received on 30th March 2017

There is no issue with the proposed extension of the existing driveway to serve the repositioned garage door. It is worth noting the proposed garage seems to be relatively small and I am not convinced it would provide sufficient space for a car. Sufficient space does however remain within the curtilage of the property for the parking and manoeuvring of vehicles. The proposal would not unduly affect the privacy or amenity of neighbouring residents, nor would it cause an unacceptable loss of, or damage to, trees or other landscape features.

Given the fact the building is already in-situ, there will be no significant change to views within the AONB and the proposal is not contrary to the requirements of policy NH6 of PPS2.

Recommendation:

The proposal does not provide a modest scale of accommodation does not demonstrate dependency on the existing residential property and could practically and viably operate on its own. Refusal recommended.

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is considered to be contrary to Policy EXT 1 Annex A of the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations in that the proposal does not provide a modest scale of accommodation, does not demonstrate dependency on the existing residential property and could practically and viability operate own its own.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

ITEM NO	13			
APPLIC NO	LA07/2016/1353/F	Full	DATE VALID	10/10/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Seamus Parr 109 Rostrevor Road Hilltown BT34 5TZ		AGENT	Karl Sherry Architectural Services 103 Rostrevor Road Hilltown BT34 5TZ 028 4063 8336
LOCATION	109 Rostrevor Road Hilltown Newry Co. Down BT34 5TZ			
PROPOSAL	Change of House Type in substitution for previous application P/2006/1811/RM and removal of occupancy condition			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 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 as the previous approval has expired.



Application Reference: LA07/2016/1353/F

Date Received: 30th September 2016

Proposal: Change of House Type in substitution for previous application P/2006/1811/RM and removal of occupancy condition

Location: 109 Rostrevor Road, Hilltown, Newry, Co. Down, BT34 5TZ

Site Characteristics & Area Characteristics:

The application site is located adjacent to 109 Rostrevor Road, approximately 2m south of Hilltown Village in the Mourne Area of Outstanding Natural Beauty. The site is not located within any settlement limits as defined in the Banbridge, Newry and Mourne area Plan 2015. The site as outlined in red on the location map incorporates the north western portion of a large agricultural field and is square in shape. The field rises from the roadside up towards the rear boundary. The south and west boundaries of the site are defined by a mature hedgerow, the eastern boundary is defined by a row of Castlewellan Gold trees, and the northern boundary is defined by a post and wire fence. The topography of the surrounding land is undulating.

There is a dwelling currently under construction on the site that was up to wall plate level at the time of inspection. This portion of the site has been cleared and levelled with the resulting topsoil stored in a spoil heap to the rear of the dwelling under construction. Stone has been placed in order to provide an access laneway to the site. The access to the site is via 2 agricultural gates located in the south-west corner of the site.



Figure 1 - Dwelling Under Construction

Site History:

P/2003/1517/O – Proposed site for farm retirement dwelling – Outline permission granted 10th September 2003.

P/2006/1811/RM – Erection of farm retirement dwelling – Reserved Matters permission was granted on 9th October 2007.



Figure 2 - Satellite Image of Application Site

Planning Policies & Material Considerations:

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

Consultations:

Transport NI –	No objections subject to conditions.
Environmental Health –	No objections in principal
NI Water –	Generic Response

Objections & Representations

1 neighbour notification letter was issued and the application was advertised in the local press the week beginning 24th October 2016. No objections or representations have been received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015 and does not fall within any settlement development limits as defined in the Plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS 2, PPS 3 and PPS 21. Whilst planning permission in this area is restrictive, significant weight will be given to the planning history of the site and also the status of work already carried out.

Principle of Development

Outline permission for a proposed farm retirement dwelling was approved under reference P/2003/1517/O 10th September 2003. The subsequent Reserved Matters application P/2006/1811/RM was approved on 9th October 2007. A number of conditions were attached to the approvals.

Condition 3 of the Outline approval states the development to which the approval relates must be begun by whichever is the latter of the following dates:

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

The effect of Condition 1 of the outline approval required the development to be begun by 9th October 2009 at the latest, which was two years from the date of Reserved Matters approval.

In order to ensure there was a satisfactory means of access in the interests of road safety and the convenience of road users, Condition 5 of the Reserved Matters approval required the vehicular access, including visibility splays and any forward sight line to be provided in accordance with the approved plans, prior to the commencement (my emphasis) of any works or other development thereby permitted. At the time of site inspection it was evident that the access had not been provided in accordance with the approved plans. Entry to the site was gained via an agricultural access.

Condition 4 of the outline approval placed a ridge height restriction on the proposed dwelling of 5.5m from finished floor level. The reason for this restriction was to ensure the development integrates into the landscape in accordance with the requirements of the Department's Rural Strategy.

Condition 5 of the Outline approval states the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture, forestry or fishing or a widow or widower of such a person.

Consideration

The agent (Mr Karl Sherry) was asked to provide verifiable proof that condition number 1 of outline approval P/2003/1517/O and Condition number 5 of Reserved Matters approval P/2006/1811/RM were complied with prior to the expiration date of 9th October 2009. In his response dated 24th October 2016 Mr Sherry stated the dwelling was approved by Building Control under reference FP/2007/1112 and that the foundations were inspected and approved on 13th June 2008.

At the time of my site inspection the dwelling had been constructed to wall plate level. The main footprint of the dwelling has been constructed largely in accordance with the approval. Building Control verified the foundations were inspected and approved on 13th June 2008. It was noted at the site inspection that there have been a number of changes to the design of the dwelling from that previously approved. This application seeks approval for the changes in design.

A sun lounge annex has been added to the left-hand side and there is now a projection to the rear to allow for a bigger kitchen area. The height of the dwelling has also been increased by approximately 450mm which will result in a ridge height of 5.95m above finished floor level. The overall design of the house is broadly in keeping with the original planning approval. The changes from the approved plans are considered to be acceptable. Having regard to the increase in ridge height, due to the rising topography of the land to the rear of the site I am of the opinion the proposed dwelling would still satisfactorily integrate with the landscape. The proposal also includes the erection of a detached single storey garage. The garage is to be finished to match the dwelling house and is considered to be acceptable.



Figure 3 - Proposed Front Elevation

In relation to the provision of the access prior to the commencement of any other development, Mr Sherry was again asked to provide verifiable proof that condition 5 of the reserved matters approval had been complied with. In his response dated 26th October 2016 Mr Sherry stated it is his client's full intention to provide and complete the full required sight lines to service this site. The site has been served via an existing agricultural access. It is evident that the access has not been provided in accordance with condition 5 of P/2006/811/RM. The provision of the access was required prior to the commencement of any other work on the site. As the access was not put in place in accordance with the condition the planning permission is deemed to have lapsed and the work on site is considered to be unlawful.

This application also seeks the removal of occupancy Condition number 5 of Outline approval P/2003/1517/O. The outline permission was granted for a retirement farm dwelling under Policy HOU10 of the Design Guide for Rural Northern Ireland. All approvals granted under Policy HOU 10 were subject to condition restricting the occupation of the dwelling to a person mainly working or last working in agriculture in the locality and to any resident dependants. The prevailing policy – CTY 10 of Planning Policy Statement 21 – Sustainable Development in the Countryside – no longer requires an occupancy condition on approvals for dwellings on a farm. I would therefore be content to remove the occupancy condition, however as stated above the previous planning permission has lapsed.

Recommendation:

The agent has failed to demonstrate the development previously approved had commenced within the statutory time period in order to secure planning permission on this site. As a result the application fails to meet Policy CTY 1 of Planning Policy Statement 21 in that there are no overriding reasons for this development in the countryside given the previous permission has lapsed.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location as the previous approval has expired.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

KARL J SHERRY

CHARTERED MEMBER OF THE INSTITUTE
OF ARCHITECTURAL TECHNOLOGISTS



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Our Ref: SP 01 16

Your Ref: LA07/2016/1353/F

Date: 12th April 2017

Colette McAteer
Democratic Services Officer
Newry Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry BT35 8DL

Dear Colette

Re:-DWELLING AT THE ROSTREVOR ROAD CARCULLION HILLTOWN NEWRY COUNTY DOWN
FOR MR SEAMUS PARR

Please find enclosed my written submission in relation to the above mentioned application,
for speaking rights, on the 26th April 2017.

Trusting you find all to your satisfaction.

Yours faithfully

Karl Sherry MCIAT
Chartered Technologist

103 Rostrevor Rd,
Hilltown, Co. Down
BT34 5TZ

Tel: 028 4063 8336
Email: karljmsherry@hotmail.com

1

Architectural Design Consultant
Surveyor
Planning Supervisor

WRITTEN SUBMISSION REGARDING CHANGE OF HOUSE TYPE IN SUBSTITUTION FOR PREVIOUS APPLICATION P/2006/1811/RM AND REMOVAL OF OCCUPANCY CONDITION AT 109 ROSTREVOR ROAD CARCULLION HILLTOWN NEWRY COUNTY DOWN BT34 5TZ FOR MR SEAMUS PARR

APPLICATION NUMBER LA07/2016/1353/F

DATE:-12TH APRIL 2017

An application was submitted to the N M & Down Council to change a house type and remove an occupancy clause.

Apparently the Department does not have a difficulty with the house type and the removal of the occupancy clause.

There seems to be a problem with regards to entrance and sight lines serving the site.

On the 20th October 2016, I was contacted by the Planning Services to explain why the site entrance and sight lines were not created.

On the 26th October 2016, I responded with an explanation and ensured and guaranteed that no further works would take place until the additional sight line was created.

I have attached this letter to this submission which, in itself is self explanatory.

I again submit that all conditions shall be adhered to with regards to site entrance and sight lines and shall be created immediately if this application is successful.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Karl Sherry', written over a circular stamp or seal.

Karl Sherry MCIAT

Chartered Technologist

SP 01 16

LA07/2016/1353/F

26th October 2016

Paul Smyth
Planning Service
Newry Mourne and Down District Council
O'Hagan House
monaghan Row
Newry BT35 8DL

Dear Mr Smyth

Re:-CHANGE OF HOUSE TYPE IN SUBSTITUTION FOR PREVIOUS APPLICATION
P/2006/1811/RM AND REMOVAL OF OCCUPANCY CONDITION AT 109 ROSTREVOR ROAD
HILLTOWN CO DOWN FOR MR SEAMUS PARR.

Thank you for your letter of the 24th October 2016 concerning the above mentioned application.

It is my clients full intention to provide and complete the full required sight lines to service this site.

The site has been served via an existing wide concrete driveway and a 3m wide agricultural gate, which exits onto the concrete driveway. On the Hilltown side, a sight line is in situ and has been improved to provide excellent visibility.

All works, to date, have been carried out as a self build by family members.

If the application is successful, the Rostrevor side sight line shall be created in complete compliance with Planning and Roads requirements, and will be the first site works carried out.

I have been employed to supervise the construction of this application and I can ensure you that no other works will be carried out until the remaining sight line has been created to full compliance.

I trust you find all to your satisfaction and I await your Departments earliest decision on this application.

If further information or details are required, please do not hesitate to contact me.

Yours faithfully

SITE AT 109 ROSTREVOR ROAD HILLTOWN COUNTY DOWN FOR MR SEAMUS PARR**SITE WORKS TO DATE:-**

The site has been stripped and a platform created to receive dwelling.

The excavations was treated as a cut and fill project, where the site was cut creating a 2 1/2 metre cut to the rear and fill relocated to the front, thus providing a level site to receive the dwelling.

Due to the topography of the site, i.e. the mountain range to the rear of the site, it was found prudent to leave as much of the natural ground and drainage insitu, so as to stop site spoil flowing onto the main Rostrevor Road.

The existing front hedge was reduced in height and verges cleared and maintained until such times that the newly created bank spoil became planted and stable.

This is now the case and it is the intention to now create the new sight line on the Rostrevor side of the site. This can now be done quickly and safely with minimum disruption to the main traffic route.

This sight line will be undertaken when Planning Approval is obtained and will be the first project constructed before building works begin in earnest.

It should be noted, that over the years there has been increased flooding onto the Rostrevor Road from the mountains along this road with the result that there has been road and hedge collapse, in various locations.

As already stated, if this application is successful, be assured that the sight line to the Rostrevor side shall be constructed immediately in keeping with Planning and Roads Authority policies and recommendations.

ITEM NO	19		
APPLIC NO	LA07/2017/0077/F	Full	DATE VALID 20/01/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Gary O'Hare 23 Derrycraw Road Newry BT34 1RG	AGENT	David Maxwell 12 Ballyblough Road Newry BT34 1RR 07769708850

LOCATION Lands between No. 20B and No. 22 Derrycraw Road
Newry
BT34 1RG

PROPOSAL Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Derrycraw Road.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy FLD 3 of Planning Policy Statement 15, Planning and Flood Risk in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Reason: Flood Risk
- 5 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and as a result would not visually integrate into the surrounding landscape.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0077/F

Date Received: 20.01.2017

Proposal: Full permission for the construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.

Location: Lands between No. 20B and No. 22 Derrycraw Road, Newry, BT34 1RG. Rural countryside.

Site Characteristics & Area Characteristics:

The red line boundary takes in a broadly rectangular site that includes the roadside portion of 2 larger agricultural fields. The land rises towards the West and despite its rural location development pressure is strong in the immediate area.

Site History:

P/2001/1359

23 Derrycraw Road, Jerrettspass, Newry.

Site for dwelling.

Withdrawn: 04.12.2001

P/2004/0726/O

Adjacent and south of 22 Derrycraw Road, Jerrettspass, Newry

Site for dwelling

Appeal dismissed: 28.11.2006

P/2008/1317/F

Adjacent to and North-west of No. 20A Derrycraw Road, Jerrettspass, Newry.

Change of house type from single storey to chalet type.

Permission Granted: 17.12.2008

P/2007/0856/RM

Adjacent to and north-west of 20A Derrycraw Road, Jerrettspass, Newry

Erection of single-storey dwelling and detached garage

Permission Granted: 10.03.2008

P/2004/3245/O

Adjacent and north-west of no. 20a Derrycraw Road, Jerrettspass
 Site for dwelling (Renewal of o.p.p. P/2001/2150)
 Permission Granted: 03.03.2005

P/2001/2150/O

Adjacent and to the north-west of No 20a Derrycraw Road, Jerrettspass, Newry,
 BT34 1RG.
 Site for dwelling
 Permission Granted: 06.03.2002

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.
 Strategic Planning Policy Statement for Northern Ireland
 Planning Policy Statement 21
 Planning Policy Statement 3 / DCAN 15.
 Planning Policy Statement 15
 Building on Tradition

Consultations:

Transport NI – no objections subject to standard conditions and informatives
 Water NI – No objections
 Rivers Agency – no objections subject to a drainage assessment being submitted for consideration.

Objections & Representations

4 Neighbours notified and application advertised on 08.02.2017. No objections or representations received.

Consideration and Assessment:

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY8 makes provision for up to 2 dwellings in a small gap within an otherwise substantial and continuously built up frontage (3 buildings) providing it respects the existing development pattern. 3 buildings all sharing a common frontage with the proposed site is evident which include Nos 20a, 20b and 22. However the gap measures approximately 156m (building to building) which would leave the average plot frontage for both dwellings potentially 77m. The average plot frontage of Nos 20a, 20b and 22 is 46m leaving the gap big enough to accommodate in excess of 2 dwellings while remaining respectful to the existing development pattern and as such fails policy CTY8.

With no overriding reasons why the development is essential and could not be located within a settlement the proposal is contrary to policy CTY1.

Due to the lack of boundaries, the site is unable to provide a suitable degree of enclosure when critically viewed from the approach to the site in both directions. This fails part (b) of policy CTY 13.

Due to the creation of ribbon development and the build-up of dwellings when the site is viewed with existing development the proposal fails the policy criteria of CTY14.

Any decision notice would be negatively conditioned to ensure consent to discharge is obtained prior to commencement of development. This satisfies the policy criteria of CTY16.

Transport NI was consulted with regard to Planning Policy Statement 3. The Department has responded with no objections to the proposal subject to the attached conditions and Informatives.

Planning Policy Statement 15: Flood Risk

As minor parts of the site are located within a predicted flooded area a drainage assessment is required for development with excess of 1000 sq. ms. of hard standing. In this case the development will breach that threshold and in the absence of a drainage assessment or reduced plans remains contrary to policy FLD 3. It was not considered expedient to pursue this information due to the fundamental issues with the principle of development.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Derrycraw Road.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and as a result would not visually integrate into the surrounding landscape.

5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy FLD 3 of Planning Policy Statement 15, Planning and Flood Risk in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Reason: Flood Risk

Case Officer

Authorised Officer

ITEM NO	22			
APPLIC NO	P/2009/1336/F	Full	DATE VALID	26/10/2009
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr JC Campbell C/O Agent		AGENT	Milligan Reside Larkin 56 Armagh Road Newry BT35 6DN 028 30 253755

LOCATION 68 to 72 & 74 Shore Rd
Rostrevor
BT34 3AA

PROPOSAL Proposed new 70 bed nursing home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking). (amended proposal)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	35	0	0	0
			Addresses	Signatures
			0	0 0 0

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c) and (g) in that the applicant has failed to demonstrate that the proposal would create a quality residential development; adequate provision has not been made for open space and landscaped areas as an integral part of the development; and the design of the development does not draw upon the best local traditions of form, material and detailing.
- 2 The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 3 The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
- 4 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
- 5 The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: The site is located within the settlement limit of Rostrevor Village on the southern extremity of the village. It fronts onto the Shore Road on its western boundary with the public access to Kilbroney Forest Park, on its northern boundary.

SITE CHARACTERISTICS AND AREA CHARACTERISTICS:

The site, which covers an area of 1.273 hectares, appears as an outlier to the main village core. The site is largely open with good views to the forest to the rear.

A portion of the site contains an existing car showroom and garage, Campbell's Garage, and 2 detached dwellings in single family occupation. The remainder, containing a tennis court, is largely open space. The garage complex consists of a flat roofed 2 storey structure in uniform white rendered finished. The dwellings are largely 2 storey, one, on the north eastern boundary point, in brick finish and the southern unit in render.

There is an existing 2 storey detached dwelling, (Number 50 Shore Road) just beyond the north west corner of the site. It is located 1 – 3 metres from the boundary

of the application site, which is formed by a rendered ivy clad wall, approximately 6 ft in height. This dwelling has a row of 7 first floor windows on its south eastern elevation to the application site, overlooking the wall.

There is a low single storey cottage, (No 56), beyond the north east corner of the application site, accessed by the entrance drive to Kilbroney Forest Park. There are a number of detached houses in individual plots beyond the southern site boundary, accessing onto Shore Road.

The site rises generally from the Shore Road towards the forest just beyond its eastern boundary. Its boundaries are landscaped. It appears very open, situated as it is, on the shores of Carlingford Lough. As a consequence there are distant views of it from nearby Warrenpoint. The views become more pronounced in the vicinity of the Rosses Point monument, a nearby public amenity area.

The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI), and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and Area of Scientific Interest (ASSI). It is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty.

SITE HISTORY:

P/2008/0558. Proposed Residential development. Shore Road, Rostrevor Determined 13/06/2008.

P/2006/0458/F. Construction of new access to dwelling (to include closure of existing access) Oakwood House, 71 Shore Road, Rostrevor. Determined 12/12/2006.

P/2005/0303/F. Refurbishment of existing dwelling 56 Shore Road, Rostrevor. Determined 02/08/2005.

P/2002/0296/F. car showrooms and workshop together with refurbishment of existing building Shore Road, Rostrevor. Determined 16/07/2002.

P/2000/1418/F. Extension to dwelling. 52 Shore Road, Rostrevor. Determined 04/10/2000.

CONSULTATIONS:

Transport NI: No objections subject to planning conditions.

NI Water: No objections subject to planning conditions.

Rivers Agency: No objection subject to planning informatives.

DCAL Inland Fisheries & Waterways: Loughs Agency should be consulted.

Loughs Agency: No objections subject to planning conditions.

N&MDC Environmental Health: No objections subject to planning conditions.

NIEA (Water Management Unit): No objection subject to conditions.

NIEA (Natural Heritage) (Land Resource Management): The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and ASSI. NIEA has undertaken a Habitats Regulations Assessment (HRA) Stage 2 Appropriate Assessment on this proposal. It has concluded there will be no likely significant effects on the integrity of the site. Standard conditions and informatives to be attached to the Decision Notice.

NIEA (Historic Buildings Unit): has key concerns regarding the scale, massing and height of the development. Advise that the former tram shed at Rostrevor Quay is the subject of a listing query.

NIEA (Historic Monuments Unit): The historic landscape of the adjacent Historic Park and Demesne is afforded protection under BH 6 of PPS 6 and it would have concerns to any development that would have an adverse impact upon the setting of this registered demesne. It has concerns regarding the scale, massing and height of the development.

The application site is located in an area of historic interest within Rostrevor and once was the site of the Great Northern Hotel, approx 250 metres to the west of the site is the conservation area of Victoria Square and Shore Road (RR08) within which is a number of listed buildings.

Rostrevor Harbour is adjacent to the site which is recorded in the Industrial Heritage Records and there is a large brick chimney on the site may have been associated with the hotel.

HMU are of the opinion that, due to the location of the application site within this locally important historic landscape, would recommend that the design of the proposed development reflect the detail from the Great Northern Hotel which once occupied the site and from the historic character of the buildings in this vicinity.

No archaeological objection in principle to the development provided:

- There is a revised design to the buildings which front on to the Shore Road, more in keeping with those in the vicinity and drawing upon details of the Victorian character of the area. The buildings should front on to the Shore Road
- The chimney within the application site is retained to ensure that the proposed development into the historic landscape of the Registered demesne of The lodge and the conservation area to the west.

Ministerial Advisory Group: In summary, while the panel agree with the principle of the proposal it pointed to the need for re-design and reducing the scale of development on the site with more open space.

OBJECTIONS & REPRESENTATIONS

Details of the application were advertised on 13 November 2009 and 14 nearest neighbours were notified on 30 October 2009.

Two letters of objection were received. Amended details were advertised on 8 June 2012 and 14 nearest neighbours were notified on 25 May 2012. Concerns were again expressed by a previous objector at an office meeting on 20 June 2012.

The main issues raised were:

- scale, density and height of the proposal which is out of character with this coastal location and setting of great natural beauty;
- proximity and height of proposed building and its impact on privacy, light and solar panels;

- architecture is out of keeping with traditional buildings in the immediate vicinity; and
- increase in traffic levels.

PLANNING POLICY MATERIAL CONSIDERATIONS

The relevant prevailing policy context is provided by:

- **the statutory area plan**, the Banbridge, Newry and Mourne Area Plan 2015;
- **regional planning policy documents**: the Strategic Planning Policy Statement, (SPPS); PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking, PPS 6: Planning, Archaeology and The Built Heritage, PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 12: Housing in Settlements. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that the policy provisions of the documents listed above, amongst others will be retained until each council adopts its own Plan Strategy.
- **supplementary planning guidance**, which includes: DCAN 8: Housing in established areas; DCAN 9: Residential and Nursing Homes; DCAN 10: Environmental Impact Assessment; DCAN 15 Vehicular Access Standards; and 'Creating Places, Achieving Quality in Residential Developments'.

Banbridge, Newry and Mourne Area Plan 2015. The site is within the settlement limit of the village of Rostrevor as designated in the statutory area plan. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

In summary, the application proposes a high density development consisting of a total of 51 apartments and a 70 bed nursing home on a site consisting of 1.273 hectares. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas. , PPS 12: Housing in Settlements,

Policy QD 1 of PPS 7 states, amongst other things, that 'Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas'.

Policy QD 1 of PPS 7 also requires that all proposals for residential development will be expected to conform to a number of specified criteria.

The application site is located in an edge of village setting and a sensitive landscape, as detailed above. The character of the established residential area is derived from single houses in sizeable individual curtilages. Notwithstanding the existing car showroom within the site, the predominant character of the immediate area is one of low density development, predominantly residential in type and scale.

It is considered that the proposal is contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment. The proposal will result in unacceptable damage to the local character, environmental quality and residential amenity in the area. This is due to the fact that:

- The proposed scale of development is totally out of keeping with the existing character of the area which derives largely from individual houses in individual curtilages.
- The proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area. The scale, massing and overall form of the development, based as it is on an double fronted apartment layout around a central courtyard incorporating underground car parking is not in keeping

with this low density edge of village location within an AONB, adjacent to a designated Demesne.

The proposal involves 7 major buildings which, when read together, will fill almost the entire frontage of the site. The resulting visual impact of the proposal is one of continuous mass with no visual break in the overall facade along the site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

The overall massing is also accentuated due to: the proximity of the development to the Shore Road; the absence of appropriate landscaping; the overall height of the proposed units; and the fact that the blocks to the rear project above the ridge height of the blocks fronting the Shore Road and will be seen between the visual gaps in the buildings fronting onto Shore Road. The proposed development also takes up the application site almost in its entirety with limited distances to all site boundaries.

If implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. It is over development of the site.

- The proposed combination of materials based on a combination of brick, cladding and render does not draw on the character and appearance of the surrounding area. The predominant finishes are predominantly uniform and in render.
- Adequate provision has not been made for open space and landscaped areas as an integral part of the development.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

It is considered that insufficient open space and landscaping has been provided to create an attractive, sustainable and varied residential environment. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

- the design and layout will create conflict with adjacent land uses. It will result in an unacceptable adverse effect on existing properties in terms of dominance, overlooking, loss of light and overshadowing. The proposed scheme incorporates a block of residential units ranging in levels between 16.35, 17.60 to 20.45 metres. These are proposed between approximately 3.5 and 6.5 metres from the north western boundary of the site and within approximately 8.5 to 9 metres of an existing property. As mentioned above there are 7 existing windows at first floor on the existing elevation facing the site. This falls far short of the required separation distances as contained in planning policy guidelines, as contained, for example in 'Creating Places' and is unacceptable in planning terms.

The proposed development will also impact on the residential amenity of an existing single storey dwelling to the rear of the application site beyond its north eastern boundary in terms of dominance and overshadowing.

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.

Planning Control Principle 1 of PPS 12 Housing in Settlements

Policy LC 1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area' states that in established residential area, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites.....to accommodate new housing, where all criteria set out in QD 1 of PPS 7 and all additional specified criteria are met. These include:

- The proposed density is not significantly higher than that found in the established residential area; and
- The pattern of development is in keeping with the overall character and environmental quality of the established residential area....

It states that the Department will not permit proposals for new housing development in established residential areas where there this would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. New residential developments should therefore be sensitive in design terms to people living in the existing neighbourhood and be in harmony with local character.

Planning Control Principle 1 of PPS 12 Housing in Settlements states that when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

The character of the established residential area is one of individual houses in sizeable single curtilages. The density of the established residential area, in the vicinity of the application site, reflects the edge of village location. It is predominantly low density and varies between 5 to 10 dwellings per hectare. The proposed scheme is based on 3 elements within the site: assisted living units, apartment development and nursing home. The scheme proposes 10 assisted living units and 41 apartments on a portion of the site amounting to approximately 0.80 hectares. The proposed density for this residential element is approximately as follows.

10 assisted living units on 0.20 hectares – 50 per hectare;

41 apartments on 0.60 hectares – 70 per hectare

A total of 51 units on the total site area of 1.273, discounting the nursing home, represents a proposed density of 40 units per hectare.

The Planning Department considers that this level of development is wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

It is considered that this proposal, due to the reasons outlined above, would be detrimental to the local character, environmental quality and residential amenity of

the established residential area. It is also considered that it would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

In this regard, the proposal is therefore contrary to Policy QD 1 of PPS 7, Policy LC 1 of the Addendum to PPS 7 and Planning Control Principle 1 of PPS 12.

Strategic Planning Policy Statement for NI (SPPS)

It is also considered to be contrary to Para 6.137 of the SPPS, 'increased housing density without town cramming', which states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. This proposal fails to do so for the reasons already stated.

PPS 2: Natural Heritage and PPS 6: Planning, Archaeology and the Built Heritage.

The application site is located within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the proposal is contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above, and does not respect local architectural styles and patterns.

Policy BH 6 of PPS 6 states that the Department will not normally permit development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens and demesnes of special historic interest.

The application site is located on the edge of the early 19th century Historic Park, Garden and Demesne known as The Lodge, designated in the Banbridge, Newry and Mourne Area Plan. NIEA Historic Monuments Unit has confirmed no objections on the basis that there is a revised design to the buildings which front onto Shore

Road more in keeping with those in the vicinity and drawing upon details of the Victorian Character of the area.

In its present form the proposed scheme is contrary to BH 6 of PPS 6 in that the proposed design and layout of the development, as outlined above, is not in keeping with the historic landscape of the Registered Demesne, 'The Lodge'.

PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking.

Transport NI has confirmed no objections to the proposed access arrangements and road layout on the basis that the layout will remain un-adopted.

Future car parking provision is based on the number of proposed units.

PPS 8: Open Space, Sport and Outdoor Recreation.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

RECOMMENDATION:

Refusal.

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development;
 - the design of the development does not draw upon the best local traditions of form, material and detailing; and

- the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
 3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.
 4. The proposed development is contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.
 5. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

Case Officer Signature:

Date:

Appointed Officer Signature

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: Shore Road, Rostrevor.

Addendum to Case Officer Report

This application was previously brought before the Planning Committee on Wednesday 31 August 2016 with a recommendation to refuse for the reasons set out in the Case Officer's Report. The Meeting agreed to defer the application to allow Planning Officers to meet with the applicant, for discussion to take place between the applicant and the objectors and to facilitate a site visit by the Committee members.

A site meeting took place on Wednesday 2 November 2016 involving, the applicant, his agents and members of the Planning Department. The Planning Department clarified the major planning issues to be addressed.

The Planning Department has contacted the objectors. The objectors have confirmed that the applicant has not requested a meeting with them.

A site visit took place on Tuesday 15 November 2016, attended by members of the Planning Committee.

Following the site meeting the applicant submitted amended plans on 30 November and an amended P1 application form and proposal description on 21 December 2016 for consideration. A Planning Statement was also submitted, on 9 February 2017, in response to the Planning Department's recommendation to refuse.

The application has now been amended, from the previous description above, to read 'proposed new 70 bed nursing home together with 41 no 2 and 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking).

The proposed layout has been amended to exclude the sheltered housing and communal facilities of 10 apartments. The layout remains the same in all other aspects.

OBJECTIONS & REPRESENTATIONS

Details of the amended proposal were re neighbour notified on 24th February 2017 and re-advertised on 8 and 10 March 2017. A further 7 objections, over and above those previously raised and referred to in the case officer's report and at the previous meeting of the Planning Committee, have been received. The issues raised include:

- Extensive list of concerns raised at previous planning meeting remain unaddressed;
- Welcome scaling down of project but other issues have not been addressed;
- View of Lough from adjacent right of way towards Fiddlers Green would be completely obstructed by the development;

- Inappropriate scale, height and density of development at this location and rural character of the village;
- Buildings too close to native oak forest;
- Contrary to the Council's tourism policy;
- Young people need individual houses not apartments;
- Development does not blend with the natural environment; and
- Project could be more acceptable with scaling down, creative architectural planning and use of wood.

A representation was received from Forest Service On 6 April 2017 referring to existing rights of way at the northern end and through the application site. It also requested that any construction work be undertaken outside of a Root Protection Area associated with the adjacent Rostrevor Forest.

STATUTORY CONSULTATIONS

The Planning Department issued further consultations, on 23 February and 3 March 2017, to DAERA (Marine Fisheries and Archaeology and Built Heritage) and to NIEA (Historic Buildings Unit and Historic Monuments Unit), now NIEA Historic Environment Division, (HED). DAERA Marine Fisheries confirmed no objections subject to planning conditions on 14 March 2017. A joint response from HED, dated 5 April 2017, has confirmed no objections in relation to impact on listed building and archaeological policy requirements.

PLANNING ASSESSMENT

The Planning Department has re-assessed the amended proposal and the additional information referred to above in the context of relevant prevailing policy context, as outlined in the case officer's report.

It is considered that while the amended proposal has addressed one of the concerns previously expressed by the Planning Department in relation to the adverse impact on adjacent dwellings due to overlooking, loss of light and overshadowing, it does not represent a genuine attempt to address the broader fundamental planning issues, as previously expressed to the applicant and to the Planning Committee.

Notwithstanding the proposed reduction in the Scheme to omit the sheltered housing complex it is considered that the amended proposal remains contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment.

- The only significant difference between the scheme previously presented to the Planning Committee and the one now under consideration is a proposed reduction in the area of the application site to omit the sheltered housing block of 10 apartments. In all other aspects the proposal is identical to that previously assessed. The scale, density and height of the amended scheme remains unacceptable.
- The applicant has also submitted additional aerial type views of the proposed development to highlight the areas of open space within the site in an attempt to minimise the overall massing of the development. These however are not an accurate portrayal of the local and wider critical wider views of the site which would appear on the ground. The proposal, in its present form, still involves 5 major buildings which, when read together, will fill almost the entire frontage of the reduced planning application site. The resulting visual impact of the proposal from critical views would remain one of a continuous mass with no visual break in the overall facade along the application site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

While it is acknowledged that the omission of the sheltered complex will create a visual break between the existing development and the proposed nursing home, this is insufficient to address the previously expressed planning concerns, as outlined above and in the case officer's report. Indeed it is considered that the approval of this application would make it extremely difficult to resist further development on the 'gap site' that has been created through the omission of the sheltered housing units.

The proposed underground car park remains as part of the proposal. The need to provide car parking facilities underground to service the proposed level of development can be taken as another indication of the

overdevelopment of this site. This type of development, which would more properly be found within an inner city location, is totally inappropriate within an edge of village context and within such a sensitive location.

The fact remains that if implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. The proposal remains one of inappropriate over development of the site.

As a result it is considered that the proposal, as amended, will result in unacceptable damage to the local character, environmental quality and residential amenity in the area for the reasons stated in the case officers report above. It remains contrary to Policy QD 1 of Planning Policy 7 criteria (a) in that the applicant has failed to demonstrate that the proposal would create a quality residential development. It is also considered that the proposal, as revised, would also be contrary to DES 2 of the Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and, as discussed below, use of materials.

- There has been no real attempt to address the Planning Department's previously stated concerns about the proposed form of the development and the combination of brick, cladding and render which do not draw on the character and appearance of the surrounding area. The prevailing form of development is of low elevation, low density development. The predominant finishes in the local area are predominantly uniform and in render. Contrary to the stated view of the agent, in the Planning Statement, it is considered that the high density nature and height of of the proposed scheme coupled with the inappropriate combination of materials would create an inappropriate suburban form and appearance of development on this edge of village location within this sensitive and protected landscape setting. The proposal therefore remains contrary to Policy QD 1 of Planning Policy 7 criteria (g) in

that the design of the the development does not draw on the best local traditions of form, materials and detailing and also Policy DES 2 of the Rural Strategy.

- Adequate provision has not been made for open space and landscaped areas as an integral part of the revised development proposal.

The agent claims, in the Planning Statement, that the Planning Department's concerns around the amount of open space to be provided are unfounded. It is important to emphasise, in response, that the Planning Department accepts that the amount of proposed open space would be sufficient to satisfy prevailing policy requirements, in particular Policy OS 2 of PPS 8. However the location and distribution of that open space is inadequate to create an attractive, sustainable and varied residential environment as required by Policy QD 1 of PPS 7. This Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. It states that where appropriate planted areas of discrete groups of trees will be required along site boundaries to soften the development.

In this case, the proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of 'left over' grassed amenity space on the periphery of the site boundary. It is considered that the layout and location of the proposed areas of open space is unacceptable in planning policy terms due, largely, to the over development of the site. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

It should be noted that by reducing the red line to exclude the dwelling house and curtilage at No 52 Shore Road, the proposal has now excluded an area of open space that could have been used to create an attractive residential environment, as required by policy.

- The agent, in the Planning Statement, has sought to establish that the character of the immediate area in the vicinity of the application site is defined purely by the existing commercial use on the JC Campbell site and not by the adjacent residential land uses. This is an attempt to suggest that the requirements of Policy LC 1 of the Addendum to PPS 7 do not apply. This is clearly incorrect. The Planning Department is strongly of the view that the principle land use in the immediate area, within this sensitive edge of village setting, is not purely commercial but includes a long established residential element, not just on the edge of the application site but in the immediate vicinity.

In this context the Planning Department is strongly of the view that Policy LC 1 of the Addendum to PPS 7 clearly applies to this application.

Notwithstanding the omission of the sheltered housing block of 10 apartments, the revised scheme remains contrary to this policy, for the reasons above and as outlined in the case officer's report. In summary, the Planning Department considers that the level and density of development, as proposed in the revised scheme, remains wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

- The agent, in his Planning Statement has also sought to establish that the provisions of Planning Policy Statement 12 Housing and Settlements are not relevant to this application. This is clearly incorrect. Para 3 in fact states that this PPS is a material planning consideration in dealing with individual planning applications. The Planning Department remains of the opinion that the revised proposal remains contrary to PPS 12, for the reasons stated above and in the case officer's report.
- The agent, in his Planning Statement has also sought to establish that the provisions of the Strategic Planning Policy (SPPS) are not relevant to this application. This is clearly incorrect. The provisions of the SPPS are clear in that where the SPPS introduces a change of policy direction and/or provides a

policy clarification that would be in conflict with a retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. Where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not lessen the weight to be afforded to the retained policies. In this instance the Planning Department policy provisions of PPS 7 which relate to density of development have been retained. It is also clear that the policy provisions of the SPPS relating to housing density, as referred to in the case officer's report, are not in conflict with the provisions of PPS 7. In fact the policy previously referred to in the case officer's report reinforces the central message in PPS 7 which is that inappropriate developments, such as this one, should be resisted, i.e Para 6.137 of the SPPS states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality...'

The Planning Department remains of the opinion that this revised proposal fails when assessed against this policy, for the reasons already stated.

- The application site is located within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the revised proposal remains contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above and in the case officer's report and does not respect local architectural styles and patterns.
- In terms of the impact on the setting of the adjacent parks, gardens and demesnes of special historic interest, 'The Lodge', the relevant statutory authority, Historic Environment Division, has now confirmed no objection in relation to this issue.

The previously stated reason for refusal, i.e. contrary to BH 6 of PPS 6, no longer applies.

RECOMMENDATION:

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

REFUSAL REASONS:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and
 - the design of the development does not draw upon the best local traditions of form, material and detailing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
4. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the

particular locality and does not respect local architectural styles and patterns, local materials or design.

5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



P/2009/1336/F

PLANNING STATEMENT

70 BED NURSING HOME AND 41 APARTMENTS

68 to 72 and 74 Shore Road
Rostrevor

FEBRUARY 2017

4 College House
Citylink Business Park
Belfast
BT12 4HQ
T: 028 9042 1011
E: planning@mbaplanning.com
W: www.mbaplanning.com

1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of the applicant in support of planning application P/2009/1336/F for a 70 bed nursing home and 41 apartments at 68 to 72 and 74 Shore Road, Rostrevor.
- 1.2 The application also previously sought permission for 10 additional independent living units within the northern area of the site, at No. 52 Shore Road. It has since been amended to remove this part of the development.
- 1.3 Prior to the submission of the reduced scheme, the application was presented to Newry Mourne and Down Council Planning Committee on 31 August 2016 with a recommendation to refuse for the following reasons:
 - (1) *The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that the applicant has failed to demonstrate that the proposal would create a quality residential development; adequate provision has not been made for open space and landscaped areas as an integral part of the development; the design of the development does not draw upon the best local traditions of form, material and detailing; and the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.*
 - (2) *The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.*
 - (3) *The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.*
 - (4) *The proposed development is contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.*
 - (5) *The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.*
- 1.4 The planning committee agreed: *"On the proposal of Councillor Craig seconded by Councillor Casey it was agreed to defer Planning Application P/2009/1336/F to allow Planning Officers to meet with the applicant and for*

discussions to take place between the applicant and the objectors, and to facilitate a site visit by the Committee Members.”

- 1.5 A site visit was held between the applicant, their representatives and members of the Newry Mourne and Down Planning Office and amended drawings for the reduced scheme were subsequently submitted to the planning authority.
- 1.6 This report responds to the recommended refusal reasons presented in August, in the context of the amended drawings now before the planning authority for determination.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site now principally comprises the site of the JC Campbell car sales showroom and associated car park, and the vacant detached dwelling on the adjacent site to the south.
- 2.2 There are three detached dwellings adjacent and to the north of the application site at 50, 52 and 56 Shore Road, there is a fuel depot and dwelling on the opposite side of Shore Road and the Kilbroney Forest Park is adjacent with a landscape that rises to the southeast.
- 2.3 The Banbridge, Newry and Mourne Area Plan (BNMAP) designates the site within the settlement limit of Rostrevor and as whiteland.
- 2.4 The application site and its immediate urban environment constitute a node of development set apart from the remainder of the designated Rostrevor settlement limit. The area had once been a main commercial hub for the settlement, which was anchored by the quay, ice rink and Great Northern Hotel:

Figure 1: Ice Rink (Right), Great Northern Hotel (Left) and Other Buildings Between



Figure 2: Great Northern Hotel (Left) and Other Buildings along Shore Road



- 2.5 In 1903, a fire at the ice rink and the adjoining public bar destroyed both buildings. The hotel was then lost in 1978 as a result of being bombed during the Northern Ireland troubles. The loss of this important historic fabric has unfortunately resulted in the unattractive car showroom complex now dominating the character of the area:

Figure 3: Existing Car Showroom on Site



3.0 THE PROPOSAL

- 3.1 The proposal draws largely on the scale and form of the attractive historic development that once occupied the application site and seeks to restore some quality architectural design to the area. The nursing home reflects the scale of the Great Northern Hotel and the apartments to the south are similar in character and appearance to that of the various other commercial and residential buildings that once occupied that area of the site:

Figure 4: Aerial Image of Proposal



- 3.2 Parking is largely hidden from public view, to the rear of the nursing home and beneath the apartments in the southern area of the site. This prevents it from otherwise eroding the character and appearance of the development. It also allows public open space to be maximised with the provision of a generous communal landscaped garden in the centre of the apartment development:

Figure 5: View of Landscaped Garden



4.0 CONSIDERATION

4.1 The previously recommended refusal reasons refer to the following issues:

Inadequate Provision of Open Space

- 4.2 PPS7 Policy QD1 Criterion (c) requires adequate provision of public and private open space. PPS8 Policy OS2 recommends the provision of a minimum of 10% of the total site area should be public open space, although a reduced amount is acceptable where the site is close and accessible to areas of existing public open space, or where it provides accommodation for the elderly. Creating Places paragraph 5.20 recommends a minimum of 10sqm of private open space per unit (i.e. 410sqm for the 41 apartments proposed), which can be provided in communal landscaped areas, courtyards or roof gardens.
- 4.3 The total site area excluding visibility splays is 1.03ha (10,300sqm). There are two principle areas of public open space within the development: the balcony and garden area to the front of the nursing home (550sqm) and the landscaped courtyard and associated walkway within the south of the site (850sqm). Various other pockets and bands of open space are provided within the remainder of the site. The total open space provision within the development is approximately 3,050sqm, which is 30% of the total site area.
- 4.4 The level of open space provision is therefore substantially greater than the minimum recommended by relevant policy and guidance.

Inappropriate Form, Materials and Detailing

- 4.5 PPS7 Policy QD1 Criterion (g) requires proposals to draw on the best local traditions of form, materials and detailing. The development could do little more to draw on the traditional architectural features of this area. Milligan Reside Larkin have done an impeccable job of emulating the historic built fabric, bringing it into the present, without making the proposed development appear pastiche by tastefully incorporating modern elements and materials to compliment the traditional form and detailing of the buildings.
- 4.6 The finish of the buildings is predominantly render and redbrick, which is consistent with that of the existing dwellings at 50 and 52 Shore Road respectively and the historic buildings that once occupied the site. Stone, cedar and zinc cladding elements have also been sensitively incorporated. The roofing is to be natural slate, consistent with both the existing and historic buildings in the area.
- 4.7 The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and that of the buildings that once occupied the application site.
- 4.8 The overall appearance and impression of the proposed development will be remarkably similar to that of the historic development once found in this location:

Figure 6: Postcard of Historic Rostrevor



Figure 7: Comparative Image of Proposal



Overlooking, Loss of Light and Overshadowing

4.9 These issues related to the block of 10 independent living units within the northern area of the site and their potential impact on the property at 50 Shore Road. The independent living units have now been removed from the application, which resolves this matter entirely.

Density Contrary to Policy LC1 of the Addendum to PPS7, the SPPS and PPS12

4.10 Policy LC1 applies to development in established residential areas only. "Established residential areas" are defined at Annex E of the policy:

"For the purposes of this Addendum and in order to clarify the existing application of the term, established residential areas are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. These areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served."

- 4.11 The application site is not located within a neighbourhood dominated by housing. The principle land use in this area is the JC Campbell car sales, a commercial use. There are only four detached dwellings on the surrounding plots, none of which are read together to form a neighbourhood.
- 4.12 As the application site and surrounding area do not constitute an "established residential area", as defined by the PPS7 addendum, policy LC1 does not apply.
- 4.13 PPS12 is not operational planning policy. Paragraph 3 of the document confirms it is a material planning consideration for the planning authority in preparing development plans. Paragraph 77 explains that the Planning Control Principles are amplified through the development control policies, which includes PPS7.
- 4.14 The SPPS does not contain more prescriptive policy than that of the retained policies and a Plan Strategy for the whole of the council area is not yet adopted. The SPPS Transitional Provisions (paragraph 1.10 to 1.16) therefore direct that PPS7 continues to take precedence.

Impact on Setting of Historic Landscape and Listed Demesne

- 4.15 Historic Monuments Unit have not recommended refusal of the application under PPS6 Policy BH6. They expressed a preference that the proposed nursing home more closely follow the design of the Great Northern Hotel that once occupied the site.
- 4.16 Given the existing site is occupied by a sprawling and unattractive car sales showroom and car park, the proposed development will undoubtedly significantly improve the setting of the nearby historic landscape and listed demesne.

Impact on the Area of Outstanding Natural Beauty

- 4.17 PPS2 Policy NH6 refers to new development within an AONB and requires proposals to respect local architectural styles and patterns, local materials and design. As stated above, the proposed development draws its influence strongly from the traditional settlement pattern and architectural design of the buildings that once occupied the application site. It is therefore wholly appropriate and sympathetic to the special character of the AONB and this particular locality and thus satisfies the requirements of Policy NH6.

5.0 CONCLUSION

- 5.1 The applicant has significantly reduced the extent of development sought by this application by removing the 10 independent living units from the northern area of the application site.
- 5.2 The remaining proposed development includes a 70 bed nursing home and 41 apartments at 68 to 72 and 74 Shore Road, Rostrevor.
- 5.3 The local planning authority had previously recommended refusal due to:
- (1) Inadequate provision of open space.
 - (2) Inappropriate form, materials and detailing.
 - (3) Overlooking, loss of light and overshadowing.
 - (4) Density contrary to PPS7 LC1, PPS 12 PCP2 and the SPPS.
 - (5) Impact on setting of historic landscape and listed demesne.
 - (6) Impact on the Area of Outstanding Natural Beauty
- 5.4 The proposed development now complies with the relevant policy requirements as follows:
- (1) Open space in excess of the minimum recommendations of PPS8 and Creating Places.
 - (2) The form, materials and detailing reflect that of the historic development that once occupied this site.
 - (3) Overlooking, loss of light and overshadowing related to the impact of the independent living units on the building to the north. The removal of these units from the proposed development resolves this issue.
 - (4) LC1 is not applicable to the proposal because the area does not satisfy the definition of an "established residential area", due to the fact it is not a neighbourhood dominated by housing – it is a mixed use area dominated by a car showroom. PPS12 is not operational planning policy. The SPPS Transitional Provisions direct that PPS7 be given precedence. LC1, PPS12 and the SPPS are therefore not determining.
 - (5) The removal of the unattractive car showroom and car park and replacement with a development that closely resembles the historic settlement pattern and architecture of this site would significantly improve the setting of the nearby historic landscape and listed demesne and the Area of Outstanding Natural Beauty.
- 5.5 As the proposal complies with all relevant planning policy, the local planning authority are hereby respectfully requested to grant planning approval.

ITEM NO	23			
APPLIC NO	P/2014/1076/F	Full	DATE VALID	29/12/2014
COUNCIL OPINION	APPROVAL			
APPLICANT	Habinteg Housing Association C/O Agent		AGENT	Knox & Clayton Architects 2a Wallace Avenue Lisburn BT27 4AA NA
LOCATION	Lands opposite Spring Farm Heights and to the rear of no's 2-20 Laurel Hill and no's 1-4 Gortmore Villas Newry			
PROPOSAL	Erection of residential development and associated parking provision, landscaping and site works (comprising 27 No. 2-bed apartments (in 3 No. blocks), 5 No. 2-bed detached dwellings and 10 No. 3-bed semi-detached dwellings (42 units in total)) (Amended Proposal)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	2	0	2	0
			Addresses	Signatures
			249	249
			Addresses	Signatures
			0	0



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

Application Reference: P/2014/1076/F

Date Received: 29th December 2014

Proposal: Provision, landscaping and site works (comprising 27 No. 2-bed apartments (in 3 No. blocks), 5 No. 2-bed detached dwellings and 10 No. 3-bed semi-detached dwellings (42 units in total))

Location: Lands opposite Spring Farm Heights and to the rear of no's 2-20 Laurel Hill and no's 1-4 Gortmore Villas, Newry

Site Characteristics & Area Characteristics:

Site consists of 2 areas of vacant ground adjacent to Carnagat Road within the development limits of Newry, the larger part of the site has been the subject of a number of applications for residential development since 1975, most recently P/2005/0117/F for a total of 19 dwellings and 22 apartments, which was approved on July 3rd 2012. The other part of the site is a smaller piece of ground that lies adjacent to Number 15 Daisy Hill, a detached dwelling located close to the junction of Daisy Hill and Carnagat Road. The site is situated on the side of the valley that Newry is situated in and as a consequence it slopes down towards its rear boundary, the gradient of the slope increases towards this boundary. The site has mature hedges along its boundaries particularly that along the road frontage, the vegetation on this boundary is behind a security fence. The site is zoned as a committed residential development under Policy NY30 of the Banbridge/Newry and Mourne Area Plan 2015.



The area is within the development limits of Newry, there is a residential cul-de-sac to the immediate north of the site and other residential estates across Carnagat Road from the site. The eastern boundary adjoins the residential development

situated along Hospital Road, the southern boundary adjoins an area of open space along Daisy Hill.

The original proposal was considered to be unacceptable in planning policy terms by the Planning Department and amendments were sought. The proposal now consists of 3 nine unit apartment blocks and 15 dwellings all arranged around a Y shaped road. The proposed layout has 2 apartment blocks adjacent to the rear boundary of the site, with another block behind the entrance and the dwellings will be laid out on either side of the distributor road.

Site History: As well as the most recent approval described above the site has been the subject of approvals for residential development dating back to the 1970's. These approvals include:-

P/1974/0497
 P/1975/0886
 P/1977/0153
 P/1979/0534

The most recent approval in 2012 included 19 dwellings and 22 apartments. This permission expires at the end of June 2012.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement
 Banbridge/Newry and Mourne Area Plan 2015
 Planning Policy Statement 7 Quality Residential Environments.

Consultations:

Transport NI No objections in principle, Council is awaiting the return of the Private Streets Determination Drawings and a list of conditions/ informatives.

Rivers Agency Accepts the conclusions of the submitted drainage assessment.

Housing Executive States that there is a current need for 550 social housing units in Newry and fully supports the scheme.

Northern Ireland Water Advises that there is infrastructure available to supply the development.

Environmental Health No objections in principle to the development

Objections & Representations

An individual letter of objection and a 249 signature petition have been received in response to the notifications and advertisements. The individual objection relating to the bin store of an apartment block being positioned directly on the property boundary with a dwelling in the Laurel Vale Development, this issue has been

addressed in the amended scheme with the repositioning of the apartments to the opposite end of the development. The petition objects to the proposal on grounds of road safety and the risk of anti-social behaviour, the petition commented that traffic calming measures were proposed for the road but there was no indication as to when they would be carried out, they were implemented in February 2016. These matters will be discussed and fully considered below.

Consideration and Assessment:

Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the site is in an approved residential development and therefore there are no implications for this site from the SPPS.

Banbridge/Newry and Mourne Area Plan 2015

The site is zoned as a committed residential development on the basis of the approval of application P/2005/0117/F; there are no Key Site Requirements or other stipulations for this site.

Planning Policy Statement 7: Quality Residential Environments

Policy QD1 Quality in New Residential Development

The previous approval was designed around a public open space in the centre with residential units situated around this focal point and along a short distributor road leading to the site entrance and another leading to an apartment block at the rear of the site. The dwelling houses were arranged in staggered rows with planting along the front boundaries and in between them to soften the impact of the car parking.

In contrast, the original proposal under this new application was for a total of 47 units with a split of 25 apartments and 22 dwellings, the layout was based around the distributor road with an apartment block on either side of the entrance with a retaining wall of about 2 metres between them and the road. It was proposed to create two level plateaus on the site by the cut and fill method with a retaining wall of 7.5 metres in parts in height along much of the centre of the site. The dwellings were to be arranged in two parallel rows with parking at the front resulting in a very regimented appearance. There was to be a communal garden area around the apartments as well as a small landscaped area at the bottom of the "U," the main provision of open space to be an area adjacent to the eastern boundary of the site, a significant distance away from many of the dwellings.

This layout was considered contrary to criteria (a), (c) and (h) of the policy in that the layout does not respect the existing character and topography of the site in that the proposal will involve a marked change in levels of the site instead of seeking to accommodate the natural topography in the design. In relation to criterion (c) instead of the public open space being an integral part of the development as required by

policy, it is pushed to the side of the development, this is often a feature of overdevelopment.

Assessment of amended proposal

The amended scheme has a mix of semi-detached and detached dwellings along the western and southern boundaries; there will be a landscaped area between these dwellings and Carnagat Road to create a greater visual break. The arrangement of the individual units will be more in keeping with those in the surrounding area, there will be a retaining wall behind the dwellings adjacent to Carnagat Road, this will range in height from 1.6 metres at Unit 8 to just under 5 metres at Unit 13, however this will still be significantly lower than those on the original proposal and the steeply sloping nature of this site means that some large scale retaining structure is unavoidable and the garden areas of these dwellings is sufficient to meet the recommended standards. This proposal complies with Policy QD 1.

PPS 7 Addendum on Safeguarding the Character of Existing Residential Areas

Policy LC1

Amended Proposal

The Amended proposal better reflects the character of the surrounding area as the amount of retaining structures has been minimised and the proposal is considered acceptable under this policy.

Consideration of objections

An individual letter of objection and a 249 signature petition have been received in response to the notifications and advertisements. The individual objection relating to the bin store of an apartment block being positioned directly on the property boundary with a dwelling in the Laurel Vale Development, this issue has been addressed in the amended scheme with the repositioning of the apartments to the opposite end of the development. The petition objects to the proposal on grounds of road safety and the risk of anti-social behaviour, the petition commented that traffic calming measures were proposed for the road but there was no indication as to when they would be carried out, they were implemented in February 2016. The principle of a housing development on this site has been established by the previous approval and endorsed in the current Area Plan, Transport NI has raised no objections over the access to the site and the implementation of traffic calming measures will reduce traffic speeds and the risk of accidents accordingly. The issue of anti-social behaviour is not within the remit of planning control and is a matter for the appropriate authorities to address.

The amended proposal addresses the concerns created by the original, I consider that it complies with the requirements of PPS 7 and all other relevant policies.

Recommendation:

The principle of a housing development on this site has been established by the previous approval and endorsed in the current Area Plan. The amended proposal addresses the concerns created by the original and it is considered that it complies with

the requirements of PPS 7 and all other relevant policies and should be approved subject to appropriate conditions and informatives.

Conditions

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

Reason: Time Limit.

2. All residential units within the development hereby permitted shall be provided as social rented accommodation and shall only be managed and maintained by a housing association which is registered and regulated by the Department for Communities as a social housing provider.

Reason: To meet an identified social rented housing need in this area.

3. All area of public open space and communal landscaping as shown on the approved drawing shall be maintained in accordance with a Landscape Management and Maintenance Plan which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development hereby approved. The Plan shall cover a minimum period of 25 years. Should the management company dissolve at any stage, then a new management company shall be appointed and an updated Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the successful establishment and long term maintenance of public open space and landscaping in the interests of visual and residential amenity.

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

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

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

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

6. All services within the development shall be laid underground

Reason: In the interests of visual amenity.

7. None of the dwellings hereby approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and agreed in writing with the Council.

Reason: In the interests of public health.

8. None of the dwellings hereby approved shall be occupied until drainage works have been completed in accordance with the drainage plans submitted as part of this application.

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

9. Transportni conditions to follow.

Case Officer

Authorised Officer

ITEM NO	24			
APPLIC NO	P/2015/0090/F	Full	DATE VALID	04/02/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Brian Grant		AGENT	CGDM 27 Patrick Street Newry BT35 8EB 02830250844
LOCATION	6 Hilltown Road Mayobridge Newry.			
PROPOSAL	Part demolition of existing garage block to facilitate the erection of two No.retail units with single apartment above. Extensions and alterations to existing convenience shop with parking provision and associated site works.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses		Signatures	
	0	0	0	0

- 1 The proposal is contrary to Planning Policy Statement 3, Development Control: Roads, Policy AMP7: Car Parking and Servicing Arrangements in that the proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made within the application site for the parking, turning, loading and unloading of vehicles which would be attracted to the site.
- 2 The proposal is contrary to Strategic Plannign Policy Sattement and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its inappropriate land use which will adversely alter the character of the area, adverse effect on the amenity of neighbouring developments, the scale and design is out of character of the area.



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**Newry, Mourne
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Application Reference: P/2015/0090/F

Date Received: 30.01.15

Proposal: Part demolition of existing garage block to facilitate the erection of two No. retail units with single apartment above. Extensions and alterations to existing convenience shop with parking provision and associated site works.

Location: 6 Hilltown Road, Mayobridge, Newry.

Site Characteristics & Area Characteristics:

Site is located to the SE of the junction of Newry Road and St Anns Park, Mayobridge. Comprising of a detached single storey shop with an area of hard standing and a row of single storey domestic garages to the rear sited within an existing residential development.

Site History:

P/2014/0933/PREAPP - 6 Newry Road, Mayobridge. Proposed extension to existing shop and two storey extension to retail units to rear to consist of retail units to ground floor and an a apartment above. (Application site)

P/2004/1493/Q - Spar Supermarket 9 Hiltown Road Mayobridge Newry. Proposed off sales licence at existing spar supermarket (Application site)

P/1993/0890 – Spar shop, St Annes Pk. Extension to shop and erection of petrol pumps including underground storage tank. Refused (Application site)

P/1977/0243 – Bavan Rd, Mayobridge. Erection of shop. (Application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Site is within the development limits of Mayobridge village

Consideration of Planning Policy and Guidance: SPPS, PSRNI (DES2), PPS3, PPS7, PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas, PPS8, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15 and Parking Standards

PPS3, DCAN 15 and Parking Standards (AMP1, AMP7 and AMP9)

A flat area of existing hard standing will be utilised with formal arrangements for car parking which will allow ease of access by users whose mobility is impaired (although there is no formalised designated disabled spaces), proposals generally meet the requirements of AMP1 and 9.

The existing shop has no formalised car parking with parking arrangements below required standards (8 spaces required). Proposals will include the creation of additional commercial space with extension to the existing shop, two new retail units and an apartment which will require a total of 18 car parking spaces which is almost three times of what has been proposed by the applicant (7 spaces).

The agent in correspondence dated 21.11.16 recognises the shortfall in parking and advises that the 'majority of customers walk to the shop as it is located St Anne's Park' where there is 'an abundance of on street parking in close proximity to the shop'. Whilst it is acknowledged that the existing shop is serviced by a local customer base and the current parking arrangements are self-policing. The introduction of further commercial premises at this location is likely to attract customers and staff from beyond St Annes Park. The proposed arrangement cannot be facilitated with adequate parking, circulation and service areas which is an indicator of overdevelopment of the site and thus proposals are contrary to AMP7.

Although Transport NI have raised no concerns in their consultation response the Planning Authority have serious concern with regard to public safety as the site is located within close proximity to a protected route and there is inadequate provision made within the site for adequate parking, servicing and circulation within the site.

SPPS (4.11 and 4.12) and DES 2

Land Use: The site is located within a predominantly residential area with a small local shop which is subservient to the main land use of the area. Whilst the proposed residential use is in keeping with surrounding land uses the introduction of further commercial units into an established residential area is not appropriate to its location and is out of keeping with its surroundings when such commercial uses are concentrated at Newry Road (junction of Bavan Rd, Ballyvalley and Chapel Hill junction).

Amenity: The height of the proposed building has been reduced from previous with an apartment at 1st floor and velux windows to the rear, existing dwellings at 33 and 35 sit at a higher level than the proposed apartment with potential for overlooking.

Furthermore the expansion of commercial activity into a residential area along with inadequate parking will increase levels of pedestrian and vehicular activity to the area which will have an adverse impact to amenity in terms of noise, general nuisance and disturbance

Design: The extension is subservient and sympathetic to the existing and established built form and is acceptable in principle.

The agent has amended the proposed new building by reducing the ridge height to try and overcome the Planning Authority's concerns regarding visual, overbearing and dominant visual impact on the street scheme. However despite amendments the building is still higher than the existing premises with size and scale dwarfing the existing building. On approach from Newry Road (from the NW) the building will still appear dominant and misplaced within the street scheme. The layout is also unacceptable in that the development is unable to achieve satisfactory standards of parking, circulation and servicing within the site to serve the proposed development causing adverse impact and is symptomatic of overdevelopment at this location.

SPPS, PPS7: QD1, PPS12 (PCP1, 2 and 3) and Creating Places

Site Context/ Characteristics:

The site is within the existing residential development of St Anne's Park which mainly comprises of semi-detached dwellings with an enclosed formal garden to front and rear. The proposed development includes a 2 bedroom apartment at 1st floor level which as a residential use is not misplaced. However there is no open space provision within the scheme to replicate the form of development within the area which in itself appears out of context and is generally an indicator of overdevelopment of a site.

Archaeology and Built Heritage - No features identified

Form, Materials and Detailing:

Details of external finishes have not been indicated on plans dated 21.11.16 although this can be made conditional in any decision notice. The proposed building is two storey, sitting above the ridge line of development to either side (single storey properties) which is out of keeping with scale, height and mass appearing dominant when viewed on approach from Newry Rd (NW) and will detract from the setting of this area.

Layout:

The layout has no provision for usable private open space, no adequate parking provision or provision for bin storage for the residential unit.

Local Neighbourhood Facilities

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

Density

The overall size of the plot is comparable to residential developments within St Anne's Park, these plots however accommodate 1 dwelling with reasonably sized

formal garden to front and rear whilst the proposed development proposes to facilitate car parking, two commercial units, and extension to an existing business as well as apartment into an equivalent portion of land. The site is unable to achieve parking standards for the totality of the development and is unable to provide allocated parking, bin storage or open space for the apartment unit, with the site crammed and overdeveloped.

Landscape Design

The existing site has no specific landscape features in which to retain.

Public/ Private Open Space

No provision whatsoever has been made for private open space within the development, not even the recommended requirements of 10sqm has been allocated. Given the arrangement of the layout it is difficult to envisage how adequate, usable or private open space could even be provided within the scheme without detrimental impact to amenity (See 5.19 and 5.20 of Creating Places).

The layout shows a refuge areas assigned to 'both units' whilst no provision has been made for bin storage for the domestic property. The lack of storage and amenity space indicates that the residential use cannot be readily accommodated at the site.

Movement

The layout does not contribute to the quality of the residential development although it incorporates linkage to the existing footpath encouraging sustainable patterns of movement.

Parking

Insufficient parking has been provided to accommodate the entire development including the apartment.

Privacy/ Impact to Amenity

Proposals for the creation of car park to the front of the development will introduce and generate activity to the front of the proposed apartment creating adverse impact to the amenity of future occupants as well as neighbouring dwellings due to noise, general nuisance and disturbance generated by vehicular and pedestrian activity.

The position of the 1st floor apartment within close proximity to residential dwellings sits on land higher than the propped development will result in impact to amenity due to overlooking and loss of privacy but also the future use of commercial properties may also impact on amenity

Security from Crime - No issues of concern.

PPS12: PCP1 (Increased Housing Density without Town Cramming)

If the residential unit were the only development at the site then this would be quiet comparable to similar plot sizes within the residential development and open space, parking and bin storage could be provided. However as the development is part of a total redevelopment at the site which includes an extension to the shop, two new commercial units and car parking the residential development cannot be adequately accommodated due to the overall overdevelopment and cramming of the site. As a result of such development will have a detrimental impact on the character, environmental quality and the amenity of existing and proposed occupants of the development.

PCP3: Sustainable Forms of Development

Site is located within the defined limits of the settlement of Mayobridge where a promotion of residential development is encouraged within established residential areas.

HS1 (LOTS)

Proposals are unacceptable in that the proposed apartment is within close proximity to existing residential properties potential for overlooking (located to the east), there is no open space, bin storage and the proposed parking area is immediately adjacent which is inadequate to serve the proposed units including the existing shop. This in turn will generate more vehicular and pedestrian activity having an adverse impact on the amenity of proposed occupants as well as residents within the area. Proposals do not meet the requirements of HS1

HS4: House Types and Sizes

The surrounding area is made up of residential dwellings, proposals offer a variation on the predominant residential form which is in line with HS4 of PPS12

In consideration of the above proposals fail to meet the Strategic Planning Policy Statement as well as PPS7: Policy QD1 criteria a, c, f, g, h of QD1 and PPS12: PCP1 and HS1 of PPS12

SPPS – Retailing

The policy emphasises that a town centre first approach is taken in relation to retailing and that such development is directed towards town centres.

This remains the case for such development within villages and small settlements. Given the scale, nature and design of proposals which are not appropriate to this location and will result in overdevelopment and cramming at this location, is out of keeping with surrounding land uses and will have detrimental impact to amenity of proposed occupants and surrounding residents.

The creation of two new commercial units in an out of town centre location which is heavily reliant on the car as a mode of transport is not accessible by a choice of good public transport modes out of town which is why such types of development are located within town centres.

The proposed extension to the long established and existing shop is a minor addition to the existing premises with the building and use remaining subservient to the surrounding land uses and is acceptable in principle.

The new commercial development nevertheless is located on a lesser sequentially preferred site with proposals running contrary to the thrust of the policy with an assessment of need not been provided to support the application proposals with new development failing the requirements of policy and should therefore be refused.

Consultations:

Transport NI 12.12.16 – No objection

Environmental Health 08.02.17 - Potential to cause adverse impact to amenity

Objections & Representations

10 Neighbour notifications

No objections received

Advertised: February 2015

Consideration and Assessment:

There is no objection in principle to the proposed extension to the existing shop with proposals sympathetic to the existing built form.

The proposed erection of the two storey building (to facilitate two new commercial units and apartment) with car parking is contrary to policy resulting in an over development of the site, cramming, is out of keeping with surrounding land uses, the design, scale and mass will be dominant in the street scheme having an adverse visual impact. Proposals lack adequate car parking having an impact on public safety and will result in loss of amenity to proposed occupants as well as surrounding residents. There is no justification for the commercial element of the proposals particularly when planning policy operates a town centre first approach to such development. For these reasons and for the reasons above the application is recommended for refusal.

Recommendation: Refusal

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads, Policy AMP7: Car Parking and Servicing Arrangements in that the proposed development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made within the application site for the parking, turning, loading and unloading of vehicles which would be attracted to the site.
2. The proposal is contrary to Strategic Planning Policy Statement and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its inappropriate land use which will adversely alter the character of the area, adverse effect on the amenity of neighbouring developments, the scale and design is out of character of the area.
3. The proposal is contrary to paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement in that the proposed development would if permitted harm the living conditions of proposed and residents of St Annes Park by reason of impact to privacy, overlooking, noise, disturbance and general nuisance.
4. 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 HS1) In that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
5. The proposal is contrary to the Local Development Plan as it falls outside the town centre boundary, retail area as designated in the Banbridge/ Newry and Mourne Area Plan 2015
6. The proposal is contrary to the Strategic Planning Policy Statement: Town Centres and Retailing in that policy operates a town centre first approach for the location of future retailing and it has not been adequately demonstrated the need for retailing at this location.

Case Officer

Authorised Officer

ITEM NO	25		
APPLIC NO	P/2015/0167/F	Full	DATE VALID 16/03/2015
COUNCIL OPINION	REFUSAL		
APPLICANT	James Morgan 24 Aughnagon Road Mayobridge Newry BT34 2JG		AGENT Architectural Design Service 20 Upper Burren Road Warrenpoint BT34 3PT 07725917253

LOCATION 250m north east of 52 Benagh Road
Mayobridge
Newry

PROPOSAL Erection of dwelling and detached garage (on a farm)

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

- The proposal is contrary to the SPPS (Strategic Planning Policy Statement), Policy CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that a development opportunity has been sold off from the farm and it has not been sited beside an established group of buildings on the farm.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2015/0167/F

Date Received: 2nd March 2015

Proposal: Dwelling and detached garage on a farm

Location: 290m S.E of 52 Benagh Road, Mayobridge, Newry

Site Characteristics & Area Characteristics:

The site lies approximately 280m back from the Benagh Road via a single track lane shared by numerous other properties and landowners. It has a rural location and adjacent to a large agricultural type shed and a detached single storey cottage. On site is an unauthorised log cabin and mobile home (which has now been removed). There is post and wire fencing along the eastern perimeter of the site with the remainder unbound.

Site History:

There is no history on the site.

There are a number of applicable planning applications made and development opportunities on land either falling within that identified on the farm business maps or on adjacent land. Those which are applicable to the application and in terms of the date identified in CTY 10 possibly being sold off from 25th November 2008 include:

P/2009/0775/F – Replacement dwelling and garage for Peter Morgan at land 175m North West of No.72 Benagh Road, Mayobridge – approval (19/4/2010).

P/2011/0372/F – Change of house type to the above approval also approved (15/6/2011) – applicant Mr Peter Morgan.

P/2014/0888/F - Erection of replacement dwelling and detached garage (involving off-site replacement of existing dwelling at No. 64 Benagh Road) on land 50 metres north east of 52 Benagh Road, Mayobridge, Newry for Siobhan McAlinden (certificate A completed which indicates complete control of this building) – approval 1st March 2016. In this case of this site, the building is needed in order to comply with further CTY 10 criteria.

Other recent Planning Approvals granted on the farm holding:

Planning approval granted for replacement dwelling and garage at 64 Benagh Road for Peter Morgan under P/2008/0413/F on 7/11/2008 and P/2003/2766 on 15/06/2004.

Other planning history on other farm land near Hilltown:-

P/2014/0107/F – applicant Paul McAlinden – land at 53 Rostrevor Road – Change of House Type – pending

P/2008/0514/F – applicant P McAlinden – Change of House Type at 53 Rostrevor Road – approved 16/07/2009

P/2010/1529/F – applicant Paul McAlinden – retention of dwelling at 53 Rostrevor Road – Refusal – appeal withdrawn

P/2005/2491/F & P/2003/2293/O – replacement dwelling 53 Rostrevor Road – applicant Paul McAlinden – approval

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement

PPS 21 – CTY 1 (Development in the Countryside) which outlines a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a dwelling on a farm in accordance with CTY 10.

CTY 13 (Integration) CTY 14 (Rural Character) and CTY 16 (Development relying on non-mains sewerage)

Consultations:

Transport NI – No objections in principle

NIW – standard generic response

Environmental Health – advice given surrounding the proximity of a farm and potential nuisances. They advise to locate at least 75m away.

Water Management Unit – content subject to informatives

DARD – YES to active and established for more than 6 years.

Objections & Representations

12 Neighbours notified. Advertised in 5 local papers on the 29th April 2015 and 1st May 2015. No representations made.

Consideration and Assessment:

SPPS (Strategic Planning Policy Statement)

PPS 3 - Access, Movement and Parking

PPS21 - Sustainable Development in the Countryside (CTY1, CTY 10, CTY 13, CTY 14 and CTY 16)

Banbridge Newry and Mourne Area Plan 2015

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge

Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural countryside between Mayobridge and Newry. A determining material consideration in this case is current planning policy and in particular Planning Policy Statement 21 – Sustainable Development in the Countryside which is the determining policy in dealing with single dwellings in the country.

PPS 21 policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It further states that planning permission will be granted for an individual dwelling house in the countryside provided it meets the criteria outlined in 6 different scenarios. One such scenario is a dwelling of a farm in accordance with policy CTY 10 of PPS 21.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Para 6.73 bullet point 3 within the SPPS deals with dwellings on farms. Within this policy it states that planning permission will be granted for a dwelling where:

- (a) the farm business is currently active and has been established for a least 6 years - DARD now DAERA have confirmed that the farm business is active and established for at least 6 years – on my site visit, cows were housed within parts of the large shed and farm machinery around the shed;
- (b) no dwellings or development opportunities shall have been sold off *or transferred* (my emphasis) from the farm holding within 10 years of the date of the application (since 25th November 2008 as per PPS 21) – the applicant has failed to demonstrate that the development opportunity granted under P/2009/0775/F and P/2011/0372/F and referred to in my letter to the agent dated 14th April 2016 has not been sold off. The Solicitor's letter refers to Folio number DN175613 stating that the shed lies within this folio but provides no map which identifies this parcel of land owned by Mr James Morgan. The letter also states that the office is not aware (my emphasis) of any disposal of lands by Mr James Morgan at this location. This letter therefore fails to confirm if lands have been disposed of; and

the proposed dwelling *must* (my emphasis) be visually linked or sited to cluster with an established group of buildings on the farm holding - this proposal involves a dwelling on land sited to cluster with one large agricultural building. The policy clearly refers to *buildings* (my emphasis). There are also doubts as to the lawfulness of this shed as no planning permission has been granted nor a certificate of lawfulness issued to certify its immunity. Appeal 2015/0246 backs this up and in paragraph 15 states that "*as the building is unauthorised it cannot be counted an established building on the farm holding*".

(c) The other building sited beside the shed is a single storey cottage and again it has not been demonstrated that this building is within the control of the applicant – Solicitor’s letter does not refer to this building. The most recent planning permission linked with this cottage for a replacement dwelling (P/2014/0888/F) was for Siobhan McAlinden.

An application is also currently pending regarding a dwelling on other land within the farm holding – namely Rostrevor Road. The retention of a dwelling on this land was refused under P/2010/1529/F and the current change of house type (P/2014/0107/F) has not been decided.

In conformity with criterion (c) access to the site is via the existing lane off Benagh Road. The registered farm address however is 24 Aughnagun Road, Mayobridge, however no information was supplied whether the buildings and land surrounding this site is within the control of the applicant.

With regard to other policy including CTY 13 and CTY 14, I believe the application site, its location along a private lane, set back from the public road, the intervening topography and vegetation as well as the proposed house design is in conformity with the criteria identified within these policies and would not result in a prominent feature in the landscape or create ribboning. With regard to CTY 16, a negative condition can be imposed on any approval notice that the Planning Authority is provided with a copy of the consent to discharge regarding the septic tank.

Recommendation:

Refusal – CTY1, CTY 10 (b) and (c)

Refusal Reasons/ Conditions:

The proposal is contrary to the SPPS (Strategic Planning Policy Statement), Policy CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that a development opportunity has been sold off from the farm and it has not been sited beside an established group of buildings on the farm.

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

Planning Committee (May 2017 to May 2018)
(for website and portal)

Date of Planning Committee Meeting	Closing date for speaking rights/written submissions
Wednesday 24 May 2017	5.00 pm on Wednesday 17 May 2017
Wednesday 21 June 2017	5.00 pm on Wednesday 14 June 2017
Wednesday 19 July 2017	5.00 pm on Friday 14 July 2017
Wednesday 16 August 2017	5.00 pm on Wednesday 9 August 2017
Wednesday 13 September 2017	5.00 pm on Wednesday 6 September 2017
Wednesday 11 October 2017	5.00 pm on Wednesday 4 October 2017
Wednesday 8 November 2017	5.00 pm on Wednesday 1 November 2017
Wednesday 6 December 2017	5.00 pm on Wednesday 29 November 2017
Wednesday 10 January 2018	5.00 pm on Wednesday 3 January 2018
Wednesday 7 February 2018	5.00 pm on Wednesday 31 January 2018
Wednesday 7 March 2018	5.00 pm on Wednesday 28 February 2018
Wednesday 11 April 2018	5.00 pm on Wednesday 4 April 2018
Wednesday 9 May 2018	5.00 pm on Wednesday 2 May 2018

Newry, Mourne & Down District Council – March 2017

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1. Live Applications

MONTH 2016/17	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355
December	124	1,016	333
January 2017	118	1,029	326
February	160	1,060	304
March	177	1,074	295

Newry, Mourne & Down District Council – March 2017

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2. Live Applications by length of time in system

Month 2016/17	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048
October	462	172	135	103	154	1,026
November	483	169	115	100	140	1,007
December	496	187	99	97	137	1,016
January 2017	523	180	90	97	139	1,029
February	577	179	86	82	136	1,060
March	597	182	87	72	136	1,074

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3. Live applications per Case Officer

Month 2016/17	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46
December	51
January 2017	54
February	56
March	71

4. Decisions issued per month

Month 2016/17	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102
December	106	85
January 2017	102	79
February	123	87
March	155	136

Newry, Mourne & Down District Council – March 2017

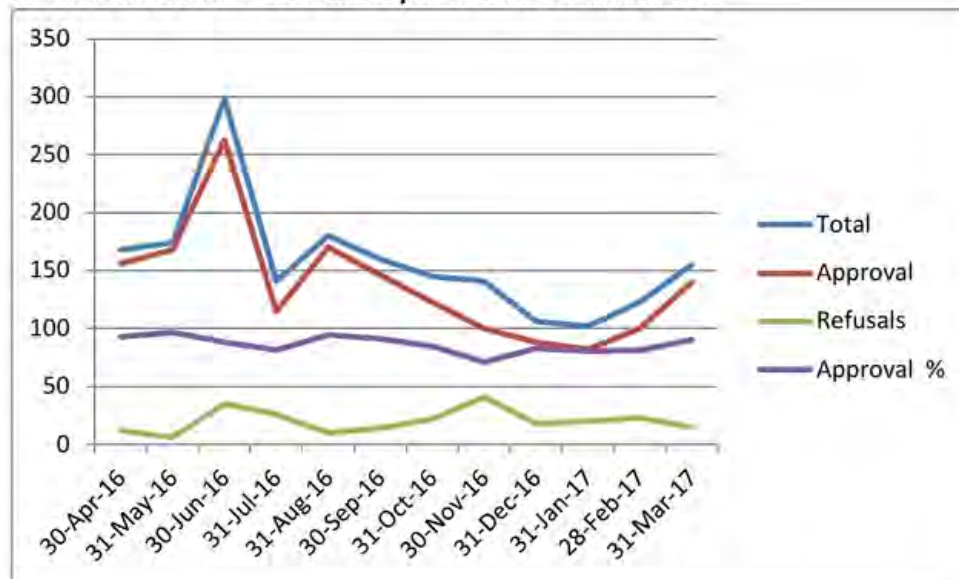
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5. Decisions Issued YTD

Month 2016/17	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	168	Approvals (156)	93%
		Refusals (12)	7%
May	342	Approvals (324)	95%
		Refusals (18)	5%
June	640	Approvals (587)	92%
		Refusals (53)	8%
July	781	Approvals (702)	90%
		Refusals (79)	10%
August	961	Approvals (872)	91%
		Refusals (89)	9%
September	1,121	Approvals (1,018)	91%
		Refusals (103)	9%
October	1,266	Approvals (1,141)	90%
		Refusals (125)	10%
November	1,407	Approvals (1,241)	88%
		Refusals (166)	12%
December	1,513	Approvals (1,329)	88%
		Refusals (184)	12%
January 2017	1,615	Approvals (1,411)	87%
		Refusals (204)	13%
February	1,738	Approvals (1,511)	87%
		Refusals (227)	13%
March	1,893	Approvals (1,651)	87%
		Refusals (242)	13%

Newry, Mourne & Down District Council – March 2017

DECISIONS ISSUED FROM 1 April 2016 to 31 March 2017



6. Enforcement Live cases

Month 2016/17	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650
October	248	129	90	84	34	80	665
November	285	126	90	83	35	77	696
December	283	133	82	85	37	83	703
January 2017	296	129	90	87	41	84	727
February	301	135	91	90	46	83	746
March	287	125	90	86	53	80	721

Newry, Mourne & Down District Council – March 2017

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
7 December 2016	30	14	16
21 December 2016	22	14	8
18 January 2017	34	19	15
2 February 2017	36	22	14
15 February 2017	29	17	12
1 March 2017	22	14	8
15 March 2017	18	9	9
29 March 2017	26	16	10
Totals	536	332	204

*2 Applications called in by DfI

8. Appeals

Planning Appeal Commission Decisions issued during March 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	1	0	1	0
Down	7	2	0	2	0
TOTAL	32	3	0	3	0

Newry, Mourne & Down District Council – March 2017

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9. Statutory Targets Performance Data

Statutory targets monthly update to April to January 2017
(unvalidated management information)
Newry, Mourne and
Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug									
ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	2	121.6	0.0%	145	28.0	33.1%	23	58.4	39.1%
Dec	1	30.0	100.0%	108	22.8	39.8%	22	29.6	81.8%
Jan	1	80.2	0.0%	101	23.4	35.6%	7	30.8	85.7%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Year to date	24	87.5	8.3%	1,572	23.4	34.2%	134	54.0	58.2%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives

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

Record of meetings between Planning Officers and Public Representatives

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

Record of meetings between Planning Officers and Public Representatives

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25/11/2016	Jacqui McParland	Cllr Taylor
02/12/2016	Annette McAlarney	Cllr Andrews and Walker
15/12/16	Anthony McKay	Margaret Ritchie MP
5/1/17	Anthony McKay	Margaret Ritchie MP
20/02/2017	Annette McAlarney	Jim Shannon MP
22/02/2017	Annette McAlarney	Cllr Curran
24/02/2017	Annette McAlarney	Cllr Sean Doran
06/02/2017	Annette McAlarney	Clrr William Walker
02/03/2017	Pat Rooney & Gareth Kerr	Cllr Tinnelly
06/03/2017	Annette McAlarney	Cllr Walker
14/03/2017	Annette McAlarney Claire Cooney	Cllr Willie Clarke
22/03/2017	Annette McAlarney	Cllr Andrews
29/3/2017	Andrew Hay	Cllr P Brown

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/12/16	C McGrath MLA	Saul	-----	A McAlarney	Direct e mail	12/1/17
4/1/17	ClIr D Curran	Youth Centre, Bath St., Ardglass	Enforcement re Signage	D Watson	E mail	5/1/17
5/1/17	ClIr G Craig	LA07/2015/1088/F	Update and query meeting with Applicant	A McAlarney	Direct e mail	9/1/17
7/1/17	ClIr C McGrath	R/2015/0153/O	Update requested	A McAlarney	Direct e mail	10/1/17
9/1/17	ClIr G Craig	LA07/2015/1088/F	Update requested	A McAlarney	Call transferred	9/1/17
" "	M Ritchie MP	LA07/2016/0173/F	Issue Decision Notice	A McAlarney	Direct e mail	9/1/17
" "	ClIr P O'Gribin	General Enquiry	-----	A McAlarney	Call transferred	9/1/17
" "	ClIr C McGrath	LA07 2016/0762/0	Update requested	A McAlarney	Direct e mail	10/1/17
10/1/17	ClIr D Curran	Youth Centre, Bath St., Ardglass	Enforcement re Signage – e mail update from yesterday's meeting requested	D Watson	E mail sent	10/1/17
11/1/17	M Ritchie MP	LA07/2016/0173/F	When will Decision Notice issue?	A McAlarney	Direct e mail	11/1/17
" "	Harold McKee MLA	General enquiry	-----	P Rooney	E mail sent	12/1/17
13/1/17	ClIr S Doran	LA07/2016/0069/0	Update	J McParland	Direct e mail	13/1/17
17/1/17	M Ritchie MP	Q/2014/0398/O	When will decision notice issue?	A McAlarney	Direct e mail	18/1/17
19/1/17	ClIr D Curran	-----	Request to meet	A McAlarney	Call transferred	19/1/17
19/1/17	Harold McKee's office	Q/14/0404/F— LA07/15/1088/F LA07/2016/0542/F	Updates required	A McAlarney A Davidson	Note left for Annette+ call transferred to Andrew	19/1/17
20/1/17	M Ritchie MP	LA07/2015/0965/F	Update requested	A McAlarney	Direct e mail	20/1/17
" "	ClIr C McGrath	-----	Address enquiry	A McAlarney	Call transferred	20/1/17
" "	M Ritchie MP	LA07/2016/0881/F	Request for meeting	M Keane	Direct e mail	24/1/17
23/1/17	ClIr R Burgess	-----	Potential Enforcement in Crossgar	C O'Rourke/D Watson	E mail sent to ClIr Burgess	23/1/17
" "	ClIr P O'Gribin	-----	Benraw Road, Ballyward	J McParland	Call transferred	23/1/17
24/1/17	ClIr D Curran	-----	Advice re Mobile home used for	A McAlarney	Call transferred	24/1/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			storage			
" "	Clr P O'Gribin	-----	Benraw Road, Ballyward	A McAlarney	E mail sent	25/1/17
25/1/17	Seana for M Ritchie MP	-----	General enquiry	A McAlarney	Call transferred	25/1/17
" "	Clr H McKee	P/2014/0844/F	Enforcement issue	D Watson	E mail sent	25/1/17
25/1/17	Clr R Mulgrew	-----	-----	A Davidson	No answer/ Clr to E-mail Andrew	25/1/17
" "	Clr S Doran	LA07/2016/0897/F	Request to remove Application from Committee Schedule	J McParland	Direct e mail	26/1/17
26/1/17	M Ritchie MP	Lignum Interiors, Ballydonnety Rd, Downpatrick	Update requested	A McAlarney	Direct e mail	26/1/17
" "	Clr L Devlin	LA07/2016/0667	Update requested	J McParland	Direct e mail	26/1/17
27/1/16	W Irwin MLA	LA07/2016/0150/O	On Schedule for meeting 2/2/17	A Davidson	Call transferred	27/1/17
" "	" "	LA07/2016/0150/O	" " "	A Davidson	E mail sent	27/1/17
30/1/17	Clr D Curran	-----	Enforcement – sign at Bath St, Ardglass	D Watson	E mail sent	1/2/17
30/1/17	Laura Devlin	-----	-----	A McAlarney	Phone cut off	30/1/17
30/1/17	Laura Devlin	-----	Query re white land within the development limit for Newcastle	M McQuiston	T/s Call	30/1/17
31/1/17	Clr R Mulgrew	-----	Catch up	A Davidson	Call transferred	31/1/17
" "	Clr C Enright	-----	Site at Ballydugan Road, Downpatrick	A McAlarney	Call transferred & details e mailed	31/1/17
" "	Clr D Taylor	-----	Helen McCombs application	A Davidson	E mail sent	6/2/17
1/2/17	Clr L Devlin	-----	Proposed mobile phone mast - Castlewellan	A McAlarney	Direct e mail	1/2/17
" "	Clr C McGrath	LA07/2016/0998/F	Update requested	A McAlarney	Direct e mail	1/2/17
" "	Clr H McKee	General Enquiry	-----	P Rooney	E mail sent	7/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr W Walker	Stables, Kirkland Road, Killyleagh	Has appl. been removed from Committee meeting on 2/2/17?	A McAlarney	Direct e mail	1/2/17
1/2/17	Teresa for M Ritchie MP	LA07/2016/1681	Update requested	A Davidson	Call transferred	1/2/17
" "	Cllr G Fitzpatrick	Campbell garage	Update requested	P Rooney	Direct e mail	6/2/17
2/2/17	Cllr T Andrews	LA07/2016/0970/O	Update requested	A McAlarney	Direct e mail	2/2/17
2/2/17	Cllr Patrick Brown	R/2014/0079/F	Update requested + general enquiry	Andrew Hay	Call transferred – further call back to follow	2/2/17
2//2/17	Cllr Andrew McMurray	General enquiry	General enquiry re planning process	Andrew Hay	Returned call – no answer. Called again – no answer – left message	2/2/17 3/2/17
3/2/17	Cllr Roisin Mulgrew	Enquiry re Broiler House –Declan Magennis	Update requested	Andrew Davidson	Direct email and message left on desk	3/2/17
3/2/17	Cllr Roisin Mulgrew	Enforcement	Enforcement	Roger Kinhead (no one available in Enforcement)	Call transferred	3/2/17
3/2/17	Harold McKees office (Josh)	LA07/2016/1346/RM	Update requested	Andrew Davidson Jacqui McParland Par Rooney	No reply so transferred call to Anthony McKay	3/2/17
6/2/17	Cllr D Taylor	-----	Processing time for a CLUD?	P Rooney	E Mail sent	6/2/17
7/2/17	M Ritchie MP office	-----	Meeting 9/2/17 at 10.30am?	A McKay	E mail sent	7/2/17
" "	Cllr S Doran	LA07/2016/0431/F	Update requested	P Rooney	E mail sent	15/2/17
8/2/17	Cllr S Burns	-----	Re a case Mark Keané dealing with	A McAlarney	T/S Call	8/2/17
" "	Cllr V Harte	LA07/2015/0264	Update requested	P Rooney	Call transferred	8/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Alice for M Ritchie	R/2015/0153/O	Update requested	A McAlarney	Call transferred	8/2/17
8/2/17	Sinead Bradley MLA's office	LDP	Email enquiry re definition and status of a hamlet	Andrew Hay	Email response	27/2/17
9/2/17	M Ritchie MP	LA/07/2016/0715/F; LA07/2016/0817/F	Update requested	A McAlarney	Direct e mail	9/2/17
" "	Alice for M Ritchie	R/2015/0153/O	Further information	A McAlarney	E mail sent	9/2/17
" "	ClIr M Murnin	LA07/2016/1234/F	Issue of Decision notice?	A McKay & C O'Rourke	Direct e mail	2/3/17
10/2/17	ClIr W Walker	Kirkland Rd, Toye	Update on Stable Block application	A McAlarney	Direct e mail	10/2/17
10/2/17	ClIr W Walker	LA07/2016/0185/F	Request for meeting on behalf of Jim Shannon MP	A McAlarney	Direct e mail	10/2/17
10/2/17	ClIr David Taylor	LA07/2016/0748		Pat Rooney took call as Jacqui or Andrew not available	Call transferred	10/2/17
13/2/17	ClIr Patrick Brown		Enforcement issue	Davy Watson	Call transferred	13/2/17
14/2/17	ClIr P Byrne	P/2007/0374/RM	Update requested	A Davidson	E mail sent	14/2/17
" "	ClIr B Quinn	P/2013/0758/F	Update requested	A McKay	Will ring back after lunch	14/2/17
" "	ClIr B Quinn	P/2013/0758/F	Update requested	J McParland	Call transferred	14/2/17
15/2/17	ClIr R Mulgrew			A Davidson	E mail sent	15/2/17
" "	ClIr H McKee	LA08 query	Advised ABC Council application	M McIlhone	Call answered	15/2/17
" "	ClIr S Doran	LA07/2016/0431/F	Update requested	P Rooney	Call transferred	15/2/17
" "	ClIr R Burgess	R/2015/1211/F	To arrange meeting for 17/2/17	A McAlarney	E mail sent	15/2/17
" "	ClIr Jarlath Tinnelly	LA07/2016/0999/F	Request for telephone call	J McParland	Direct e mail	15/2/17
16/2/17	M Ritchie's office	LA07/2017/0218/F	Update requested	A McAlarney	Direct e mail	16/2/17
" "	M Ritchie MP		To speak to Annette	A McAlarney	Call transferred	16/2/17
" "	C McGrath MLA		98 Tannaghmore Road, Seaforde	A McAlarney	Direct e mail	16/2/17
17/2/17	ClIr R Mulgrew		Missed a call from Andrew	A Davidson	Call transferred	17/2/17
18/2/17	ClIr T Hearty	P/2014/0649/O	Planning staff didn't attend	C O'Rourke-A McKay	E mail	27/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			Appeal, who will reimburse Applicant's expenses?			
20/2/17	Cllr S Burns	LA07/2016/0448/O	How did site inspection go?	A McAlarney	E mail sent	20/2/17
" "	Cllr D Curran	Ardglass Marina	Request for meeting 22/2/17	A McAlarney	Call transferred	20/2/17
20/2/17	S Hamilton's office	R/2010/0070/CA	Enforcement complaint	D Watson	E mail	20/2/17
21/2/17	Alice for M Ritchie MP	-----	How to make appointment for Duty Planner?	M McIlhone	Call answered	21/2/17
21/2/17	Cllr D McAteer	-----	Wished to speak to either Pat or Anthony, he has been trying their mobiles for over a week	A McKay	Anthony to ring back this afternoon	21/2/17
" "	Cllr S Doran	-----	Query re Change of Use	A McAlarney	E mail sent	21/2/17
" "	Justin McNulty MLA	-----	Unauthorised works at Camlough lake	A McKay	Direct e mail	22/2/17
22/2/17	M Ritchie MP	LA07/2016/0564/F	Update requested	A McAlarney	Direct e mail	22/2/17
" "	Cllr W Walker	LA07/2016/0854/O	Letter of support	A McAlarney	Direct e mail	22/2/17
" "	M Ritchie MP	3 Green Road, Ardglass	Update requested	A McAlarney	Direct e mail	23/2/17
23/2/17	Cllr D Taylor	LA07/2016/0092/F	Update requested	P Rooney	Call transferred	23/2/17
" "	C McGrath MLA	LA07/2017/0065/O	Meeting requested	K Cunningham	Generic e mail	E mails sent 24 & 27/2/17 & 6; 20/3/17.
27/2/17	Cllr R Mulgrew	-----	Declan Magennis, Broiler House	P Rooney	E mail sent	27/2/17
" "	Cllr W Walker	LA07/2015/0084	Meeting requested	A McAlarney	Direct e mail	27/2/17
" "	Cllr W Walker	LA07/2017/0175/F	Letter of support	A McAlarney	Direct e mail	1/3/17
28/2/17	C McGrath MLA	LA07/2016/1424/F	Meeting requested	A McAlarney	E mail from C O'Rourke	28/2/17
" "	Cllr Laura Devlin	Permitted Development	General enquiry	A McAlarney	Call transferred	28/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
8/3/17	Cllr R Mulgrew	-----	-----	P Rooney	E mail sent	9/3/17
" "	Cllr D Taylor	-----	-----	P Rooney	Call transferred	8/3/17
" "	William Irwin MLA	-----	-----	A Davidson	E-mail Sent	8/3/17
" "	Cllr Gareth Craig	-----	Re: Site at Ballyward	A McAlarney	Call transferred	8/3/17
9/3/17	Cllr R Mulgrew	-----	-----	P Rooney	Call transferred	9/3/17
" "	Cllr S Doran	LA07/2015/0700/O	Update requested	A Davidson	Call transferred	9/3/17
" "	C McGrath MLA	Ballynagross FC	Urgent progression requested	C O'Rourke-P Rooney - A McAlarney	E mail	10/3/17
10/3/17	Cllr S Doran	LA07/2016/1632/O	-----	A Davidson	E-Mail Sent	10/3/17
" "	M Ritchie MP	LA07/2016/1519/F	Update requested	A McAlarney	Direct e mail	13/3/17
11/3/17	Cllr L Devlin	LA07/2017/0227/F; R/2013/0036/O; Wateresk Rd., & LA07/2017/0064/F	Updates requested.	A McAlarney	Direct e mail	13/3/17
14/3/17	Cllr D Curran	LA07/2016/1635/O	Update requested	A McAlarney	Call transferred	14/3/17
" "	M Ritchie MP	LA07/2016/1519/F	Date of Committee meeting?	A McAlarney	Direct e mail	14/3/17
" "	Cllr D Curran	LA07/2016/1635	-----	A McAlarney	Call transferred	14/3/17
" "	Cllr W Clarke	LA07/2016/0300/F	Update requested	A McAlarney	Direct e mail	14/3/17
" "	Cllr T Andrews	LA07/2016/1166/F	Meeting requested	A McAlarney	Direct e mail	14/3/17
" "	M Ritchie MPs office	LA07/2015/0639/F	Update requested	A McAlarney	Call transferred	14/3/17
" "	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	14/03/17
15/3/17	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	15/3/17
" "	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	15/3/17
" "	Cllr S Doran	LA07/2016/1017/F	Update	A Davidson	Call transferred	15/3/17
" "	Cllr L Devlin	-----	-----	A McAlarney	E mail sent	15/3/17
16/3/17	Cllr T Hearty	Development at Silverbridge	Update	A Davidson	Call transferred	16/3/17
" "	M Ritchie MP	LA07/2016/0770/O	Any objections received?	A McKay & A	Direct e mail	20/3/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
				McAlarney		
" "	M Ritchie MP	LA07/2016/0173/F	Update requested	A McAlarney	Direct e mail	20/3/17
19/3/17	ClIr L Devlin	LA07/2017/0227/F & LA07/2016/1196	Updates requested	A McAlarney	Direct e mail	20/3/17
" "	ClIr L Devlin	R/2014/0657	Update requested	A McAlarney	Direct e mail	20/3/17
20/3/17	C McGrath MLA	LA07/2016/1424/F	Cancelled meeting 20/3/17, To be rearranged.	A McAlarney	E mail from C O'Rourke	20/3/17
" "	ClIr R Mulgrew	-----	-----	A Davidson	E mail sent	20/3/17
" "	ClIr T Andrews	LA07/2016/1166/F	Confirming date of meeting	A McAlarney	Direct e mail	20/3/17
21/3/17	ClIr A McMurray	LA07/2017/0318/F	Advice requested	A McAlarney	Call transferred	21/3/17
" "	ClIr S Burns	Ballynahinch RFC	Advice requested re Flood lighting	A McAlarney	Call transferred & e mail follow up	21/3/17
" "	C McGrath MLA	LA07/2016/1544/NMC; LA07/2016/1281/O; LA07/2015/0143/F; LA07/2015/2273/F & LA07/2016/1717/PAD	Updates on 4 x Applications and 1 x PAD requested.	A McAlarney	Direct e mail	21/3/17
" "	ClIr H McKee	-----	General Enquiry	P Rooney	E mail sent	21/3/17
" "	ClIr W Walker	-----	Meeting request for a PAD	A McAlarney	Direct e mail	21/3/17
" "	C McGrath MLA	R/1997/0074	Details of Application	A McAlarney	Direct e mail	21/3/17
" "	ClIr G Fitzpatrick	-----	Wind Turbine	G Kerr	Direct message	21/3/17
" "	M Ritchie MP	LA07/2016/1681/LDE	Update requested	G Kerr	Direct e mail	22/3/17
22/3/17	ClIr W Clarke	Carnbane	Speak to Jimmy Toland?	P Rooney	Call transferred	22/3/17
22/3/17	ClIr W Irwin	LA07/2016/1709/F	Speak to Andrew re update	A Davidson	Email sent	22/3/17
23/3/17	Gareth Crag	2016/1405/F 2016/1485/F	-----	A McAlarney/ Mark Keane	Emailed Mark Keane	22/03/17
24/3/17	M Ritchie MP	LA07/2016/1519/F	Consider changing recommendation	A McAlarney	Direct e mail	29/3/17
28/3/17	ClIr Sean Devlin	-----	-----	G Kerr	Call transferred	28/3/17
29/3/17	ClIr S Burns	-----	-----	A McAlarney	Call transferred	29/3/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
20/3/17	Cllr P Brown		Land zoning enquiry: Killyleagh	A Hay	Direct email	27/3/17
27/3/17	Cllr P Brown		Land zoning enquiry: Killyleagh	A Hay	Returned call	27/3/17
29/3/17	Cllr W Walker	LA07/2017/0175/F	Update requested	A McAlarney	Direct e mail	29/3/17
29/3/17	Cllr A McMurray			A McAlarney	Transferred call	29/3/17
30/3/17	Cllr S H Reilly	LA07/2016/0542/F	Update requested for Cllr Reilly & Glyn Mitchell	G Kerr	C O'Rourke E mail	30/3/17
" "	Cllr W Clarke	LA07/2016/1635/O	Update requested	A McAlarney	Direct e mail	30/3/17
" "	Cllr L Devlin	LA07/2017/0227	Update requested	A McAlarney	Direct e mail	3/4/17
31/3/17	M Ritchie MP			A McAlarney	Transferred call	31/3/17
" "	Cllr Laura Devlin	LA07/2017/0227	Update requested	A McAlarney	Annette to return call	E mail response 3/4/17

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0005
Planning Ref:	P/2014/0303/O	DEA	The Mournes
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newry} Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	05/04/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2016/A0041
Planning Ref:	P/2014/0853/F	DEA	Crollieve
APPELLANT LOCATION	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
PROPOSAL	Retention of two light industrial units, erection of three light industrial units.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	01/07/2016
Appeal Procedure	Informal Hearing		
Date of Hearing		16/09/2016	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	3		
Planning Ref:	P/2014/0649/O	PAC Ref:	2016/A0135
APPELLANT	Mr Joseph Walls	DEA	The Mournes
LOCATION	60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
PROPOSAL	Site for Farm Dwelling (amended address)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	P/2014/0678/F	PAC Ref:	2016/A0139
APPELLANT	Mr Frank King	DEA	Newry
LOCATION	33a Flagstaff Road Fathom Lower Newry		
PROPOSAL	Retention of existing fuel sales business to include existing hard standing area and portacabin		

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

Current Appeals

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ITEM NO	5		
Planning Ref:	P/2014/0670/F	PAC Ref:	2016/A0140
APPELLANT	Mr Frank King	DEA	Newry
LOCATION	Lands To The Rear Of No. 33 Flagstaff Road And Associated Farm Complex (shed Approx. 45 Metres To The West Of Existing Dwelling With Hardstanding Extending Approx. 50 Metres Further West And Retention of existing shed and hard standing area for agricultural purposes (revised address and plans)		
PROPOSAL			
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	17/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2015/0877/F	PAC Ref:	2016/A0148
APPELLANT	Mr Diarmid Sloan	DEA	The Mournes
LOCATION	10 Tullybrannigan Brae Newcastle BT33 0DG		
PROPOSAL	Roof space conversion, replacement roof and 2 storey extension		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	01/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2015/0009/F	PAC Ref:	2016/A0151
APPELLANT	Mrs Kathleen McKeivitt	DEA	Newry
LOCATION	Approximately 75m North Of No 26 Jack's Road (access From Clontigora Road)		
PROPOSAL	Killeen Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	04/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	P/2013/0938/F	PAC Ref:	2016/A0157
APPELLANT	John Morgan	DEA	Crotlieve
LOCATION	220 Metres West Of 6 Tamary Road Mayobridge		
PROPOSAL	225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	15/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	R/2015/0078/O	PAC Ref:	2016/A0163
APPELLANT	Mrs M Dodds	DEA	The Mournes
LOCATION	Lands 20m North East Of 65 Tollymore Road Newcastle		
PROPOSAL	Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage. (Amended proposal)		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	23/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2015/1244/F	PAC Ref:	2016/A0166
APPELLANT	Barney Mackin	DEA	Crotlieve
LOCATION	19.3m North-East Of No27B Derrycraw Road Derrycraw <small>Newry</small>		
PROPOSAL	Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

243

ITEM NO	11		
Planning Ref:	LA07/2016/1041/C	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	^{Newly} Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2016/0812/C	PAC Ref:	2016/A0173
APPELLANT	George Kelly	DEA	Slieve Gullion
LOCATION	Between No. 54 & 54a Mill Road Mullaghbawn		
PROPOSAL	^{Newly} New dwelling with domestic garage. Gap/Infill site		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

244

ITEM NO	13		
Planning Ref:	LA07/2016/0731/C	PAC Ref:	2016/A0174
APPELLANT	Ms Sheena Gribben	DEA	Crotlieve
LOCATION	60 Metres South East Of 47 Castlewellan Road Hilltown		
PROPOSAL	Site for dwelling and garage on farm		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	07/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2015/1315/C	PAC Ref:	2016/A0184
APPELLANT	Clare Ferris	DEA	Rowallane
LOCATION	Between 16 And 20 Lough Road Crossgar		
PROPOSAL	BT30 9DT Proposed Dwelling on in-fill site under Policy CTY 8 Ribbon Development		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15		
Planning Ref:	LA07/2016/0381/C	PAC Ref:	2016/A0185
APPELLANT	Mr Matt Burns	DEA	Crotlieve
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2015/1391/C	PAC Ref:	2016/A0186
APPELLANT	Mr Seamus McLoughlin	DEA	Crotlieve
LOCATION	70 Metres North West Of No.10 Mayo Road Mayobridge RT34 2HA		
PROPOSAL	Proposed dwelling on a farm		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2016/A0192
Planning Ref:	LA07/2016/0802/C	DEA	Crotlieve
APPELLANT	Darren O'Hagan		
LOCATION	60m NE Of 11a New Line Road Hilltown		
PROPOSAL	Newry Site for dwelling and detached garage		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	30/12/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2016/A0197
Planning Ref:	P/2014/0972/O	DEA	Crotlieve
APPELLANT	Edward Ryan		
LOCATION	15 Ryanstown Road Newry		
PROPOSAL	RT34 2MG Site for dwelling (additional information submitted)		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	11/01/2017
Appeal Procedure	Informal Hearing		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19	PAC Ref:	2016/A0201
Planning Ref:	LA07/2015/1217/C	DEA	Crotlieve
APPELLANT	Mr & Mrs Quinn		
LOCATION	Land Adjacent To And North East Of 20 Crohill Road Cobane		
PROPOSAL	^{Newly} Site for replacement dwelling and garage (Off-site Replacement due to current proximity to public road.		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	18/01/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20	PAC Ref:	2016/A0204
Planning Ref:	LA07/2016/0510/C	DEA	The Mournes
APPELLANT	Robert Laurence Annett		
LOCATION	Adjacent And West Of 60 Corcreaghan Road Kilkeel		
PROPOSAL	^{RT34 ASI} Dwelling on a farm		
APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	23/01/2017
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21	PAC Ref:	2016/A0211
Planning Ref:	LA07/2016/0826/C	DEA	Slieve Gullion
APPELLANT	Kevin Donaghy		
LOCATION	Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely Beeshrook		
PROPOSAL	Proposed erection of detached dwelling and garage		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	02/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2016/A0214
Planning Ref:	LA07/2015/0647/C	DEA	Rowallane
APPELLANT	PR Jennings		
LOCATION	15m North Of 39 Listooder Road Crossgar		
PROPOSAL	Erection of farm dwelling (additional information received)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	10/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	P/2014/0769/O	PAC Ref:	2016/A0215
APPELLANT	Mr Kevin Cunningham	DEA	The Mournes
LOCATION	210 Metres South Of No 36 Belmont Road Kilkeel		
PROPOSAL	RT34 41 A Site for dwelling on a farm		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	10/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2016/0732/C	PAC Ref:	2016/A0217
APPELLANT	Mrs Mary Carr	DEA	Newry
LOCATION	Lands To The Rear And South Of No. 6 Railway Road Meigh		
PROPOSAL	Killeavy Proposed erection of a farm dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	15/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	25	PAC Ref:	2016/A0219
Planning Ref:	LA07/2016/0268/F	DEA	The Mournes
APPELLANT LOCATION	J Graham And Sons Between 32 And 34 Eliza Close Newcastle		
PROPOSAL	Proposed storey and a half dwelling		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	17/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2016/A0224
Planning Ref:	LA07/2016/0365/C	DEA	Rowallane
APPELLANT LOCATION	Mr And Mrs McCluskey Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	27/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27	PAC Ref:	2016/A0225
Planning Ref:	LA07/2015/1317/C	DEA	Slieve Gullion
APPELLANT	Paul And Dianne Kelly		
LOCATION	25m South Of 162 Tandragee Road Jerrettspass		
PROPOSAL	^{Newry} 1 No. infill 1.5 storey dwelling and garage		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	27/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2016/A0226
Planning Ref:	LA07/2016/0477/F	DEA	Slieve Gullion
APPELLANT	Mr Caolan Quinn		
LOCATION	50m South-east Of No 106 Carrickgallogly Road Carrickgallogly		
PROPOSAL	^{Belleek} Erection of dwelling		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	28/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	29	PAC Ref:	2016/A0238
Planning Ref:	LA07/2016/0561/F	DEA	Rowallane
APPELLANT	Mr & Mrs Samuel Duke		
LOCATION	19 Inishbeg Killyleagh Downpatrick		
PROPOSAL	Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	16/03/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2016/AO125
Planning Ref:	P/2014/0769/O	DEA	The Mournes
APPELLANT	Mr Kevin Cunningham		
LOCATION	210 Metres South Of No 36 Belmont Road Kilkeel RT34 41 A		
PROPOSAL	Site for dwelling on a farm		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	10/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31		
Planning Ref:	LA07/2016/0396/L	PAC Ref:	2016/E0032LDC
APPELLANT	Michelle McGivern	DEA	Crotlieve
LOCATION	26A Greenan Lough Road (on Lands Associated With 26 Greenan Lough Road)		
PROPOSAL	Dwelling of temporary construction within the curtilage of an existing dwelling		
APPEAL TYPE	Plg Conditions		
Appeal Procedure	Written Reps	Date Appeal Lodged	15/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32		
Planning Ref:	LA07/2015/0166/L	PAC Ref:	2016-E0045
APPELLANT	Mr Ronald Sloan	DEA	The Mournes
LOCATION	29 Leitrim Road Kilkeel		
PROPOSAL	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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Appeal Reference:	2016/A0142
Appeal by:	David and Maura De Mello
Appeal against:	The refusal of planning permission
Proposed Development:	Replacement Dwelling and Refurbishment of Outhouse
Location:	In front of 113 Dunmore Road, Ballynahinch.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0308/O
Procedure:	Written Representations with Accompanied Site Visit on 14 th March 2017.
Decision by:	Commissioner Mandy Jones, dated 28 th March 2017.

Decision

The appeal is dismissed and planning permission is refused.

Reasoning

1. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
2. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is located within the countryside in the Ards and Down Area Plan 2015. However, there are no policies in the Plan of relevance to the appeal proposal.
3. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy or when the SPPS is silent or less prescriptive on certain policies. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) regarding replacement dwellings. Therefore, PPS 21 provides the policy context for this appeal.

4. Within PPS 21, Policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One is a replacement dwelling in accordance with policy CTY 3. It follows that if the development complies with Policy CTY 3, it will comply with Policy CTY 1 of PPS 21.
5. Policy CTY 3 – Replacement Dwellings states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. It goes on to say that buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.
6. The appeal site is located on the northern side of the Dunmore Road and is to the front of no 113 which is set back from the road. The appeal site includes the derelict remains of several former buildings which are in a dilapidated state. No. 113 is a recently constructed 1½-storey dwelling which sits back approximately 50m from the road and is gable end to the road. The derelict buildings are between no. 113 and the road and sit at a lower level. They are all in a poor state of repair and are heavily overgrown. From my site inspection it was difficult to assess the former use of these structures but a supporting document on the 'Farmstead at Dunmore Road', submitted as part of the planning application describes their previous uses. It states that the original farmstead included a substantial 2-storey traditional Irish farmhouse with offices, a cart or coach house with loft over, a 2-storey range of outbuildings incorporating stables and lofts and piggeries / meat house.
7. The former main farm house was approved for a replacement dwelling (no. 113) on 12 Jan 2005 – R/2004/1000/O (outline) with reserved matters approved on 16 March 2007 – R/2006/1145/RM. A Change of Use of existing vernacular farm yard complex to tourist accommodation was approved on 11 August 2009 – R/2009/0167/F. The appellant stated that as part of the tourist accommodation application an in- depth history of the site was conducted – this is the supporting documentation referred to above as 'Farmstead at Dunmore Road'.
8. It was confirmed at my site visit that this appeal is for the replacement of the coach house with a new dwelling and the total demolition of all ruinous structures/buildings – coloured green on the submitted Location Plan.
9. The supporting document states that the 'Coach/Cart House fronts the main yard conveniently situated between the house and the gate accessing the farm from the Dunmore Road' and describes it as 'A purpose built house for a vehicle, this is 2-storey with an outside stone staircase access to the loft above (to left)..... the loft would have stored bedding and food for animals housed in the stables below, adjoining the vehicle house.' However, it was claimed by the appellant that it was very common practice for farm workers and various other staff to live above stables for security and heat reasons. It was claimed that the front and rear

elevations clearly show picture frame windows, characteristic of living accommodation.

10. The remains of the coach house indicate that it was originally constructed in quarried stone with a rectangular plan form with gabled ends. The front wall has a large door opening with an arched head and a smaller door opening adjacent. There are 3 window openings – one on the ground floor and two on the first floor. The roof and internal floors are missing. The rear wall and gable walls are largely intact. Internally there is a partial wall. The coach house is in a general poor state of repair and is heavily overgrown and access internally was difficult. From my site inspections whilst it appears that the external walls are substantially intact, I would conclude that there are no evident features which would indicate that this structure was previously a dwelling. I do not consider that the presence of window openings and an external staircase necessarily indicate living accommodation in the loft area.
11. I would concur with the Council and the evidence within the appellant's own supporting document which suggests that the former cart / coach house was an outbuilding, ancillary to the main 2-storey farm house (which has already been replaced). I note that there is no suggestion within the supporting document that the appeal building was ever a dwelling.
12. Accordingly, the coach house does not exhibit the essential characteristics of a dwelling and as such does not meet the fundamental requirement of policy for replacement.
13. Policy CTY 3 also states that favourable consideration will however be given to the replacement of a redundant non – residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.
14. The appellant claims that the site is an eyesore and its total clearance and the introduction of a small single storey dwelling would make a contribution to the locality and countryside. Travelling the Dunmore in both directions the appeal site is well screened by relatively mature roadside vegetation and the views of the ruinous structures are barely discernible and have minimal impact from the road. As such, I consider that the removal of these structures and their replacement with a dwelling would not bring significant environmental benefits as required by policy.
15. The appeal proposal does not comply with a fundamental requirement of policy CTY 3. It is not one of the types of development that is acceptable in principle in the countryside under Policy CTY 1 of PPS 21 and no overriding reasons have been put forward as to why the development is essential. Accordingly, the Council's first reason for refusal is sustained.
16. Policy states that in cases where the original building is retained, it will not be eligible for replacement again. It was agreed by all parties that the former dwelling on the site has already been replaced and is therefore not eligible for replacement. As such, the Council's second reason for refusal is sustained.
17. The appellant referred to his supporting document which indicated that the coach house was the best building on the site and used the best materials and had the

best features.....it went on to say thatit could easily withstand the conversion into 2 self contained apartments (made in reference to the previous tourist accommodation). However, this appeal proposal is for the complete demolition of the coach house and its replacement with a dwelling. No arguments were advanced for the possible conversion of the coach house under Policy CTY 4 – The Conversion and Reuse of Existing Buildings.

18. In conclusion, as both of the Council's reasons for refusal have been sustained the appeal must fail.

This decision relates to the following:

- PAC 1; Site Location Plan, scale 1:2500 date stamped refused 30 Sept. 2016.

COMMISSIONER MANDY JONES

2016/A0142

List of Documents

- | | |
|----------------------------|---------------------------------------|
| Planning Authority: | 'A' Statement of Case with appendices |
| | 'B' Rebuttal |
| Appellant: | 'C' Statement of Case |
| | 'D' Rebuttal |

2016/A0142

Appearances at the Hearing

**Newry, Mourne and Down
Planning Authority:**

Mark Keane.

Appellant:

Karl Sherry (agent)
Maura De Mello.



Appeal Decision

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Appeal Reference:	2016/A0147
Appeal by:	Padraig Walsh
Appeal against:	The refusal of planning permission
Proposed Development:	Proposed single storey detached dwelling and garage on a farm
Location:	Land 175m north west of 196 Lackan Road, Kilcoo, Co. Down
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0310/F
Procedure:	Informal hearing on 24 th February 2017.
Decision by:	Commissioner Mandy Jones, dated 20 th March 2017.

Decision

The appeal is dismissed.

Reasoning

1. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
2. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is located within the countryside in the Ards and Down Area Plan 2015. It is within the Mournes AONB. However, there are no policies in the Plan of relevance to the appeal proposal.
3. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy or when the SPPS is silent or less prescriptive on certain policies. Other than an inconsequential update in the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) regarding dwellings on farms. Therefore, PPS 21 provides the policy context for this appeal.

4. Within PPS 21, policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted for a dwelling house on a farm where all of a number of criteria are met. In this case, the Planning Authority argued that the appeal proposal fails to comply with criterion (a) of policy CTY 10. Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to policy CTY 10 states that new houses on farms will not be acceptable unless the existing farm business is both established and active. It goes on to say that the applicant will therefore be required to provide the farm's DARD business number along with other evidence to prove active farming over the required period.
5. Within the background papers submitted, an email dated 1st September 2016 from the Council to the appellant stated that there was *'a shift in the definition of an 'active farmer' introduced when DARD (Department of Agriculture & Rural Development) now DAERA (Department of Agriculture, Environment and Rural Affairs) changed the SFP (single farm payments). There has also been the introduction of the SPPS in September 2015. Collectively these aspects have lead to how applications are being processed for dwellings on farms.'* However, the definition of agricultural activity given in paragraph 5.39 of PPS 21 has not been significantly altered by the SPPS. For the purposes of Policy CTY 10, 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.'
6. In this case, the appellant has applied for a house on a farm with the farm business ID number 646590. Farm maps submitted with the planning application indicate lands with a total area of 25.3 hectares.
7. A consultation response from DARD on 29th June 2015 indicated that the farm business 646590 had been in existence for 6 years and that Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA), or Agri Environment schemes had been claimed in the last 6 years. The Council stated that this is normally sufficient information to demonstrate that the business is being actively farmed. However, given that the appellant's supporting statement submitted as part of his planning application indicated that the farm had been let in conacre, the Council then re-consulted DARD as there was a conflict between the response from DARD and the appellant's supporting statement.
8. This second consultation on the 19th May 2016 states that 'the last subsidy claim for this business was made in 2014. No claim was received in 2015'. The Council representative did not know why the first consultation response did not indicate that SFPs had not been claimed by the appellant in 2015. The Council were entitled to rely on the information within the final consultation response.
9. I was told by the appellant that most of the farm (apart from a very small area) is let out to a farmer – Mr Devlin, and the land has been let out for many years. Neither the Council nor the appellant knew if Mr Devlin was claiming SFPs for

these lands. I was told that the appellant retains a large shed on the Dromara Road which stores his agricultural equipment that Mr Devlin does not have access to. The appellant stated that his brother maintains the land in terms of fencing and drainage for the farmer to take the land. The appellant argued that just because he no longer receives SFPs, does not mean that he no longer continues to maintain the land.

10. Policy requires the farm's DARD business ID number along with other evidence to prove active farming over the required period. Even if SFPs to the appellant had ceased - as he stated that he had not submitted a claim in 2015 - the Council stated that the policy, however, allows for other evidence to prove active farming over the requisite period. As part of his planning application, the appellant submitted the following information:
 - 3 receipts from John Shilliday Ltd, Hardware and Timber Merchants dated 11.07.2014, 04.07.2014 and 31.07.2014;
 - 2 receipts from John Rodgers Builders Supplies (print was unclear to read);
 - 1 receipt from William Kirkwood and Sons dated 07.06.2014;
 - 1 receipt from JB Brown Ltd (not dated);
 - 1 receipt from CE Stevenson and Sons dated 09.10.2014;
 - 1 receipt from Tim Boyd Carpentry dated 2.10.2014 for repairs to farm buildings, shed roof for £3890 at Lacken Road, Killcoo (submitted at the hearing).
11. The receipts initially submitted are non – specific to the farm holding and I note that the majority of the dates do not correspond to the required six year period. The receipt for the repairs to a shed roof, of itself, is not sufficient to demonstrate that the land is being maintained in good agricultural and environmental condition or that the farm is currently active.
12. The onus is on the appellant to demonstrate that his farm business is both active and established. In the evidential context of the limited information provided by the appellant it has not been demonstrated that the appellant has a farm business that is currently active as well as established for the last 6 years. The appeal proposal does not comply with a fundamental requirement of policy CTY 10. It is not one of the types of development that is acceptable in principle in the countryside under Policy CTY 1 of PPS 21 and no overriding reasons have been put forward as to why the development is essential.
13. The appellant claimed that his application was treated differently than other farm dwelling applications in the time period 19th May 2015 to 4th July 2016, however no evidence was submitted to substantiate this claim. Accordingly, the Council's reason for refusal is sustained and the appeal must fail.

This decision relates to the following:

- PAC 1; Site Location Plan, scale 1:2500 date stamped refused 4 July 2016.

COMMISSIONER MANDY JONES

2016/A0147

List of Documents

Planning Authority: 'A' Statement of Case with appendices

Appellant: 'B' Statement of Case with appendices

2016/A0147

Appearances at the Hearing

**Newry, Mourne and Down
Planning Authority:**

Catherine Moane.

Appellant:

Padraig Walsh.



Appeal Decision

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87/91 Great Victoria Street
BELFAST
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028 9031 2536
info@pacni.gov.uk

Appeal Reference:	2016/A0150.
Appeal by:	Mr. Wayne Morton.
Subject of Appeal:	Refusal of full planning permission.
Proposed Development:	Erection of replacement dwelling.
Location:	30m North of 27 Tunnel Road. Jerrettspass, Newry.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2016/0240/F.
Procedure:	Informal Hearing on 28 February 2017.
Decision by:	Commissioner J.B.Martin dated 6 March 2017.

Decision

1. The appeal is dismissed and full planning permission is refused.

Reasoning

2. The appeal site lies in the countryside as shown in the Banbridge, Newry and Mourne Area Plan 2015, which operates as the Local Development Plan for the Area. The Plan contains no material provisions relating to the appeal proposal.
3. The primary issue is the principle of replacing the existing structure on the site. Policy CTY 3 in Planning Policy Statement (PPS) 21 - '*Sustainable Development in the Countryside*' deals with replacement dwellings. In regard to such proposals the more recent Strategic Planning Policy Statement has not introduced any policy conflict or change in policy direction to that contained in CTY 3, and consequently that policy remains the relevant context for the appeal proposal.
4. CTY 3 states that buildings of a temporary construction will not be eligible for replacement, and the Council's reason for refusal is based on this fundamental issue.
5. The existing structure on the site is approximately 68 sq. m and comprises a timber-framed prefabricated sectional building, which was brought to the site in 2 equal halves, split longitudinally along the roof ridge line. It is bolted down onto a low concrete block raft foundation. It provides a double bedroom and 2 single bedrooms for the appellant, his wife and 2 children - along with a kitchen and living /dining room. Its walls and roof are insulated; it has central heating; its own septic tank and independent electricity and water supply.
6. In support of its decision the Council cited the Commission's decision in appeal 2013/A0209 to dismiss the replacement of a prefabricated building that it judged to be of temporary construction. In that case the structure had 5 No. prefabricated

sections; it sat on a concrete platform, which was not an integral part of the building and it had thinly rendered external timber sheathed walls and a felt roof. These characteristics are largely replicated in the existing building in the current appeal. The appellant considered the earlier decision by the Commission to be flawed. This was based on his view that many existing buildings of prefabricated construction had lasted over many years and with proper maintenance and upgrading could continue to do so for many years to come. However the policy test does not have to do with the issue of what is a temporary period or temporary buildings, but to '*buildings of temporary construction*'. That was the approach taken in appeal 2013/A0209 and the appellant did not make any arguments to suggest that approach was incorrect.

7. In support of his position the appellant cited an approval granted by the previous planning authority, the Department of the Environment (under reference P/2011/0636/F) for replacement of a building. From his photograph this building had the appearance of a small 'orlit' type dwelling and is described in the case officer's report as measuring approximately 60sq.m and constructed from corrugated metal sheeting. I note however from the '*policy assessment*' section of the report under CTY 3 that no consideration was given to whether the building was of temporary construction. That omission from the assessment of the proposal appears to be a fundamental error and on its face calls into question the correctness of the decision to grant permission. That approval does not therefore lend support to the appeal proposal.
8. The appeal proposal meets the other criteria listed under CTY 3. However those criteria 'follow on' from the existing building being found acceptable for replacement in the first instance. In this case however I find the existing building is of temporary construction and consequently not eligible in principle for replacement under CTY 3.
9. The appellant also stated he could revert to renovating and extending the existing building. However the existing building does not have the benefit of planning permission or a Certificate of Lawful Development, and the appellant's own evidence refers to a planning officer having stated that an application for a Certificate would be opposed by the Council.
10. I understand the appellant's stated social and family connections in the area. However these factors do not outweigh the valid policy objection to the appeal proposal. The reason for refusal is therefore sustained and the appeal fails.

This decision relates to the house elevations, floor plan, sections, location map and site plan submitted to the Council and numbered 1 to 7 on its decision notice.

COMMISSIONER J.B.MARTIN

Attendance at Hearing

Council	Mr. G. Murtagh
Appellant	Mr. B. McAteer (Agent) Mr. W. Morton (Appellant)

List of Documents

Council	Statement of Case
Appellant	Statement of Case

Report to:	Planning Committee
Date of Meeting:	26 April 2017
Subject:	Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 12 (Part 2): Countryside – Development Pressure Analysis
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Decisions required:

Note the content of this report.

1.0 Purpose and Background:

- 1.1 A programme of preparatory work is being undertaken as part of the Local Development Plan (LDP) process. Preparatory studies are essential in providing the evidence base for preparing the Local Development Plan (LDP). A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the LDP documents (Plan Strategy and Local Policies Plan) and to show how planning policies and proposals help to achieve the social, economic and environmental objectives for the plan area.
- 1.2 The SPR Committee is responsible for the Local Development Plan. All LDP papers are reported to the SPR Committee for noting or decision. All LDP papers will also be presented to the Planning Committee for noting. Depending on the subject matter, a LDP paper will also be presented to any other relevant Council Committee for noting.
- 1.3 'Paper 12 (Part 2): Countryside – Development Pressure Analysis' provides members with an overview of the Development Pressure Analysis for the countryside of Newry, Mourne and Down District Council area,
- 1.4 The paper builds on the existing evidence base and provides information on:
- the Development Pressure Analysis for the District to help identify those areas of the countryside where significant development pressure has occurred and/or where local rural character is under threat of significant change as a result of cumulative impact of development;
 - an analysis of the results of these findings in the context of environmental designations and the landscape character of the District.
- 1.5 Members are asked to note the content of this report. Any comments received will be considered. The paper will be subject to any changes considered necessary in response to any valid comments received at this or any other Committee to which it is presented.

2.0 Key issues:

- 2.1 'Paper 12 (Part 2): Countryside – Development Pressure Analysis' provides members with a report on the Development Pressure Analysis for the District. Also known as a Rural Pressure Analysis, this analysis forms an integral part of the Development Plan process and forms one of the interrelated strands of the Countryside Assessment.

2.2	Following on from the 'Landscape Character Assessment' paper, and along with the 'Environmental Assets' paper, and the on-going Settlement Appraisal exercise, it seeks to identify areas where significant development pressure has occurred and where local rural character is under threat of significant change. Analysis of this information involves assessing the distribution of rural single dwellings in the countryside. Given the high number of wind energy applications in recent years and their potential visual impacts on the countryside the paper also considers wind energy development.
2.3	One of the aims of the LDP will be to balance development in the countryside against the need to protect the Districts most vulnerable landscapes.
2.4	For single houses in the countryside, the analysis demonstrates that there are areas within the District that are under more pressure than others. The main pockets of pressure, with higher concentration of single house development, are in the southern section of The Mourne DEA, the rural southern section of the Newry DEA, and the western section and south eastern area of the Crotlieve DEA. All other DEAs have some areas of concentrated development, these generally appear to correspond with the road networks within these areas.
2.5	The paper assists members in identifying those areas of our countryside that are particularly vulnerable and sensitive to further development, and which may benefit from additional designations and a stronger rural policy approach. The paper will assist the Council in the development of the LDP, and be taken into account in the formulation of countryside policies.
2.6	This paper forms part of the Countryside Assessment for the District and is to be read in conjunction with Paper 6: Environmental Assets together with Paper 12 (Part 1): Countryside – Landscape Character Assessment and Paper 13: Settlement Appraisals which is currently under preparation.
2.7	The information gathered and the key findings will be used to inform the preparation of the LDP.
2.8	Data gathered as part of this and other preparatory studies will be used to establish the baseline of the social, economic, and environmental characteristics of the plan area and enable the Council to identify the issues which need to be addressed by the LDP. Furthermore, it will provide a sound basis on which to formulate the plan strategy, policies and proposals within the LDP that will be subject to independent public examination.
3.0	Recommendations:
3.1	Members are requested to note the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices
	<ul style="list-style-type: none"> Paper 12 (Part 2): Countryside – Development Pressure Analysis



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

**Local Development Plan
Preparatory Studies**

**Paper 12 (Part 2): Countryside – Development
Pressure Analysis**

April 2017

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- Figure 7:** Rural Pressure Analysis DEA: Crotlieve
- Figure 8:** Rural Pressure Analysis DEA: Downpatrick
- Figure 9:** Rural Pressure Analysis DEA: Newry
- Figure 10:** Rural Pressure Analysis DEA: Rowallane
- Figure 11:** Rural Pressure Analysis DEA: Slieve Croob

Figure 12: Rural Pressure Analysis DEA: Slieve Gullion

Figure 13: Rural Pressure Analysis DEA: Mournes (to be forwarded from GIS)

Development Pressure Analysis of Newry, Mourne & Down District Council

Purpose: To provide members with a Development Pressure Analysis for the countryside of Newry, Mourne and Down District. Also known as a Rural Pressure Analysis, this analysis seeks to identify those areas where significant development pressure has occurred and/or where local rural character is under threat of significant change.

The paper provides information on:-

1. The Development Pressure Analysis for Newry Mourne & Down District,
2. Areas within the District where significant development pressure has occurred due to cumulative impact of one off single dwellings in the countryside and wind energy development, and
3. An analysis of the results of these finding in the context of environmental designations and the landscape character of the area.

1.0 Introduction

1.1 The Development Pressure Analysis is one of the 4 strands of the Countryside Assessment¹. Following on from the Landscape Character Assessment and along with the Environmental Assist Appraisal, and the on-going Settlement Appraisal exercise, it seeks to identify areas where significant development pressure has occurred and/or where local rural character is under threat of significant change. Analysis of this information involves assessing the distribution of single rural dwellings in the countryside. Given the high number of wind energy applications in recent years and their potential visual impacts on the countryside the remit of this report has been widened to include a consideration of wind energy development.

1.2 This pressure analysis aims to identify areas that are particularly vulnerable and sensitive to further development and which may benefit from additional designations and a stronger rural policy approach. It is acknowledged that other types of development including large agricultural or industrial buildings can also create adverse visual impacts on the character of the countryside. In regard to these forms of development it is considered that sufficient control is currently provided within regional policies with the Local Development Plan also facilitating the opportunity to bring forward additional or amended policies to manage these forms of development.

1.3 'The countryside' as referred to in this paper is defined as the land outside designated settlement limits as identified in the Ards & Down Area Plan 2015 (ADAP) and the Banbridge/Newry & Mourne Area Plan 2015 (BNMAP).

2.0 Data Provision

2.1 The data which has been used to inform the pressure analysis has been provided by the Department for Infrastructure (DfI). All residential planning applications in the Northern Ireland countryside with the exception of minor alterations and extension from April 2002 to September 2016 were identified and compiled by DfI's Analysis, Statistics & Research Branch. The relevant information has been extracted and the results have been used to produce a series of graphs and tables detailing the distribution trends over this period.

2.2 Within this paper applications for single dwellings in the countryside have been plotted. Those on the same site are shown as one dot. The resultant information provides an indication of development pressure in the countryside (see Figure 4).

¹ The four strands of the Countryside Assessment are: Environmental Assets Appraisal, Landscape Character Assessment, Development Pressure Analysis and Settlement Appraisal.

3.0 Regional Policy Context

(a) Regional Development Strategy

3.1 The Regional Development Strategy (RDS) 2035 sets the context for the sustainable development of Northern Ireland to 2035 and acts as the spatial strategy of the Northern Ireland Executive's Programme for Government. Within the RDS it encourages sustainable and balanced development in the countryside through the spatial framework.

(b) Strategic Planning Policy Statement for Northern Ireland.

3.2 The Strategic Planning Policy Statement for Northern Ireland (SPPS) consolidated existing policy provisions, including provisions in relation to rural planning, into a shorter more concise statement of planning policy while placing sustainable development at the heart of the planning system. One of the key aims of this document in relation to the countryside is to manage development in a manner which strikes a balance between protection of the built and natural environment from inappropriate development, while supporting and sustaining rural communities and adhering to the Northern Ireland Executive's commitment to aid in protecting the region's biodiversity.

3.3 The SPPS directs that policy approaches to new development in the countryside should reflect differences within the region, to be sensitive to local needs and be sensitive to environmental issues including the ability of settlements and landscapes to absorb development.

3.4 To accomplish these objectives it will involve recognising areas that are both particularly sensitive to change and those areas which have lower sensitivities and therefore provide the required opportunities to accommodate sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, including the natural topography, and to meet other planning policy and environmental considerations, including the policy approach to cluster, consolidate and group new development with existing established buildings, while therefore protecting the rural character of the area.

3.5 In preparing Local Development Plans (LDPs) Councils are required to bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

3.6 As outlined above the SPPS states that the policy approach must be to cluster, consolidate and group new development with existing established buildings while also promoting the re-use of previously used buildings. While following this approach it should facilitate essential new development whilst mitigating against the potential adverse impacts on rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development.

3.7 Other policies which are detailed in the SPPS and are relevant to the protection of the countryside require development integrating into the landscape, respecting the rural character as well as not marring the distinction between settlements and the surrounding countryside.

3.8 The SPPS also acknowledges that some areas of the countryside exhibit exceptional landscapes such as mountains, lough shores and stretches of coast wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Within this District the three areas listed below have been designated as Special Countryside Area's within the current BNMAP 2015.

- Mourne Special Countryside Area;
- Ring of Gullion Special Countryside Area; and
- Slieve Croob Special Countryside Area.²

3.9 As part of this process a further analysis will therefore be undertaken to assess whether this additional level of protection has aided in limiting sporadic unnecessary and inappropriate development as well as investigating whether other sections of the District would benefit from this additional level of control.

3.10 A further aim of the SPPS is to facilitate the siting of renewable energy developments in appropriate locations without compromising environmental assets or valuable landscapes while working towards achieving the renewable energy targets set out by Government.

3.11 The SPPS advises that particular care should be taken when considering the potential impact of all renewable proposals on the landscape. It advises that a cautious approach should be taken for such projects within designated landscapes which are of significant value such as the Districts 3 Areas of Outstanding Natural Beauty (AONB) Ring of Guillion AONB, Mourne AONB and Strangford and Lecale AONB. It is acknowledged that it can be difficult to accommodate renewable energy proposals such as wind turbines without having an impact on the regions cultural and natural heritage. Due to a significant increase in the number of wind energy applications within the District in recent years and the significant visual impact they can have on the landscape, both individually and cumulatively an assessment of their impact has been included within the remit of this paper.

(c) Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21)

3.12 PPS21 sets out policies for managing development in the countryside with one of its key themes being to conserve the landscape and natural resources of the rural area, to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution. PPS21 also outlines the four interrelated strands of the Countryside Assessment which includes the Development Pressure Analysis.

²These designations do not correspond with the AONB boundaries of these designations

(d) Planning Policy Statement 18: Renewable Energy (PPS18)

3.13 The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy.

The objectives of the Statement are:

- to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
- to ensure adequate protection of the Region's built, natural, and cultural heritage features; and
- to facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

4.0 Existing Urban and Rural Housing Provision

Prior to examining the information relating to the rural pressure analysis, the context of the distribution of urban and rural population as presented within Paper 1: (2nd Revision) Populations & Growth - Settlement Hierarchy has been summarised below.

4.1 The population of Newry, Mourne and Down District in 2011 census was 171,533 rising to 175,403 in the NISRA mid-year estimates published in June 2015. Based on census information approximately 16% of the household population of the District are living within the existing development limit of Newry city. 24% of the Districts population reside within the 7 existing towns as designated in the 2 existing Development Plans.

4.2 20% of the population live within the 28 villages as designated within the existing Development Plans while 5% of the population live within the remaining 52 small settlements. This leaves approximately 35% of the population or 59,317 people currently living within the open countryside.

Table 1: Breakdown of Population in 2011 within Newry, Mourne & Down Settlement Hierarchy

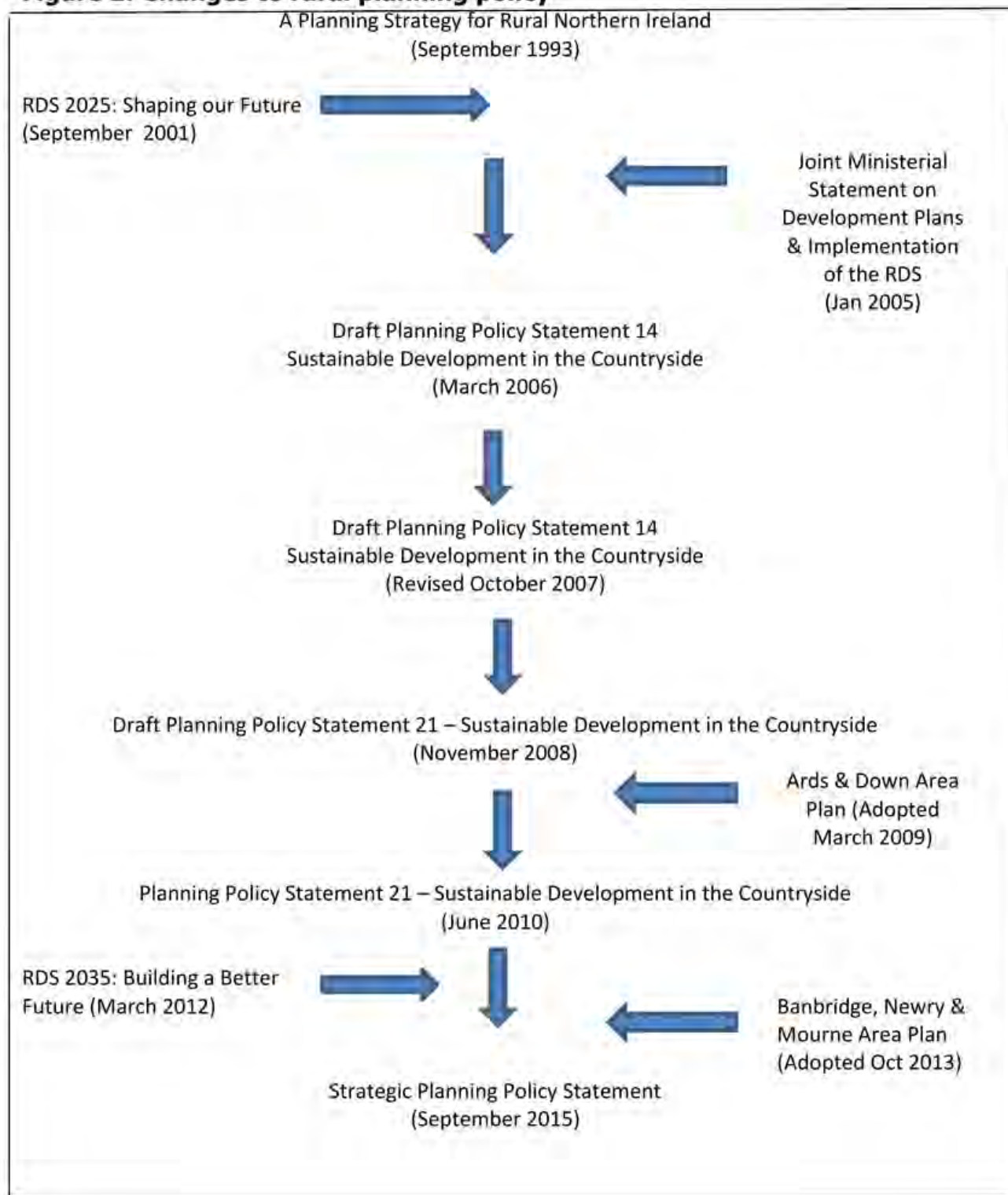
	City	Towns	Villages	Small Settlements	Open Countryside
Population of settlements	26,893	41,982	34,573	8,768	59,317
Total % of Population	15.68	24.48	20.15	5.15	34.57

Source: Headcount and Household Estimates for Settlements in Northern Ireland published 26/03/2015 <http://www.nisra.gov.uk/census/2011/results/settlements.html>

5.0 Changes to rural policy impacting on trends within the open countryside

During the period April 2002 to September 2016 for which this analysis has been carried out proposals for rural dwellings have been influenced by a number of planning policies which are detailed in Figure 1 below.

Figure 1: Changes to rural planning policy



5.1 Figures 2 and 3 together with Table 3 provide a summary of all rural single dwelling decisions (Outline, Full and Reserved Matters) issued between April 2002 and September 2016. The analysis shows that a total of 14,005 applications for rural dwellings have been processed in the District from 2002. Within the period April 2010 to September 2016 a total of 4619 outline, full and reserved matters applications for single rural dwellings were decided with 77% approved, 17% refused and 6% withdrawn.

5.2 Figure 3 clearly shows that after the publication of draft Planning Policy Statement 14 (dPPS14), the adoption of the ADAP 2015 and the publication of PPS21 there was identifiable peaks in the number of decisions issued due to the additional clarity these documents gave.

5.3 It can also be seen from Figure 2 that since March 2006 there has been a general downwards trend in the volume of applications made for single rural dwellings within the District. This can again be highlighted by comparing two four year periods between 2002 and 2016. Within the 4 year period 2003-2007 an average of 2013 applications were decided per year while from 2011-2015 the average figure dropped to 652 applications per year. To put this into further context the average number of applications decided in one year between 2003-2007 (2013) is more than the total number of applications processed to approval or refusal between the years 2012 and 2015 which was 1728.

5.4 The number of planning applications issued peaked in 2005-2006 with a total of 2490 processed to either an approval (1346) or refusal (1144) with an additional 334 withdrawn before a decision was reached. As Figure 2 indicates this coincides with the Joint Ministerial Statement being released in January 2005. This statement gave clarity on the weight which should be afforded to policies and proposals within draft plans. In doing so the Statement expanded on the circumstances when it was considered appropriate to refuse planning permission on the grounds of prematurity. The statement also indicated that the weight to be attached to policies in the emerging plans should depend upon the stage of plan preparation and therefore as the publication of the adopted ADAP 2015 became imminent the numbers of decisions issued as refusals dropped awaiting clarity on rural policies. As the graph indicates following on from the adoption of this Plan the number of refusals issued within the District began to rise steadily over the subsequent 14 to 18 months as additional clarity had now been implemented.

5.5 Following the publication of dPPS14 in March 2006 and its re-issuing in 2007 Figure 2 shows a significant drop in the total number of applications being dealt with by the DOE. In the preceding year April 2005 to March 2006, 2824 applications were issued (2490) or withdrawn (334), while within the following 12 month period this figure dropped by almost 1000 applications to 1794 with 1703 being issued and 91 withdrawn. A number of different reasons may give some indication as to why there was such a significant downturn in the numbers of planning applications around this time. These may have included agents and applicants allowing the policy to become embedded and to analyse how individual policies were interpreted together with the economic recession which began mid to late 2007.

5.6 The high number of applications processed between 2003 and 2008 are reflective of the economic conditions that during this period.

Table 3: Planning Decisions for Single Dwellings in the Countryside (Full, Reserved Matters and Outline) in Newry, Mourne & Down District 2002-2016)

Year	Approvals (%)	Refusal (%)	Withdrawals (%)	Total
2002-2003	1444 (75.4)	171 (8.9)	300 (15.6)	1915
2003-2004	1606 (74.6)	281 (13.0)	263 (12.2)	2150
2004-2005	1464 (63.8)	511 (22.2)	319 (13.9)	2294
2005-2006	1346 (47.6)	1144 (40.5)	334 (11.8)	2824
2006-2007	1021 (56.9)	682 (38.0)	91 (5.0)	1794
2007-2008	1321 (79.4)	258 (15.5)	83 (4.9)	1662
2008-2009	1164 (95.0)	22 (1.7)	39 (3.1)	1225
2009-2010	1069 (86.1)	95 (7.6)	77(6.2)	1241
2010-2011	701 (68.5)	223 (21.7)	99 (9.6)	1023
2011-2012	711 (76.3)	172 (18.4)	48 (5.1)	931
2012-2013	599 (78.1)	136 (17.7)	31(4.0)	766
2013-2014	445 (83.6)	56 (10.5)	31 (5.8)	532
2014-2015	423 (81.3)	69 (13.2)	28 (5.3)	520
2015-2016	309 (80.2)	61 (15.8)	15 (3.8)	385
2016-2017	382 (82.6)	51 (11.0)	29 (6.2)	462
Total	14,005 (71.0)	3,932 (19.9)	1,787 (9.0%)	19,724

5.7 Table 3 indicates that in the years 2008-2009 and 2009-2010 only 22 and 95 applications were issued as refusals. These low figures can be explained by the number of applications that were being held awaiting the publication of the final version of PPS21. (Published in June 2010).

5.8 Table 3 also shows that the number of decisions have declined almost steadily year on year from 2007-2008 with 1579 applications being issued until 2015-2016 when only 370 decisions were issued for one off dwellings. Within this period a notable dip in the number of approvals is evident from 2009-2010 to 2010-2011. This coincides with the publication of PPS21 in June 2010 which replaced dPPS21. The publication of PPS21 brought about a higher level of confidence to rural planning policy following a long drawn out period of uncertainty.

5.9 Under PPS21 it is clearly evident that the rate of rural housing approvals is notably reduced when compared to approvals under historical rural planning policies. Within the first 3 years of assessing applications under PPS21 (2010 -2013) when compared to the following 3 year period (2013-2016) the average number of applications issued or withdrawn dropped significantly from 906 to 479.

5.10 Within PPS21 provision is made for a range of types of development which in principle are considered to be acceptable in the countryside while contributing to the aims of sustainable development. Planning permission may therefore be granted for various types of individual dwellings including replacement dwellings, personal circumstances and farm dwellings etc.

5.11 The introduction of PPS21 sought to strike a balance between the need to protect the environment while sustaining a strong and vibrant rural community. Within PPS21 provision has been made to provide a range of different categories of residential development. The statistics made available by Dfi's Analysis, Statistics & Research Branch have therefore enabled some arbitrary analytical work to be carried out on the types and classifications of applications which have been submitted within the rural portion of the District. It appears evident that the most popular application type in the countryside from the implementation of PPS21 has been for replacement dwellings which equates to approximately 36% of all approvals issued from June 2010 followed by farm dwellings at 33%. These 2 application types appear to be the most predominant classifications however it must be taken into consideration that the way in which the applications are described can impact on the accuracy of these findings as a large percentage of applications are simply described as 'dwelling in the countryside' and can therefore manipulate the statistics. Other popular application types were found to be change of house type and substitution applications which count for approximately 15% of all applications.

Figure 2: Total Numbers of Decisions Issued Annually within the rural Newry, Mourne & Down Area from 1st April 2002 – 1st September 2016

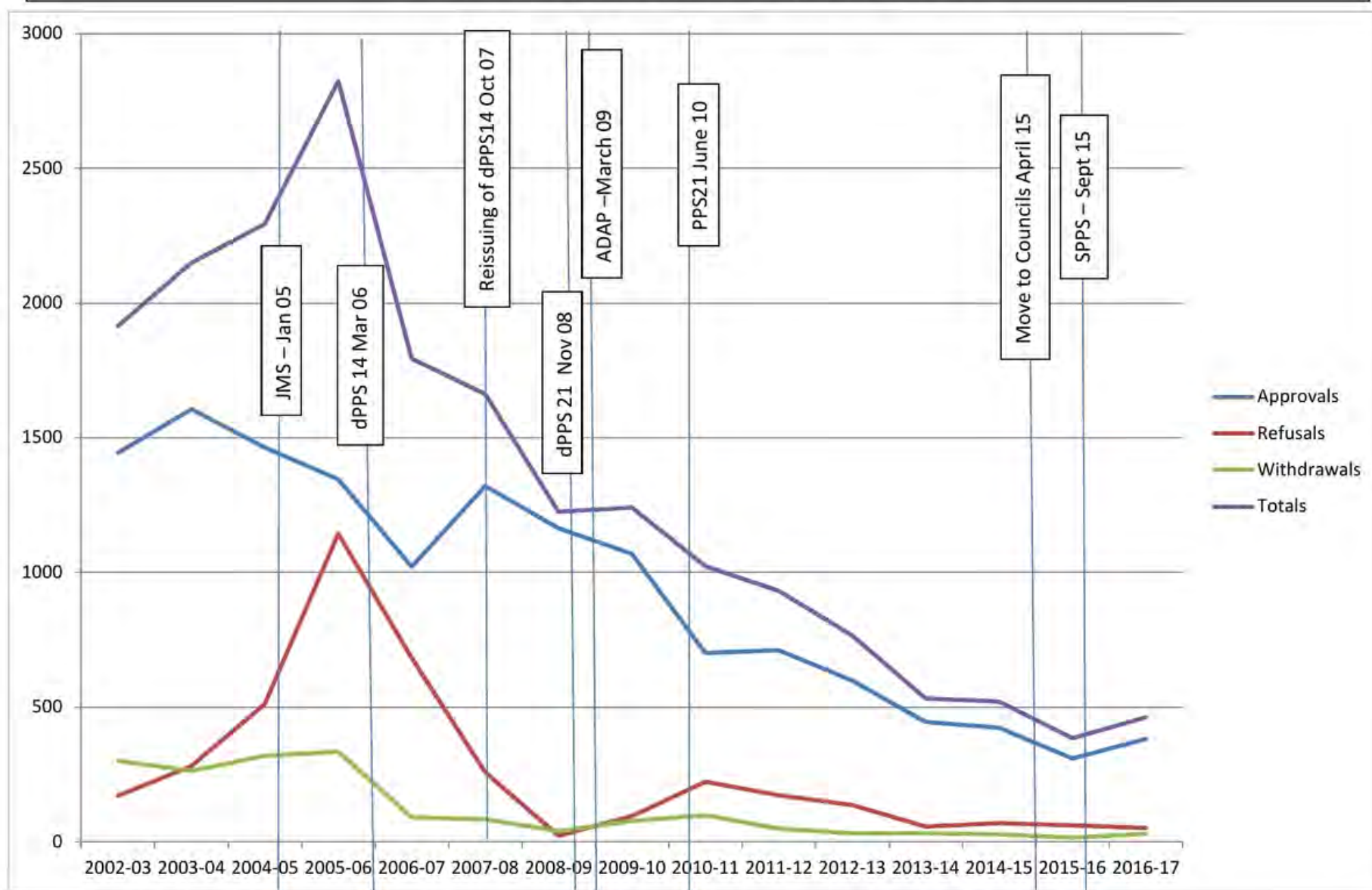
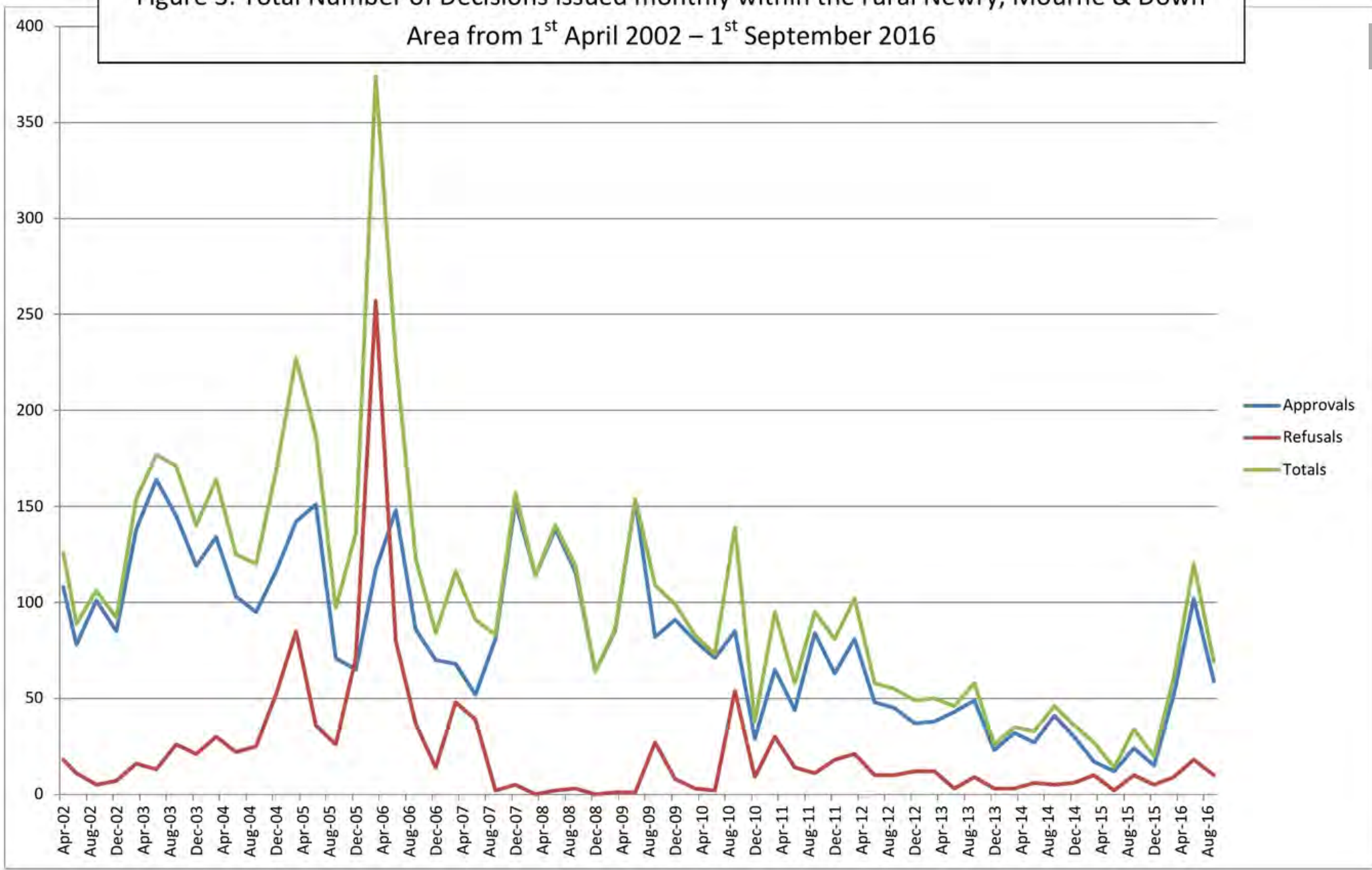


Figure 3: Total Number of Decisions issued monthly within the rural Newry, Mourne & Down Area from 1st April 2002 – 1st September 2016



6.0 Development Pressure Analysis within the District Electoral Areas

6.1 All rural single dwellings in the countryside applications i.e. approvals, refusals, withdrawals of Outline, Full and Reserved Matters applications have been identified through DfI statistics and plotted as a series of dot maps for the 7 District Electoral Areas (DEA's) which can be seen in Appendix 1. Applications which fall on the same site will show as one dot only at the scale displayed. To illustrate the impact of different policies from 2002 all applications refused have been shown as red dots, withdrawn applications as green dots, approvals prior to 2010 have been shown indicated in blue while all approvals following this date have been shown in yellow. Figure 4 is a district wide map identifying all approved single dwellings in the countryside since the implementation of PPS21 in 2010.

6.2 The statistics have been cleansed to ensure decisions issued in relation to household extensions have been removed and are not included in this analysis.

Table 4 Breakdown of dwellings in the countryside approved within each DEA from Jan 2002 to December 2009

DEA	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Totals
Crotlieve	263	322	255	276	189	279	266	230	2080
Downpatrick	113	119	108	98	87	70	58	78	731
Newry	74	56	62	51	63	67	54	57	484
Rowallane	64	79	54	75	60	35	49	88	504
Slieve Croob	308	344	267	218	245	193	183	175	1933
Slieve Gullion	416	434	497	407	240	445	324	243	3006
The Mournes	206	252	221	221	136	232	231	198	1697
Totals	1444	1606	1464	1346	1020	1321	1165	1069	10435

Table 5 Breakdown of dwellings in the countryside approved within each DEA from January 2010 to September 2016

DEA	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	TOTALS
Crotlieve	156	139	122	85	83	63	76	724
Downpatrick	40	47	45	37	36	25	18	248
Newry	33	41	29	25	30	13	17	188
Rowallane	49	55	63	61	49	48	39	364
Slieve Croob	116	105	85	79	55	49	66	555
Slieve Gullion	175	203	142	77	93	59	78	827
The Mournes	132	121	113	81	77	52	88	664
Totals	701	711	599	445	423	309	382	3570

6.3 On analysing Tables 4 and 5 it appears evident that from 2002, the start of the review period, the highest percentage of rural dwellings have been located within the Slieve Gullion DEA followed by Crotlieve DEA. It is also apparent that from the implementation of PPS21 there has been a downwards trend in the number of rural

dwelling applications within the District as a whole however Slieve Gullion still represents 23% of the total number of planning applications followed closely by Crotlieve with 20%.

6.4 Within the Slieve Gullion DEA a higher number of dwellings appear to be located within the central and southern sections of the DEA. This area accommodates a high number of small settlements and villages along with the town of Crossmaglen. High volumes of single dwellings are concentrated around these settlements and the inter-connecting road network. Within this DEA the area which contains the Slieve Gullion AONB also appears to have a greater concentration of rural dwellings approved than the lands to the north.

6.5 Crotlieve DEA has remained the 2nd busiest electoral area within the District over the reporting period for rural dwellings approvals. Within 2002 to 2009, 2080 applications were approved within the area while from 2010 to September 2016, 724 applications were approved. Although this marks a substantial reduction (1356) in approvals it can be seen that approximately 20% of the Districts total rural dwellings have been located consistently within this DEA from 2002. Within the DEA there appears to be a concentration of approvals through the middle section of the area, stretching across the Derrylecky and Hilltown wards with another notable cluster in the northern portion of the Mayobridge ward. The southern portion of the DEA remains the least developed which corresponds with a both a section of the Mourne AONB.

6.6 The 3rd most popular DEA for rural dwellings is The Mournes which accounts for 19%. As the overall map and the individual DEA map indicate development within this DEA is separated by the high Mournes with significant pressure being seen along both the coastal section of this DEA and the Mourne foothills to the north despite the added protection of being located within an AONB.

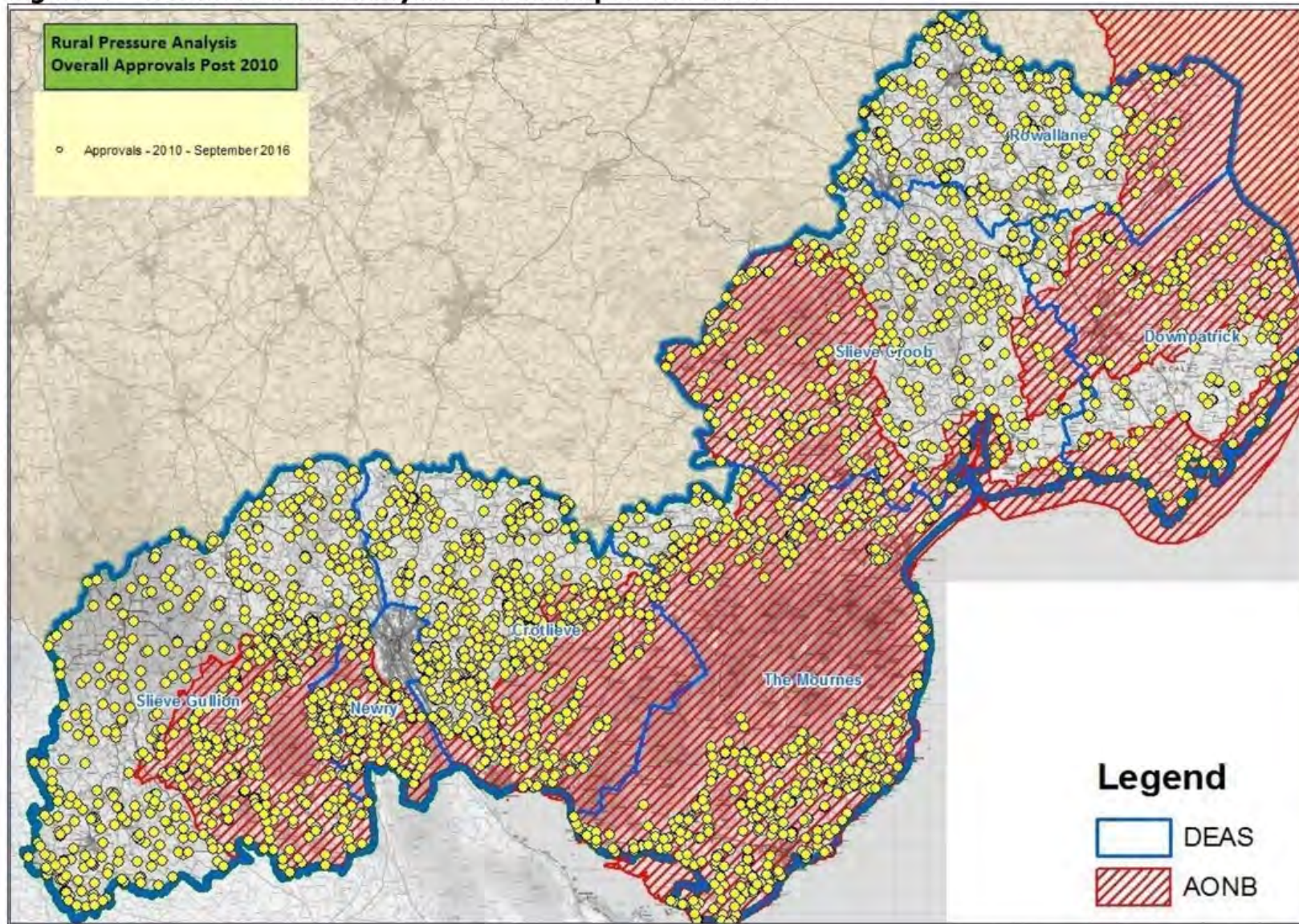
6.7 Slieve Croob DEA has seen a downwards trend in the number of rural dwelling applications being issued as approvals. Within the period 2002 to the end of 2009, 1933 applications were approved within the Slieve Croob DEA equating to approximately 29% of the Districts rural approvals with this figure reducing to 555 approvals or 16% since 2010 which makes it the 4th busiest DEA in terms of rural approvals.

6.8 Within Tables 4 & 5 it can be seen that Newry DEA has consistently had the lowest number of approvals which continues to move in a downwards trend. These tables indicate that Newry DEA equated to just under 5% of the rural dwelling approval between 2002 and 2009 having 484 rural dwelling approvals while during the period 2010 to September 2016 only 188 rural dwellings have been approved. Even when factoring in these lower approval ratings there does appear to be a clustering of dwellings approved to the south of Newry (Figure 4). These lower approval ratings within this DEA are as a consequence of a significant portion of this DEA incorporating the settlement of Newry and the smaller overall area of this DEA in comparison to the other 6 DEAs within the District.

6.9 Downpatrick DEA has experienced a sizeable reduction in the number of applications from 2002 to the present day. Within the period 2002 to 2009 this DEA approved 731 rural dwelling applications while from 2010 and the introduction PPS21 the numbers dropped to 248. As with the Newry DEA part of the reasoning for this centres around the fact that a large portion of this DEA is located within an urban setting and the overall scale of this DEA in comparison to all others within the District alongside the more rigorous policy tests applied and detailed within PPS21. This reduction in applications numbers has moved this DEA from 5th in terms of rural approvals to 6th within the District.

6.10 With regards to the Rowallane DEA although the number of rural dwelling applications has fallen from 504 to 354 within the reporting period the overall percentage of applications within this DEA has increased from just under 5% of the Districts total in 2002 – 2009 to 10% in 2010 – 2016 which has subsequently moved Rowallane DEA from 6th to 5th within the District.

Figure 4 – Rural Pressure Analysis Overall map of the District



7.0 Analysis of Wind Energy Development

7.1 Increasing the use of renewable energies was detailed as an objective within the Regional Development Strategy (RDS) for Northern Ireland 2035. The RDS refers to the Strategic Energy Framework for Northern Ireland (DETI 2010) which sets targets of 40% electricity consumption from renewable sources as well as achieving 10% penetration of renewable heat by 2020.

7.2 NISRA indicated the number of planning decisions for single wind turbines and wind farm applications issued from 2002 to 2014.

7.3 Prior to the publication of PPS18 Renewable Energy and the best practice guide entitled 'Wind Energy Development in Northern Ireland's Landscapes', applications for wind energy development were primarily assessed under the Planning Strategy for Rural Northern Ireland and in-particular Policy PSU 12. However, following a change in direction in all Government policy as outlined above a more permissive renewable energy policy was introduced through PPS18. This together with a number of government subsidy schemes which were being rolled out explains the sharp increase in applications and approvals for wind energy development. It was therefore apparent that increasing numbers of renewable energy applications would be submitted, but that their approval would only be granted where they were appropriately sited to ensure they have a minimal impact on the surrounding environment.

7.4 Table 6 shows all decided wind turbine applications from 2002 to 2014. All decisions have been identified and plotted as a 'dot map' (Figure 6) with applications which fall on the same site been shown as one dot. The accompanying graph (Figure 5) indicates a sharp increase in both the number of wind turbine applications and the approval rating since the introduction of PPS 18. Decisions reached a peak in 2008 with 90 wind turbine applications being issued with 90% of these being approved. In the following years the number of proposals fluctuated but the approval ratings remained high at approximately 74% between 2009 and 2013. These percentages are however not unexpected considering the Government's aim to meet the European targets through the promotion of renewable energy.

7.5 As outlined in Paper 9: Public Utilities and Paper 12 (Part 1): Countryside Landscape Character Assessment consideration must be given as to whether specific areas within the District should be zoned specifically for turbine development which would help to eradicate the piecemeal development which is currently found in some sections of the District. A more detailed analysis of the location and numbers of wind turbine application has been provided within Paper 12 (Part 1) but the following graph, table and map give an indication into the numbers of applications submitted and the areas in which they are concentrated,

Figure 5: Planning Applications for wind energy development in Newry, Mourne & Down 2002 - 2015

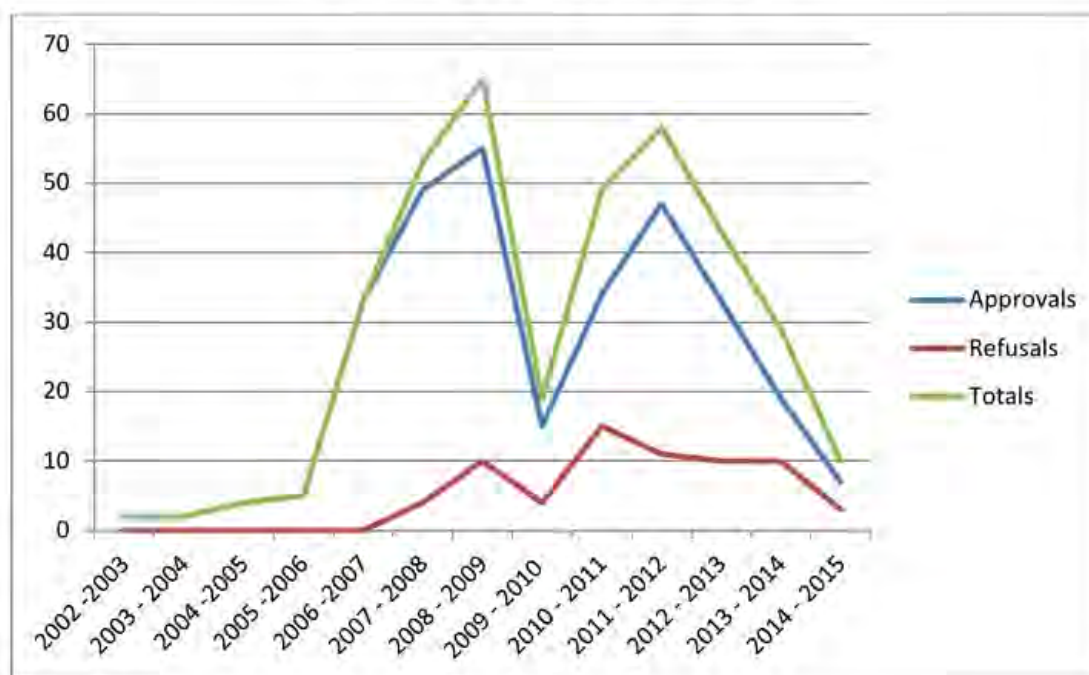
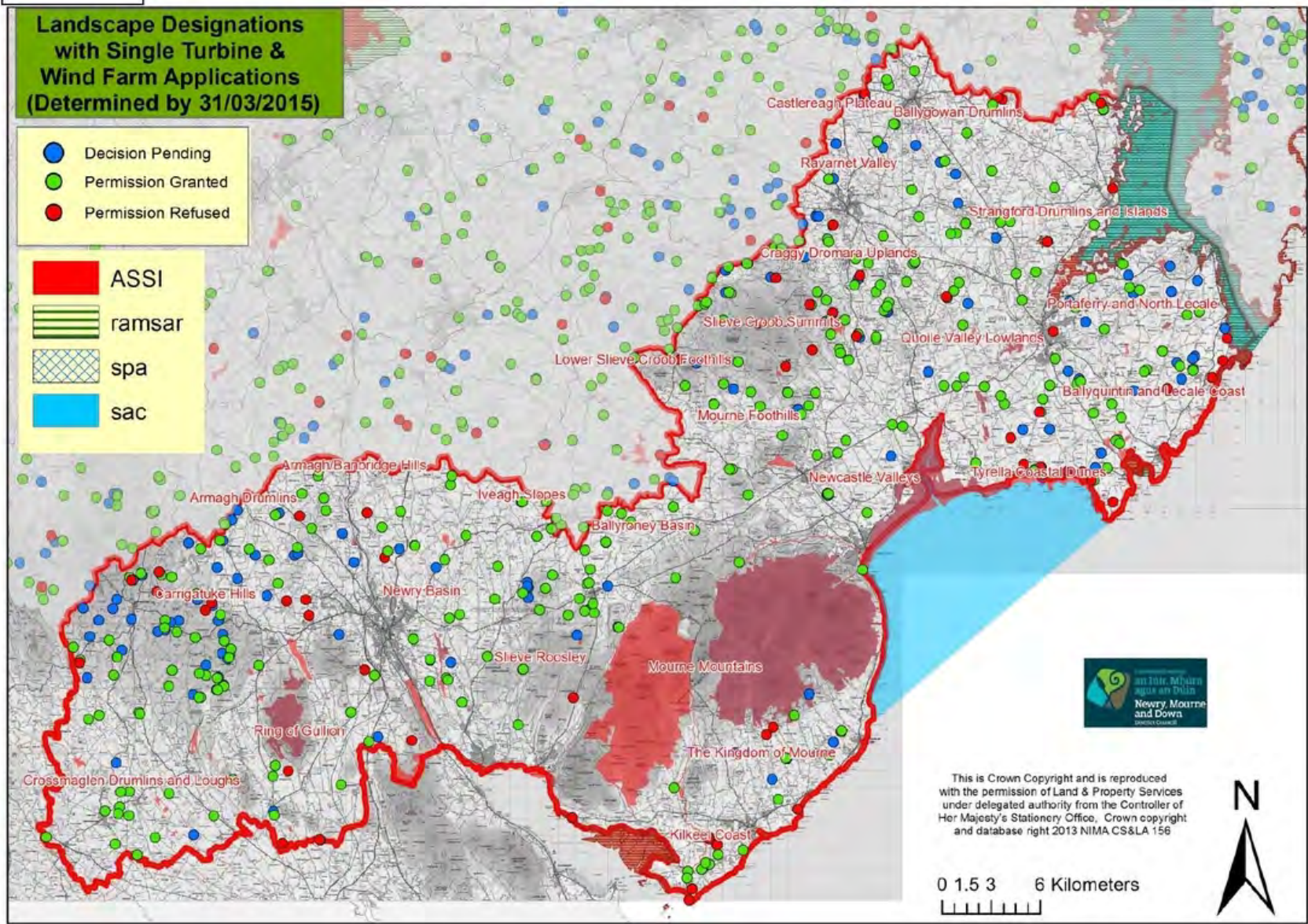


Table 6: Planning Decisions (Approvals & Refusals) for single wind turbines/wind farms in Newry, Mourne & Down District Council

Year	Approvals	Refusals	Totals
2002	2	0	2
2003	2	0	2
2004	4	0	4
2005	5	0	5
2006	33	0	33
2007	49	4	53
2008	55	10	65
2009	15	4	19
2010	34	15	49
2011	47	11	58
2012	33	10	43
2013	19	10	29
2014	7	3	10
Totals	305	67	372

Planning Applications for wind energy development in Newry, Mourne & Down 2002 - 2014

Figure 6



8.0 Conclusions

8.1 It is evident that from the available statistics that the rate of rural housing approvals under PPS21 is notably reduced when compared to approvals under historical rural planning policies albeit with some areas of the District experiencing additional pressures to others. When assessing these figures it must also be taken into consideration the role that the economic recession resulted in a downturn in the number of applications submitted to the DOE.

8.2 In formulating any new or revised policies, the new LDP must therefore reflect the differences in the landscape across the District to enable future development, allow rural communities to remain sustainable, offer protection to our valued landscapes. Policies within the LDP must also be consistent with both the RDS and SPPS in relation to providing the majority of all development towards our city, towns, villages and small settlements to ensure that the LDP is found to be 'sound' at the Public Examination.

8.3 One of the key aims of the new LDP will therefore be to balance development while protecting the Districts most vulnerable landscapes. It is evident from the analysis carried out within this paper that with regard to one off houses in the countryside there is evidence that there is substantial pressure across lands sections of the District. This suggests that both PPS18 and PPS21 have not been wholly effective in maintaining and protecting the rural character of the District.

8.4 As the analysis and statistics suggest there are areas within the District that are under more pressure than others. Figure 4 shows pockets of additional pressure in the southern section of The Mourne DEA, the rural southern section of the Newry DEA and the western section and south eastern portion of the Crotlieve DEA. It should also be noted that all other DEAs have areas of concentrated development which generally appear to correspond with the road networks within these areas. Given that certain areas within the District have sensitive and scenic landscapes which contains a high number of environmental designations it may therefore be appropriate to introduce additional protection in certain localities.

8.5 It is also accepted that the cumulative impact of one off dwellings within other sections of the Districts landscape may have been offset by its greater capacity to absorb higher levels of development. This higher level of pressure reflects the strong vibrant rural community that exists in this District. This will be further considered as part of the LDP process.

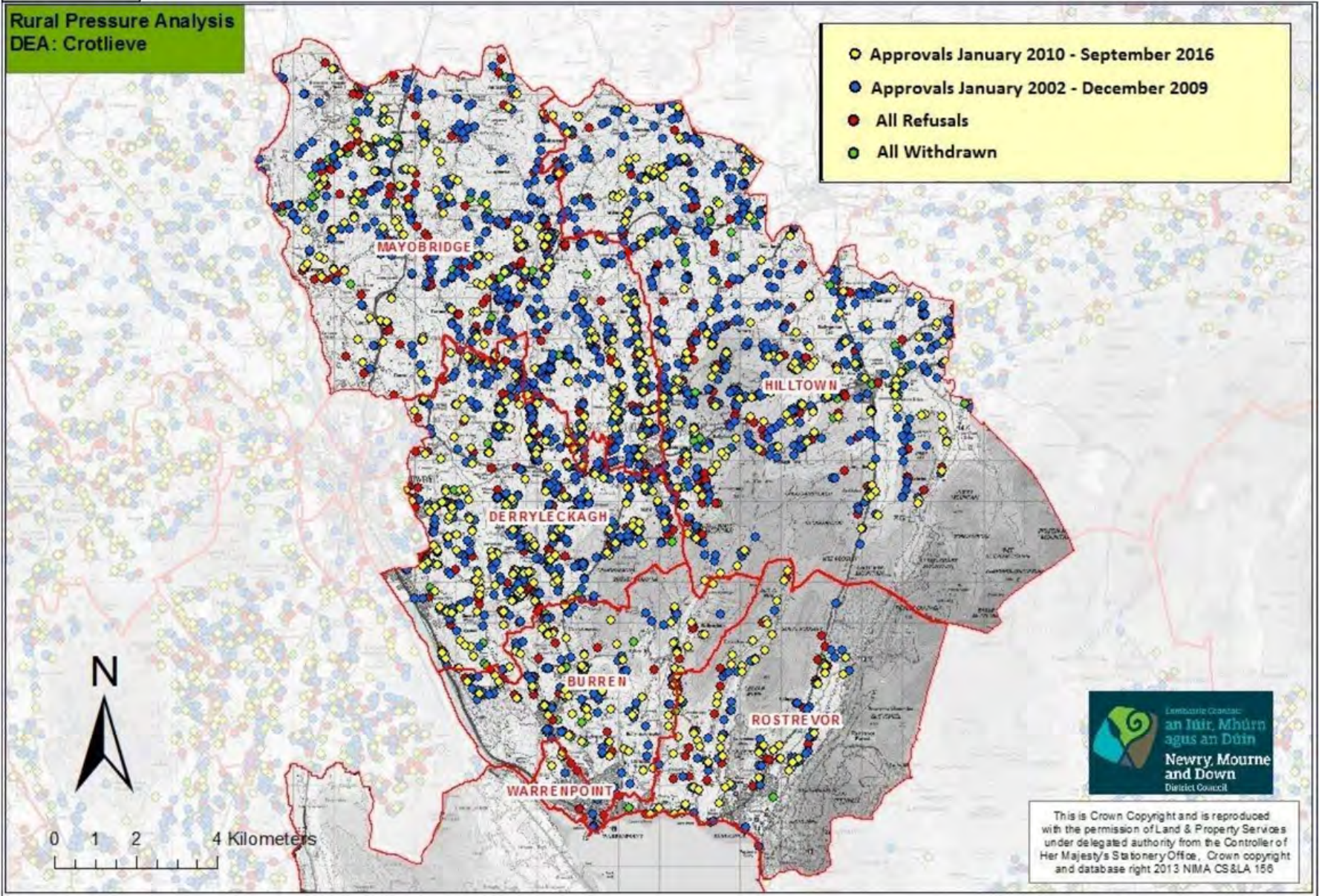
8.6 Whilst the number of decision relating to renewal energy projects have increased over recent years there has been a general downward trend in the number of wind energy applications being received. The reduction in this type of planning application may be linked to factors outside the remit of planning and in-particular the uncertainties regarding obtaining connections to the network infrastructure, operating incentives and the costs related to installing the appropriate technology.

8.7 The process of planning and local government reform has provided an opportunity for a stronger local dimension to rural planning policy. The new LDP process has afforded Councils the responsibility of bringing forward bespoke policies that are more finely tailored to local circumstances in their area, in line with prevailing regional planning policy. This includes, managing growth to achieve sustainable development that meets the essential needs of a vibrant rural community, and facilitating the development necessary to achieve a sustainable rural economy.

8.8 This paper will be taken into account in the consideration of strategy options and the formulation of countryside policies within the LDP.

Figure 7

**Rural Pressure Analysis
DEA: Crotlieve**



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Figure 8

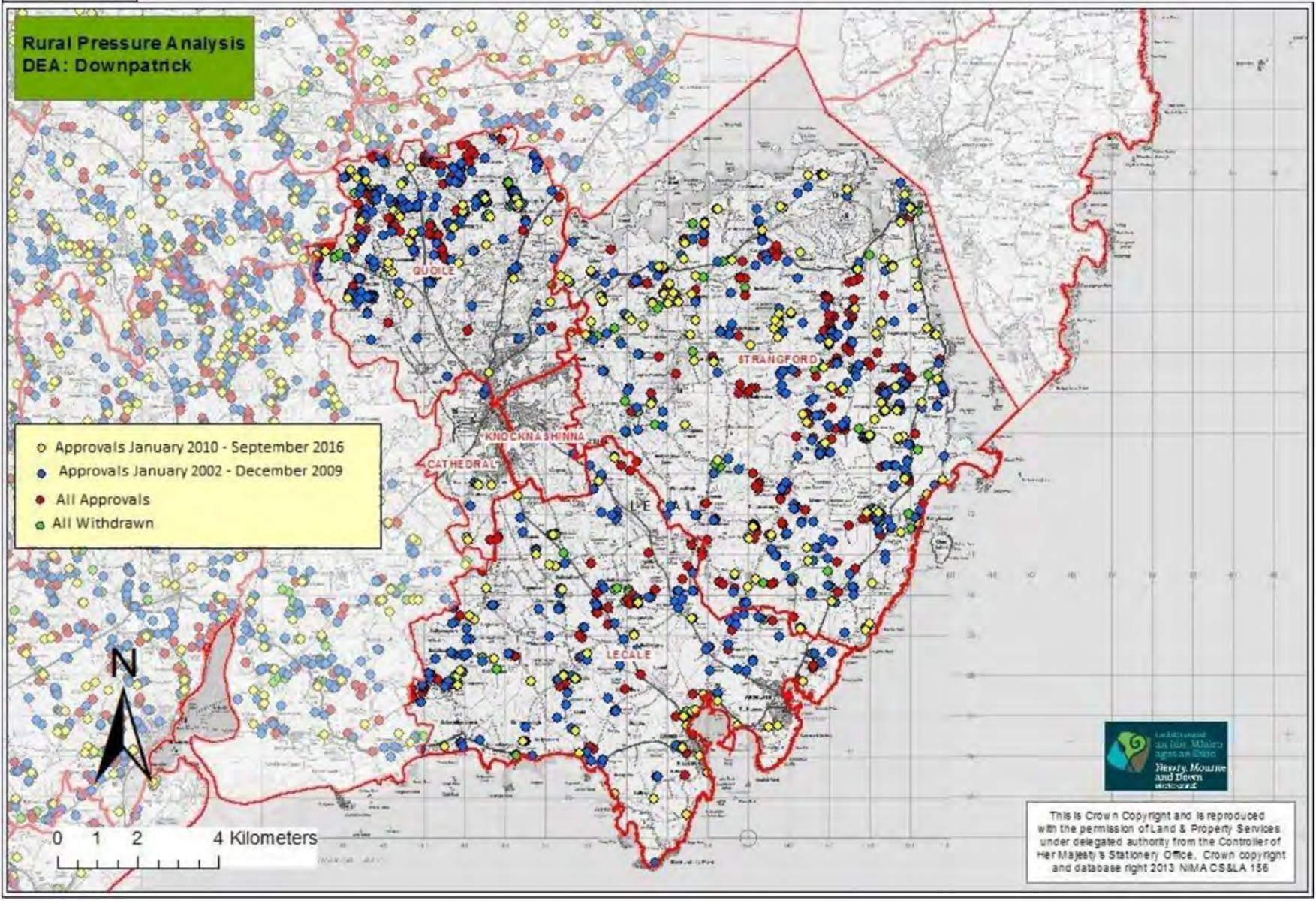


Figure 9

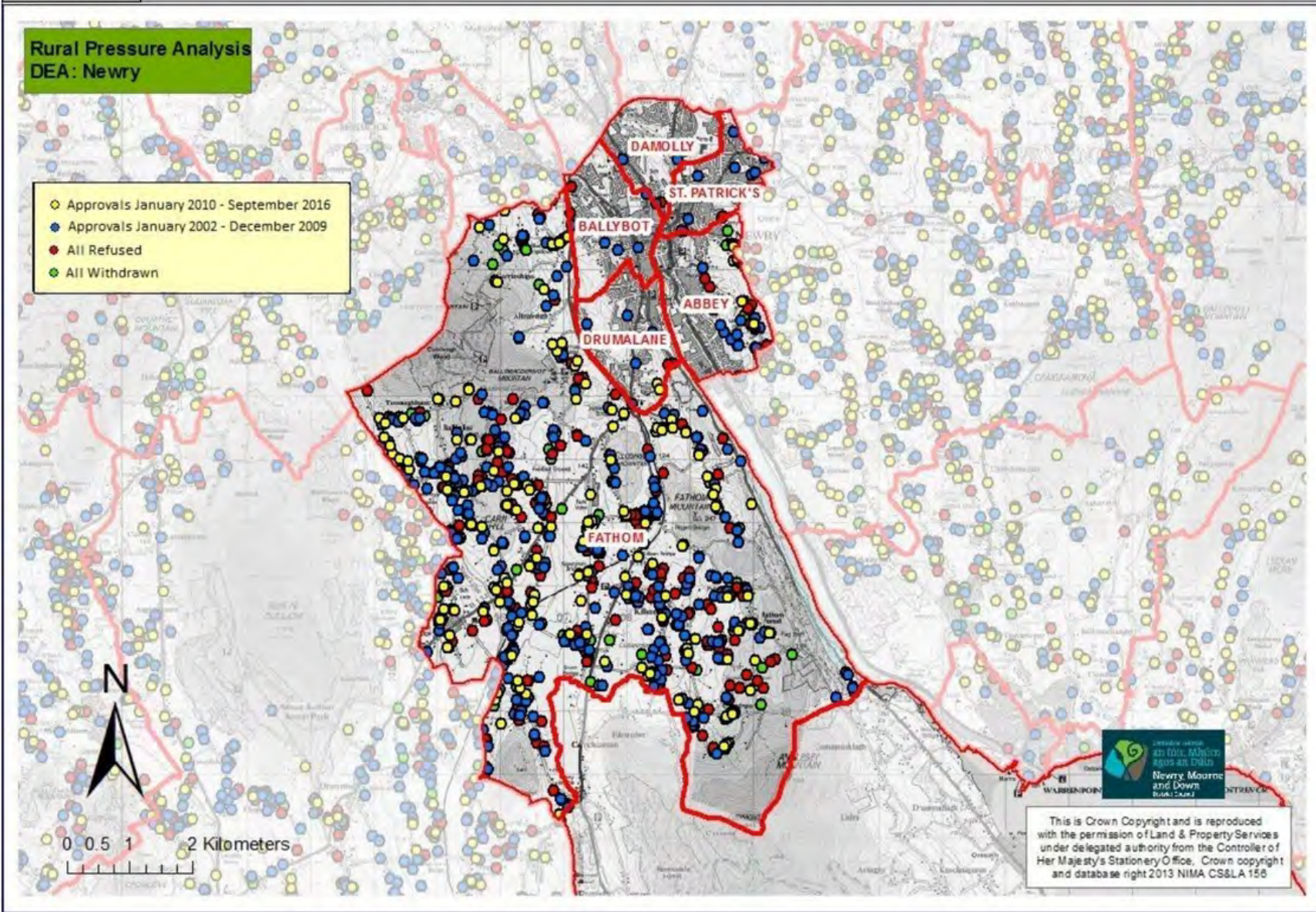


Figure 10

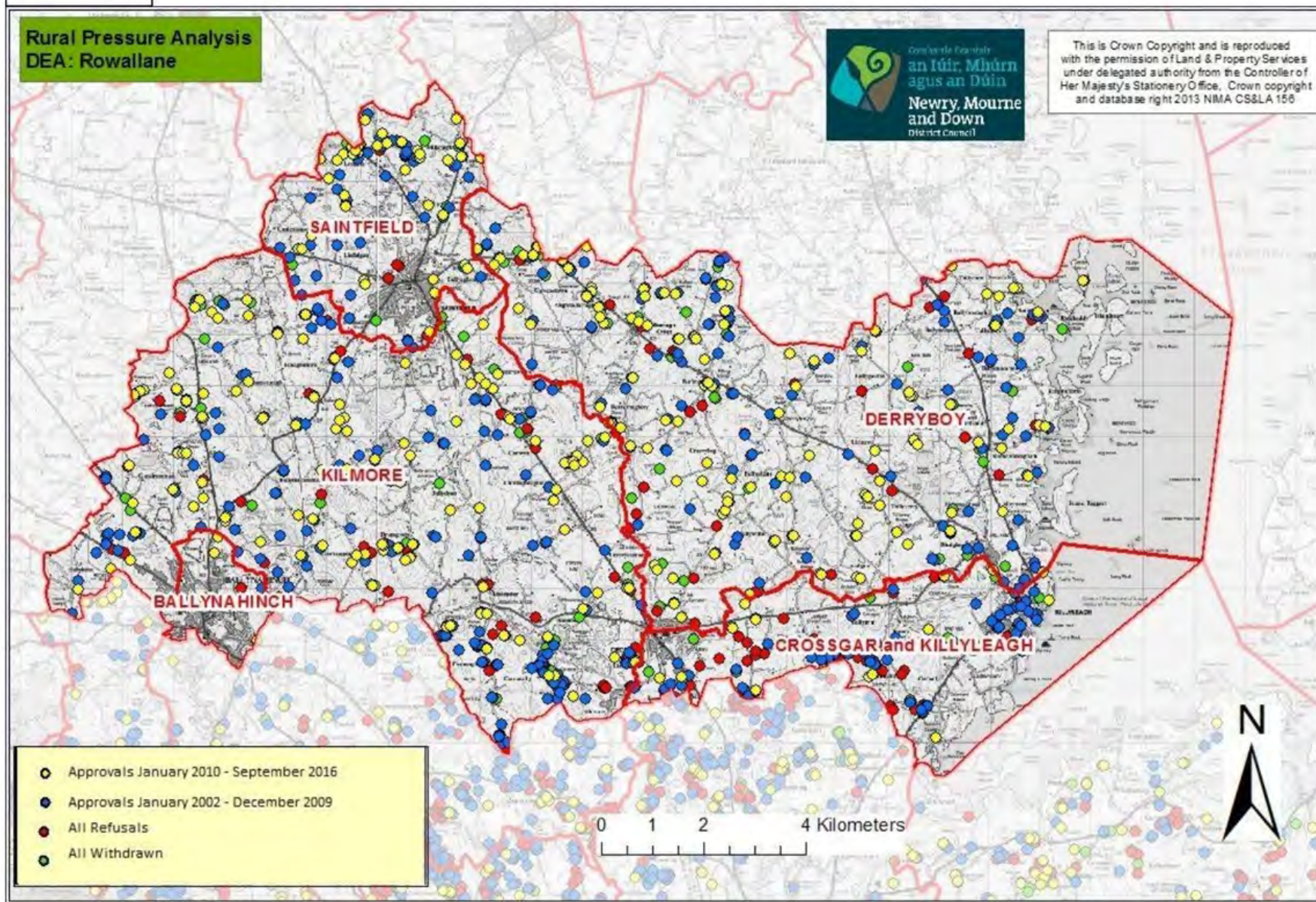


Figure 11

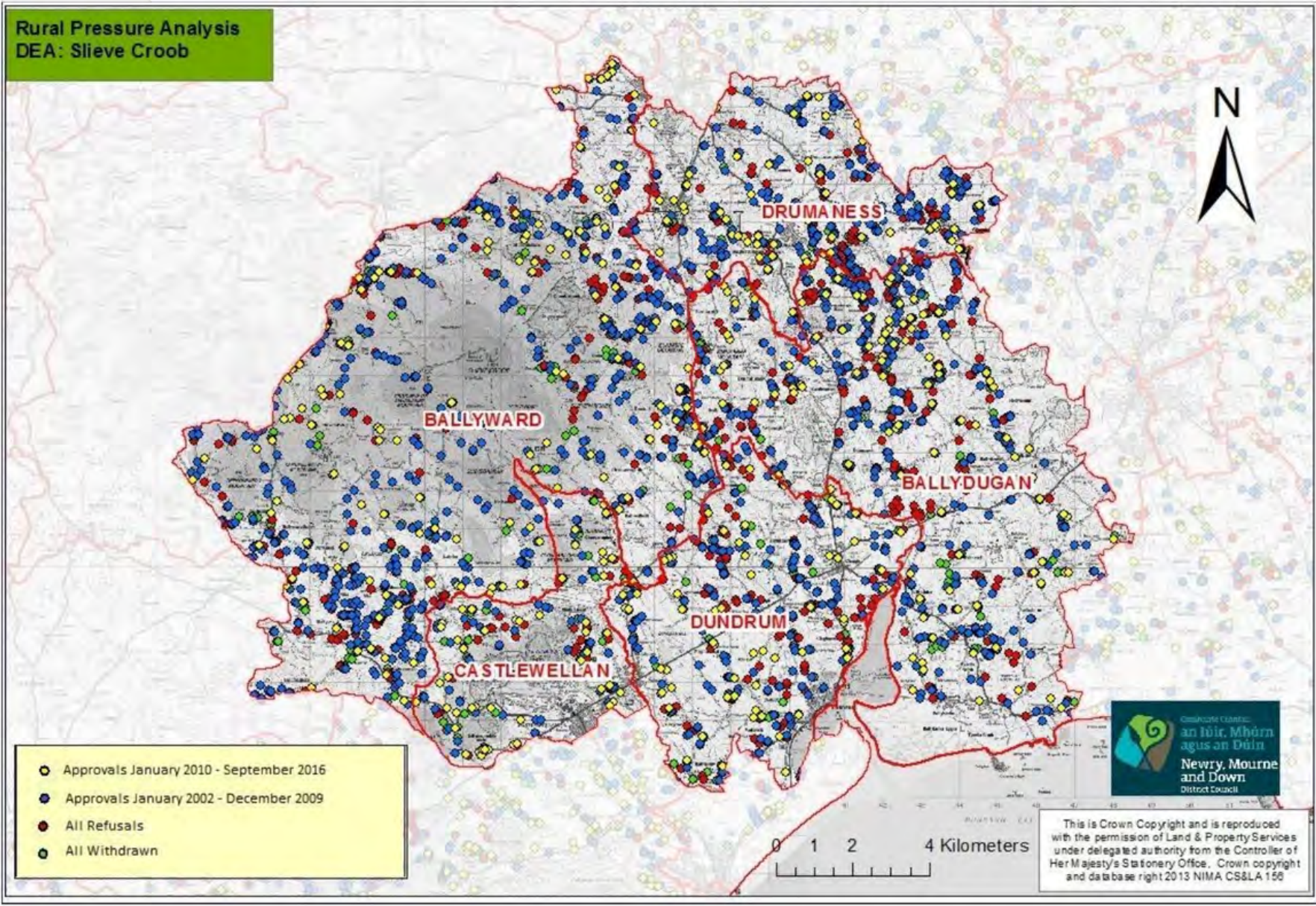


Figure 12

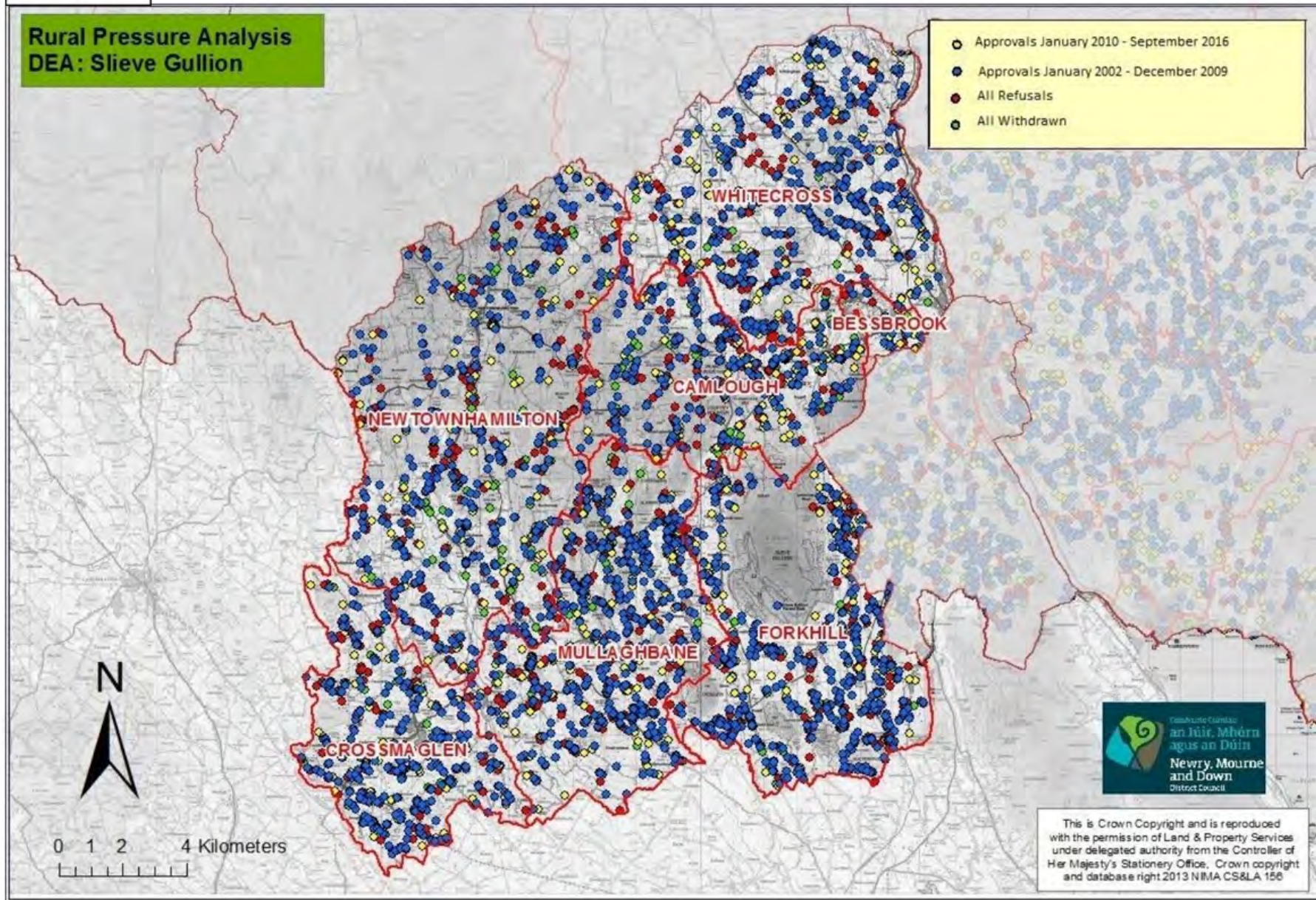


Figure 13

