

<b>ITEM NO</b>	<b>4</b>			
<b>APPLIC NO</b>	LA07/2015/0461/O	Outline	<b>DATE VALID</b>	11/06/2015
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	John Mackin 26 Drumreagh Park Rostrevor BT34 3DU		<b>AGENT</b>	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY 02841753679

**LOCATION** 72 Ballyvalley Road  
Mayobridge  
**PROPOSAL** Proposed replacement dwelling

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	0	0	0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballyvalley Road.
- 3 The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed off site replacement dwelling would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape; the proposed dwelling relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape; the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 5 The proposal is contrary to the SPPS and Policy NH6 (criteria a) of Planning Policy Statement 2 Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting which does not respect the distinctive character and landscape quality of the locality.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0461/O

**Date Received:** 11<sup>th</sup> June 2015

**Proposal:** Replacement dwelling and garage

**Location:** 72 Ballyvalley Road, Mayobridge

**Site Characteristics & Area Characteristics:**

The site occupies a roadside location within rural countryside between the small settlements of Mayobridge and Burren and within a designated AONB. The site contains the subject building proposed to be replaced which is of stone construction and white washed in places. To the rear the building is completely rendered. It has a dark blue/black slated roof, one glazed window opening with a further one bricked up. Two intact chimneys are still located on the ridge line. Two timber agricultural type doors are found on the front elevation and a large opening has been created towards the end of the dwelling and closed at the bottom by corrugated iron sheeting. The building is located within a farm complex surrounded by other farm buildings and plant. It occupies a roadside location with agricultural land to the side and rear which rises from the road towards the south east.

**Site History:**

P/1980/0233 – Proposed site for replacement bungalow – refused – reasons below:

*1 The structure to be replaced is an agricultural outbuilding and does not fall within the category of dwellings that can be replaced. This proposal therefore represents scattered development in an Area of Special Control contrary to the Department's rural planning policy.*

*2 The proposed site is elevated and development here would be unduly prominent in the landscape.*

**Planning Policies & Material Considerations:**

SPPS – Strategic Planning Policy Statement

PPS 2 – Natural Heritage – NH 6 – AONBs

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 replacement dwelling in accordance with CTY 3.

CTY 13 (Integration) CTY 14 (Rural Character) and CTY 16 (Development relying on non-mains sewerage) – the off-site element.

#### **Consultations:**

Transport NI – No objections in principle – subject to RS1 form compliance condition

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.

#### **Objections & Representations**

No neighbours adjacent therefore none notified. Advertised in 5 local papers on the 30<sup>th</sup> June 2015, 1<sup>st</sup> July 2015 and 3<sup>rd</sup> July 2015. No representations made.

#### **Consideration and Assessment:**

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 Burren. It also lies within a designated Area of Outstanding Natural Beauty (AONB). 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.

*Below: No.72 Ballyvally Road which is the subject building proposed to be replaced.*





There is previous planning history on the site for a replacement dwelling which was refused as the subject building was in use as an agricultural building and not a dwelling which therefore was contrary to policy at the time. However current policy contained within the SPPS and in more detail CTY 3, makes reference to 'dwellings' in the policy CTY 3 also including those buildings previously used as dwellings. In the case of this building, it does appear to exhibit some characteristics of a dwelling in terms of its linear form, chimneys on the ridge, blocked up window. However there are no windows or door openings to the rear which has been rendered from wall to wall. It may have a postal number as 72 Ballyvally Road on a map however there is no rating history for this building. It would appear that part of the building if not all is in agricultural use either for storage or housing some animals. A large opening has been created as well 2 small agricultural doors. At the time of the site inspection, the doors were padlocked therefore no internal inspection was able to take place.

*Below: Rear of no.72 Ballyvally Road subject to replacement.*

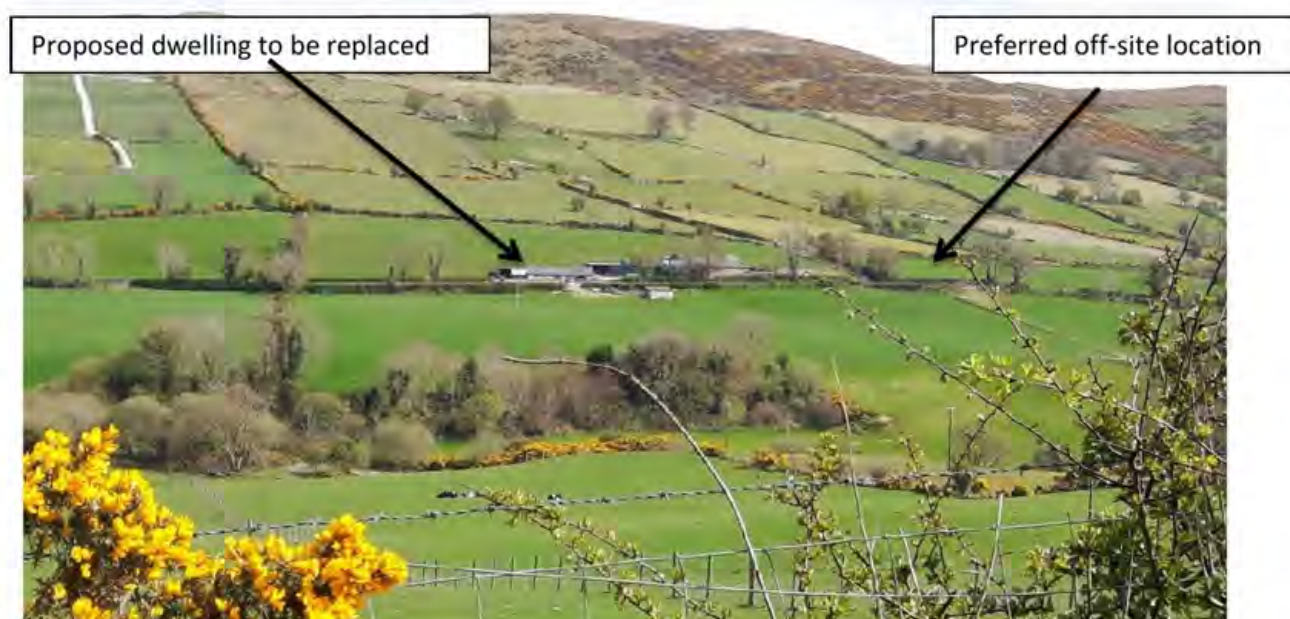


The applicant wishes to locate off-site to a green field 110m south east of the current location. No details have been provided outlining the reason for this. As stated above, the current dwelling is located within a small farm complex and in use for agricultural purposes with cows kept on site the day of the site visit. The proposed site highlighted by the agent in yellow on the site location map 01 has been chosen as the new dwelling will still cluster with the farm buildings. I would however disagree with this statement as the site is not close enough to cluster sensitively. The new site is roadside, elevated and once clearance for the required visibility splays has taken place, it will lack the long established natural boundaries to integrate the dwelling. The proposed site in terms of CTY 3, will encourage a visual impact significantly greater than the existing dwelling which although roadside is nestled within the farm complex.



The proposed site therefore would not be in compliance with CTY 3, nor CTY 13 in terms of prominence, lacking long established natural boundaries (integration) and will rely on new planting especially on the undefined and roadside boundaries. The proposed new site would also be in non-compliance with CTY 14 due to prominence and would encourage ribbon development. The creation of ribbon development through the proposal which is detrimental to the rural character would also be contrary to CTY 8 of PPS 21.

*Below: view of the proposed replacement dwelling, farm complex and preferred off-site location to the right side of the photograph from the Yellow Road.*



The application site (red line) however, as presented incorporates other land beside the existing building which may be more suitable as the building would be as close as possible to the existing location. The site is also located within an AONB and policy NH 6 of PPS 2 requires development proposals in these sensitive areas to be sensitive to the distinctive special character and the quality of the landscape, heritage and wildlife. The off-site replacement would however offend this criteria too as the siting is not sympathetic to the special character of the AONB in general and of the particular locality. The proposal would encourage ribbon development which is not a characteristic of this locality.

#### **Recommendation:**

Refer back to agent requesting the submission of new site location maps and removal of preferred off-site indication. Also the agent needs to provide further proof that the building on site is/was a dwelling house as the current structure and previous planning history do not assist with this claim. Any new siting will necessitate further consultation with Transport NI.

#### **Reconsideration:**

Additional information in the form of a short letter and photographs from the agent to substantiate his claim that the building is a dwelling/exhibits the essential characteristics were submitted. These images showed 3 rooms namely a kitchen

with units, cooker, table, chairs, kettle, kitchen dresser; a living room with a fire place, weights, bed and; a 3<sup>rd</sup> room with fireplace. A photo of an electric metre box above the entry door was also supplied.

The agent has not changed the proposed siting as the off-site field was chosen for health, safety and odour reasons due to the storage of farm materials and farm machinery on the working farm.

A further site inspection took place this time internally on 10<sup>th</sup> March 2017. There were 3 rooms inside the property, including a kitchen area, a bedroom room and a 3<sup>rd</sup> room with fireplace only. The kitchen includes a roughly installed kitchen with table and appliances and would appear to be in use by those working on the farm. The bedroom includes a single bed, chair, weights and a fireplace however, from the state of the bed and the room generally, it would not appear to be currently in use as such. The fireplace in this room is in good condition and unblocked. The fireplace in the 3<sup>rd</sup> room although also in good condition was blocked with twigs.

Although items may have been added to give the impression of a dwelling house internally and externally such as works to the front façade including the insertion of a window frame (March 2011) to a previously blocked up opening (January 2009 - both google street view images), it would be fair to say that this building has not been inhabited as a dwelling in a very long time and given the previous history on the site it is more probable that it has been used as an agricultural building. However; current policy only requires the minimum characteristics to be evident and given that all external walls are intact, the linear form, intact walls, the chimneys and 3 internal rooms, I am satisfied that at some stage this building was a dwelling house and therefore is compliant with this part of CTY 3 in meeting the minimum requirements.

The reasons for choosing the offsite replacement are not considered paramount in setting aside planning policy. This application is for a replacement beside a small farm which is within the control of the applicant and by adhering to basic health and safety rules and regulations, this should alleviate any issues regarding smell, odours, noise etc.

The reasons for refusal under CTY8, CTY 13 and CTY 14 of PPS 21 and NH 2 of PPS 2 however still apply. The proposal is also contrary to the off-site element of CTY 3. As it stands the current building sits nestled within a farm complex and any replacement dwelling should be sited close to the existing location.

#### **Refusal Reasons/ Conditions:**

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
2. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the



proposal would, if permitted, result in the creation of ribbon development along Ballyvalley Road.

3. The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed off site replacement dwelling would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape; the proposed dwelling relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape; the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
5. The proposal is contrary to the SPPS and Policy NH6 (criteria a) of Planning Policy Statement 2 Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting which does not respect the distinctive character and landscape quality of the locality.

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

**Speaking rights request for Planning application LA07/2015/0461 – site for replacement dwelling at 72 Ballyvalley Road, Mayobridge.**

Planning application LA07/2015/0461 is being presented to the Planning Committee meeting of May 2017 as a refusal for the following reasons;

**1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.**

**2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballyvalley Road.**

**3 The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed off site replacement dwelling would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape; the proposed dwelling relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.**

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

**5 The proposal is contrary to the SPPS and Policy NH6 (criteria a) of Planning Policy Statement 2 Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting which does not respect the distinctive character and landscape quality of the locality.**

#### **Submission**

- The building to be replaced has been accepted as meeting the requirements of a replacement dwelling and the case officer in her professional report has accepted the principle of the off site replacement particularly as in their consultation reply Public



Health have recommended that the proposed dwelling should be sited at least 75metres away from the farm because of noise and odour. The proposed siting is 110 metres from the farm and therefore outside this exclusion area and it would also be unreasonable to locate a dwelling within an active farm yard.

- The case officer in her report has also accepted that the chosen site clusters with the farm buildings but does not cluster sensitively. We would challenge this view. The site is located within the next field immediately adjacent to the farm, lies at the same level as the farm buildings and the dwelling will be sited sensitively to read with the grouping. There is also a clear visual linkage with the farm grouping and an established boundary of trees and hedging to the north of the proposed site.

Photograph A below



- Photograph A
- The proposal if approved would also not create an infill opportunity as they land between the proposal and the farm buildings is the farm yard. Any proposal to develop this part of the farm yard, photograph B below would be located within the 75-metre exclusion zone recommended by Public Health and would therefore merit a refusal.





- 
- Photograph B
- The proposal if approved would also not lead to a prominent site or have a negative impact on the character of the AONB. The site is located adjacent to the farm yard area and the dwelling being replaced if approved would be a modest single storey dwelling similar to the dwelling being replaced. It would be sited sensitively within the site to make use of the existing established boundary to the north and a access point adjacent to the north side of the site would result in minor removal of the existing trees and hedging along the road. The proposed finished floor level would be approximately 1.5 M over road level to expel any concern about prominence.
- Traditional local materials would be used in the construction of the dwelling and the design would respect the local heritage of the area and would be modest, rural in character and similar to the built form in the AONB. The design, scale and form of the proposed dwelling can be dealt with at the Reserved Matters stage and can be conditioned at this application.
- It is accepted that part of the roadside vegetation will be removed to facilitate the required visibility splays but this is normal practice on most planning applications in the countryside. The required splay is 2.4m x 70m and not all vegetation will be removed. However as is normal all vegetation that is removed will be replaced behind the new visibility splay and will be traditional, natural species and can be condition to



be planted in the first planting season after construction has begun. Any vegetation within the site can also be conditioned and will be of species that are similar to the locality.

- The field to the north of the existing dwelling is a more open field and would provide little integration for any proposed dwelling .

### Summary

- **The dwelling to be replaced has been accepted as replacement category.**
- **The proposed replacement has to be at least 75m from the farm because of Public Health recommendation (proposed siting is 110m)**
- **The development would not lead to ribbon development because of the Public Health recommendation.**
- **Proposed dwelling would be single storey, low elevation and of a simple rural design using local traditional materials.**
- **The finished floor level will be reduced but not excessively and the new house will be at approximately the same level as the existing farm buildings and the dwelling to be replaced.**
- **All roadside vegetation removed to provide visibility will be replaced in the 1<sup>st</sup> available planting season and will be of traditional species or as agreed by the Council. This is a normal process in most rural residential schemes.**
- **The form, siting, design, height and planting of the scheme can be conditioned by the Council and ratified at the Reserved Matters stage.**

99169

49821



Proposed replacement dwelling  
east of No 72 Ballyvalley Road, Mayobridge

LA07/2015/0461/0

Cole partnership  
architecture & project managment  
12 a Duke Street,  
Warrenpoint  
02841753679

scale 1 : 2500





<b>ITEM NO</b>	<b>5</b>			
<b>APPLIC NO</b>	LA07/2015/0527/O	Outline	<b>DATE VALID</b>	26/06/2015
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Mr & Mrs P Smyth 61B Sabbath Hill Ballymartin BT34 4UR		<b>AGENT</b>	
<b>LOCATION</b>	61B Sabbath Hill Ballymartin BT34 4UR			NA
<b>PROPOSAL</b>	Erection of a dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0527/O

**Date Received:** 26<sup>th</sup> June 2015

**Proposal:** Erection of a dwelling and garage

**Location:** 61B Sabbath Hill, Ballymartin, BT34 4UR  
The site is located approximately 1 mile NW of the small settlement of Longstone.

**Site Characteristics & Area Characteristics:**

The site is accessed via a short laneway from Sabbath Hill that serves several dwellings. The site outlined in red includes the laneway and visibility splays, part of an agricultural field and a double mobile type building of temporary construction where the applicant presently lives. There is no planning permission for this building. It is finished with white PVC sheeting and has a flat roof. The application states that the building was brought onto the site in two sections in March 2008, and that an extension was constructed in May/June 2009. Field boundaries consist of traditional Mourne Granite dry stone walls and some fencing.



Existing building of temporary construction (No. 61B)



Field to rear of dwelling



Access from Sabbath Hill (site is behind No. 59)

The site is located in a rural area approximately 1 mile NE of Longstone. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015 and within a Site of Local Nature Conservation Importance 156 (Ballymartin Moraine) and the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The area is rural in nature, but has experienced some development pressure for single dwellings. Most dwellings in the area are 1½ or two storey.



**Site History:**

There have been no previous planning applications on this particular site.

**Planning Policies & Material Considerations:**

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

**Consultations:**

TransportNI – No objections in principle subject to the provision of visibility splays with an x-distance of 2 metres.

NI Water – Standard informatives.

Environmental Health – No objections in principle. Consent to Discharge will be required.

DAERA – Farm business established for more than 6 years but does not claim SFP.

NIEA – Standard advice on sewerage & drainage.

**Objections & Representations**

The initial application for a replacement dwelling was advertised in the *Mourne Observer* on 15<sup>th</sup> July 2015 and five neighbouring dwellings were notified of the proposal on 24<sup>th</sup> July 2015. The amended application for erection of a dwelling and garage was advertised on 5<sup>th</sup> April 2017 and the neighbours were notified on 24<sup>th</sup> March 2017. No third party objections or representations were received.

**Consideration and Assessment:**

The main issues to be considered are the principle of the development, integration and rural character, road safety and impacts on amenity.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within a Site of Local Nature Conservation Importance 156 (Ballymartin Moraine) and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Appendix 1D of the Plan's Countryside Assessment states that the SLNCl is designated for its geological features as a glacial landform. The erection of a house on the site is unlikely to have a significant effect on the underlying geology so no further consultation with regard to the SLNCl is required. There are no specific policies in the Plan that are relevant to the determination of the application and it

directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Policy CTY1 of PPS21 sets out six circumstances where a new dwelling in the countryside may be acceptable. The application was initially made as a replacement dwelling under policy CTY3. It was proposed to replace the mobile structure. While it is likely that this structure has been present for more than five years and therefore immune from enforcement action, it was considered to be of temporary construction and therefore not eligible for replacement under this policy. The applicant then sought permission for a dwelling on a farm under policy CTY10 and submitted details of a farm business in the name of Mr Gerald McAlinden, of which this land is a part. DAERA was consulted and advised that this farm business had been established for more than 6 years, but did not claim DAERA support, the main means used to determine whether the farm is active. The applicant submitted other information to seek to demonstrate active farming over the required period including records of sheep on the holding. However, it was not found necessary to assess this information in detail as the development proposal was found to meet a different exception in policy CTY1 where development in the countryside is acceptable: the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. As the proposal is only required to meet one of the exceptions, the farm business information can therefore be set aside.

As there is no significant change to the policy requirements for infill dwellings 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 application in accordance with paragraph 1.12 of the SPPS. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *"an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements"*. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. For the purposes of this policy, a road frontage includes a footpath or private lane, as in this case.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

This approach will be followed below.

The private laneway runs from south to north and has buildings to both sides. For this proposal, those on the eastern side of the laneway are critical. No. 61B (the



mobile) is not eligible as it is unauthorised and there is no CLUD in place demonstrating its lawfulness. However, there are still 3 established buildings with frontage onto the lane: No. 59 to the south (a two storey dwelling which is accessed from the lane and whose gable adjoins it), an outbuilding immediately north of the site which is used for agricultural purposes (this is believed to have been in place for around 40 years), and No. 61A (a 1½ storey dwelling further north which is also accessed from the lane and fronts onto it). These three buildings constitute a substantial and continuously built up frontage and therefore the first test is met.

The second question of whether this is a small gap is related to the issue of plot size under the third test. The gap between the shed and No. 59 is 48 metres. The average width of each plot fronting the lane is 25 metres. Therefore the gap is almost exactly the right size to accommodate 2 dwellings based on established plot sizes. A new dwelling in this more northern of the two plots in the small gap is therefore in compliance with policy CTY8 and in keeping with the character of the area.



The proposed site also meets the development pattern criteria:

- **SIZE & SCALE** – Existing buildings in this frontage are of a range of sizes. The two storey dwelling to the south will screen the development from most public views, however, as the site is on higher land, a ridge restriction of 6.5m from FFL is considered necessary. This will be similar to No. 61A further north. This would ensure that the development was in keeping with the character of the area.
- **SITING** – The dwelling will have to be sited just behind the existing mobile as it is presently lived in by the applicant's family. This will be broadly in keeping with the established building line. Due to the small size of the site, there is no need for a siting or curtilage restriction. The new dwelling could harm residential amenity if the mobile structure remained adjacent to it. Therefore, while the approval is not for a replacement dwelling as such, it is necessary to impose a condition requiring demolition and removal of the unauthorised structure within 6 weeks of the occupation of the new dwelling, in the interests of residential amenity.
- **PLOT SIZE** – The plot width of 25 metres is in keeping with the established development pattern as shown above. The depth of the plot is also similar to the three established buildings.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."* These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

The site sits within an established cluster of development and in the main public views from Sabbath Hill to the south, it will be screened by the larger 2 storey dwelling to the south. With a 6.5m ridge restriction as discussed above, and with the backdrop of rising land to the rear and some new planting to define the curtilage, the new dwelling should integrate satisfactorily and should not harm rural character by reason of build-up. The proposal is in keeping with the established settlement pattern of the area (clustered in a farm group). The provision of a landscaping scheme at reserved matters stage should be conditioned. The detailed design will be assessed at reserved matters stage.

In summary, this is a valid infill opportunity as it is in a small gap in a built-up frontage and the proposal respects the development pattern criteria and other environmental requirements. The proposal is in keeping with the general approach to infill sites on pages 70 - 77 of the Building on Tradition design guide.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. In this case TransportNI requires an x-distance of 2 metres and there is sufficient y-distance within the road verge. This should be shown on the reserved matters submission. The proposed access will not prejudice road safety.



NI Water indicated that there is no public sewerage available. Policy CTY16 states that 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. None of the supporting evidence referred to under policy CTY16 has been submitted. Therefore it will be necessary to impose a negative condition that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The siting and scale of the proposal will not harm the special character of the AONB. It will respect the established settlement pattern of the area and there are limited views from public roads. The design and materials will be considered in detail at reserved matters stage.

The proposed dwelling can be sited so that it will not adversely affect the amenity of any nearby dwellings. The detailed design will be assessed at reserved matters stage to ensure no adverse amenity impacts.

**Recommendation:** Approval

**Conditions:**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 1 and 2 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The existing building of temporary construction, coloured green on the approved drawing No. 01 REV 1 date stamped 3rd April 2017 shall be demolished, all rubble and foundations removed and the site restored in accordance with a scheme to be submitted to the Council at reserved matters stage, within 6 weeks of the occupation of the new dwelling hereby approved.

Reason: To preserve residential amenity and to prevent an accumulation of dwellings on the site.

5. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

7. No development shall take place until a plan indicating floor levels of the proposed dwelling and garage in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure residents' privacy is not adversely affected.

8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. The access and visibility splays, as finally approved, shall be constructed prior to the commencement of any other development and permanently retained.

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

9. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

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



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

11. Prior to commencement of development the applicant shall submit a copy of a Consent to Discharge of Effluent for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with policy CTY 16.

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

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

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>6</b>			
<b>APPLIC NO</b>	LA07/2015/0700/O	Outline	<b>DATE VALID</b>	28/07/2015
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Derryogue Developments Ltd Mr & Mrs Lindsay Wilson 47 Kittys Road Kilkeel Newry BT34 4EJ		<b>AGENT</b>	A J Bingham Architectural Design Services Mountpleasant Thomas's Lane 33 Anthonys Road Ballymartin Newry BT34 4PN 41769470 Mob:
<b>LOCATION</b>	Lands at the junction of Greencastle Road and Kittys Road Kilkeel (south of No.39 Greencastle Road (Joinery Works) opposite and south-east of No.s 18-21 Derryogue Park extending to opposite No.s 5-11 Kittys Road)			
<b>PROPOSAL</b>	Site for housing development			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0700/O

**Date Received:** 30<sup>th</sup> June 2015

**Proposal:** Site for housing development

**Location:** Lands at the junction of Greencastle Road and Kittys Road, Kilkeel (south of No. 39 Greencastle Road (Joinery Works) opposite and south-east of Nos. 18-21 Derryogue Park extending to opposite Nos. 5-11 Kittys Road)  
The site is at the southern edge of Kilkeel.

**Site Characteristics & Area Characteristics:**

The site comprises two large agricultural fields totalling over 3 hectares in size. The land is relatively flat with a slight rise towards the southern corner. The site is located at the junction of Greencastle Road and Kittys Road which form the NW and SW sides of the site respectively. There are 1m high trimmed hedges to the boundaries of the site. The internal field boundary is a concrete wall built from the remains of World War 2 runways that were in the area. There are additional mature trees along the northern edge of the site, adjacent to Kilkeel Joinery Works. A small stream runs along the NE boundary of the site.



Site from junction of Greencastle Road and Kittys Road



Within site

The site is within the development limit of Kilkeel, as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is located towards the southern edge of the settlement and is zoned for housing (KL18). It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The main land uses in the area are residential and agriculture.

#### **Site History:**

An application (P/2004/0571/F) for three chalet bungalows and ten two-storey semi-detached houses along the Kittys Road side of the site was refused on 23.05.2007 and dismissed at appeal on 17.02.2010.

Outline planning permission for a residential development was granted on 19.08.2011 under application P/2006/0858/O. While no reserved matters application was made within the 3-year time limit, the approval remained live for five years from the date of the permission. As the present application was submitted within this period, weight can be given to the previous approval in the determination.

#### **Planning Policies & Material Considerations:**

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements



- PPS15 – Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

### **Consultations:**

TransportNI – Junction improvements and road widening at Kittys Road required, along with visibility splays of 4.5m x 60m. Details to be submitted at reserved matters stage.

NI Water – Public water supply and foul sewers available with capacity to serve the development. A storm sewer may be requisitioned.

Environmental Health – No objections provided public sewerage system is used.

NIEA – Standard advice on sewerage and drainage. Low risk of land contamination – conditions supplied.

Rivers Agency – A working strip is required adjacent to the Berry Stream and a Drainage Assessment was required including Schedule 6 Consent from Rivers Agency. This was finally provided on 5<sup>th</sup> April 2017 and agreed by Rivers Agency on 2<sup>nd</sup> May 2017.

Shared Environmental Services – No likely significant effects on any European sites.

### **Objections & Representations**

The application was advertised in the *Mourne Observer* on 12<sup>th</sup> August 2015. 10 neighbouring properties were notified of the original proposal on 25<sup>th</sup> August 2015 as required under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. One additional property was notified on 29<sup>th</sup> April 2016 following the site inspection. No objections or representations were received.

### **Consideration and Assessment:**

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPSS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Kilkeel on the above Plan, and is zoned for housing. The plan contains seven Key Site Requirements for zoning KL18:

- A minimum of 20 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross site density of 20 dwellings per hectare and a maximum gross density of 25 dwellings per hectare;
- Existing mature vegetation on the site boundaries shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be to Greencastle Road or Kittys Road;
- If access is onto Kittys Road, widening of Kittys Road to an appropriate standard shall be required;
- The junction of Kittys Road / Greencastle Road shall require upgrading;
- The design layout shall include dedicated provision for cyclists and pedestrians with links to Kittys Road.

The submitted concept plan indicates access points to both Greencastle Road and Kittys Road. It indicates junction improvements which can be agreed in detail with TransportNI at reserved matters stage. With regard to density, the yield on this site would be in the region of 63 – 79 units. The agent indicated that they wish to go for the higher density of 79 units. This and the other requirements regarding landscaping and provision of 20 units of social housing can be conditioned to be shown at reserved matters stage if the application is approved. The principle of the development is therefore considered acceptable having regard to the provisions of the development plan.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposed housing density of 25 dwellings per hectare is in accordance with the provisions of the development plan and in keeping with the character of the area. While this is a greenfield development, it is zoned housing land and is therefore considered a sustainable form of development. The site is within walking distance of public transport and local services. Detailed design will be considered at reserved matters stage. The agent has submitted several concept drawings which do not fully correspond and may result in more than 79 dwellings on the site. Therefore these should not be stamped as part of any decision. As with the previous approval, the decision would include the red line map only with reference made to the agreed "Final Design Concept Statement" which sets out the design principles to be employed in any detailed plans, including the level of public and private open space. This will ensure the provision of a quality and sustainable residential environment in compliance with the requirements of policy QD1 of PPS7. A condition will be attached to ensure the provision of 20 social housing units, to help ensure a balanced community. Consultation can be carried out with the Housing Executive at reserved matters stage when there is more certainty about the delivery of the social housing and the relevant housing need in the area at that time.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The site is zoned for housing and contains no features of importance to the character, appearance or heritage of the landscape that ought to be preserved. The detailed design will be assessed against this policy at reserved matters stage. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.



The access proposals are in accordance with the requirements of PPS3 and DCAN15 and TransportNI have no objections at outline stage. They have identified matters to be shown on detailed drawings at reserved matters stage and this can be conditioned.

NI Water advised that public water supply and foul sewers were available with capacity to serve 79 units. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health. There is no storm sewer available. The agent indicated that he proposed to discharge storm water to the Berry Stream on the NE boundary of the site. Due to the size of the site, a Drainage Assessment is required under policy FLD3 of PPS15. This should demonstrate adequate measures to mitigate the flood risk to the proposed development and development elsewhere.

The Council wrote to the agent on 7<sup>th</sup> January 2016 to request a Drainage Assessment in accordance with policy FLD3 (to include agreement with NI Water or Rivers Agency for discharge of storm water). This information was requested by 4<sup>th</sup> February 2016. On 9<sup>th</sup> March 2016, the agent wrote to advise that he had applied to Rivers Agency for Schedule 6 Consent to discharge storm water from the site into the Berry Stream. After a series of further emails to chase this outstanding information, a Drainage Assessment was finally submitted on 16<sup>th</sup> November 2016. This document had been prepared by the agent rather than a drainage expert and contained no reference to PPS15 or correspondence with NI Water or Rivers Agency (supposedly the issue that delayed its submission so long). Unsurprisingly, Rivers Agency could not accept this as a valid Drainage Assessment as it has no confirmation of Schedule 6 Consent to discharge to the watercourse, no evidence that the surface water system would not flood any part of the site in a 1 in 30 year flood event whilst retaining a 300mm freeboard within the manholes network, no evidence that during exceedence, the properties will not flood internally, and no drawing of the exceedence flow path for a 1 in 100 year flood event.

On 15<sup>th</sup> December 2016, the agent was given a final opportunity to address the issues listed above in accordance with PPS15, but he failed to acknowledge this request or submit any additional information. After a recommendation to refuse the application, the agent submitted a further Drainage Assessment on 27<sup>th</sup> February 2017. This listed the requirements of a Drainage Assessment, but did not actually address them and still contained no correspondence from either NI Water or Rivers Agency. A report by a Drainage Expert was submitted on 7<sup>th</sup> March 2017 and a copy of Schedule 6 Consent from Rivers Agency was finally submitted on 5<sup>th</sup> April 2017. This permits discharge of 31.73 l/s to the Berry Stream. Rivers Agency has been re-consulted and agreed the Drainage proposals on 2<sup>nd</sup> May 2017. It will cater for a 1 in 30 year storm design and should not flood the proposed housing.

**Recommendation:** Approval

**Conditions:**

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced. The reserved matters submission shall be in general accordance with the 'Final Design Concept Statement' date stamped 30th June 2015, or as modified by agreement, in writing, with the Council to achieve similar design objectives.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 1 and 2 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The development hereby permitted shall not exceed a density of 25 dwellings per hectare and shall not fall below 20 dwellings per hectare. This shall result in between 63 and 79 dwellings being shown on the reserved matters submission.

Reason: To ensure that the density of accommodation to be provided shall be in keeping with Zoning KL18 of the Banbridge / Newry and Mourne Area Plan 2015 .

5. Provision shall be made and permanently retained within the development for a minimum of 20 No. social housing units, in accordance with details to be submitted to and agreed by the Council at reserved matters stage. This minimum requirement shall be delivered by an arrangement with a Registered Social Landlord, i.e. Northern Ireland Housing Executive (NIHE) or a registered housing association. The social housing units shall be managed and maintained in accordance with the details agreed at reserved matters stage.

Reason: To meet the Key Site Requirement for Social Housing provision as listed in Zoning KL18 of the Banbridge / Newry and Mourne Area Plan 2015 and ensure its long term delivery.



6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the accesses to be constructed and other requirements in accordance with the attached form RS1.

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

7. No development or site works shall commence until full details of the access arrangement, associated footway provision, cycle provision and the road improvement works required to facilitate the development have been submitted to and approved by the Council at reserved matters stage. All works and development shall be carried out in accordance with the details approved at reserved matters stage.

Reason: To ensure the works considered necessary to provide a proper, safe and convenient means of access to the proposed development are carried out at the appropriate time and to meet the Key Site Requirements of Zoning KL18 of the Banbridge / Newry and Mourne Area Plan 2015.

8. No development shall take place until details of gates, fences, walls or any other proposed structures in addition to the proposed dwelling have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in keeping with the locality.

9. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure residents' privacy is not adversely affected.

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To preserve the open plan nature of the estate in the interests of visual amenity.

11. The existing natural screenings of this site shall be retained and reinforced unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To afford adequate residential amenity to neighbouring dwellings and to meet the Key Site Requirements of Zoning KL18 of the Banbridge / Newry and Mourne Area Plan 2015.

12. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and

all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

13. No development including site clearance works, lopping, topping or felling of trees, or trucking machinery over tree roots, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council and these works shall be carried out as approved. These details shall include proposed finished levels, existing and proposed contours, means of enclosure, car parking layout, vehicle and pedestrian access and circulation areas, hard surface materials, minor artefacts and structures e.g. street furniture, play equipment, refuse storage, lighting and existing and proposed services above and below ground, as appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

14. No dwellings shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of buffer and boundary planting, landscaping and open space. The landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

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

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

16. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

17. Drainage works shall be carried out in accordance with the Drainage Assessment by Flood Risk Consulting stamped received 7th March 2017 and Addendum 1 stamped received 5th April 2017. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from



that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied.

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

18. There shall be no buildings located within 10 metres of the Berry Stream. The reserved matters submission shall indicate a working strip of minimum 5 metres width alongside the Berry Stream to facilitate future maintenance of the watercourse. The working strip shall be kept free from development, with free access and egress at all times. The working strip shall be managed and maintained in accordance with agreed details.

Reason: To facilitate future maintenance of the watercourse by Rivers Agency.

19. Should the development of this proposal result in any works in, near or liable to impact a watercourse, a Construction Method Statement (CMS) must be submitted to the Planning Authority, for consultation and agreement with NIEA Water Management Unit, at least eight weeks prior to the commencement of construction. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal.

Reason: To protect the water environment.

20. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

21. After completing any remediation works required under condition 20 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>7</b>			
<b>APPLIC NO</b>	LA07/2015/1123/LBC	Listed Buildi	<b>DATE VALID</b>	29/10/2015
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Quayside Propoeties Ltd C/O Mr Paul Walsh Unit 17 CIDO Business Park Lurgan Craigavon BT35 6HZ	<b>AGENT</b>	DSC Architects Ltd 46 Avenue Road Lurgan Craigavon BT66 7BD NA	
<b>LOCATION</b>	2-3 Sugarhouse Quay Lisdrumgullion Newry BT35 6HZ			
<b>PROPOSAL</b>	Demolition of remaining parts of building for health and safety reasons			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	1	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	0 0		0 0	
<b>1</b>	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH14 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and the Newry Conservation Area Booklet in that the building makes a material contribution to the character of the Newry Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Department, justifies its demolition.			
<b>2</b>	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH10 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (NI) 2011 and no exceptional reason has been demonstrated which would justify its demolition.			





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2015/1123/LBC

**Date Received:**

29/10/2015

**Proposal:**

Demolition of remaining parts of buildings for health and safety reasons

**Location:**

2-3 Sugarhouse Quay, Lisdrumgullion, Newry, BT35 6HZ

**Site Characteristics & Area Characteristics:**

No. 2-3 Sugarhouse Quay comprises a partially demolished former warehouse which is Grade B2 listed, located within the Newry Conservation Area. The building forms part of an original complex of buildings originating back to the late 18<sup>th</sup> Century, which were developed to service the adjoining canal. Most of the existing buildings are 19<sup>th</sup> Century and this is the most extensive warehouse complex to survive in Newry. At the time of site inspection, it is evident that the building is currently in disrepair, with the site boarded up along Sugarhouse Quay. It sits adjacent to a number of buildings in operation, including a Funeral Directors and Printing premises, along Sugarhouse Quay, with the rear touching an additional warehouse building which is listed, currently home to a tyre repair business.





### Site History:

Planning permission and Listed Building Consent have previously been granted on this site as detailed below. The agent advises that minimal works have been carried out in regards to P/2005 /1506/F –no formal evidence to demonstrate this or Certificate of Lawfulness has been received and therefore the status of this approval is questionable.

<u>P/2005/1507/LB</u>	Demolition and making safe of part of the existing structure along with the conversion of the remainder of the fabric and the replacement of the demolished structure with new development to include ground floor retail units and 22 apartments – Permission Granted 08/02/2008 (Expiry 08/02/2013.)
<u>P/2005/1506/F</u>	Demolition and making safe of part of the existing structure along with the conversion of the remainder of the fabric and the replacement of the demolished structure with new development to include ground floor retail units and 19 apartments – Permission Granted 08/02/2008 (Expiry 08/02/2013.)
<u>P/2001/1400/Q</u>	Apartments, Pre-Application enquiry, non-committal
<u>P/1988/4092</u>	Kiosk Substation, Permitted Development
<u>P/1988/4068</u>	Kiosk Substation, Permitted Development
<u>P/1987/0010</u>	Extension to bakery, Permission Granted

### Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS6 ' Planning, Archaeology and the Built Heritage'
- Newry Conservation Area Booklet

### Consultations:

#### Historic Environment Division: Historic Buildings

An initial response dated 25<sup>th</sup> May 2016 advised the proposal has an adverse impact on the building under Policy BH8 of PPS6 and does not comply with Policy BH10 of PPS6. The report submitted by the structural engineer focuses on the building's current condition as a consequence of an on-going disregard. HED did not consider



this to be a legitimate validation for demolition under BH10 of PPS6. As a result, it was requested that a Conservation qualified Structural Engineer should ascertain the specifics of the structural condition and explore routes to conservation. A Visual Inspection Report, prepared by Albert Fry Associates was subsequently submitted for consideration. A further response from HB was received on 30<sup>th</sup> January 2017, stating that they consider the proposal still fails to comply with BH10 of PPS6, in addition to Para 6.15 of the SPPS. The concluding remarks that it may be possible to retain *“the front and gable walls of the NW block to eaves level and the other three blocks to their uppermost existing floor level”* is considered to be unacceptable as HED would wish to see as much of the existing building retained as possible. It its current form therefore, HED: HB considers the proposal to remain contrary to Policy BH10 Demolition of a Listed Building and 6.22-6.27 of PPS6.

#### Historic Environment Division: Historic Monuments

In an initial consultation response dated 25<sup>th</sup> May 2016, Historic Monuments has started they would be content subject to conditions for the agreement and implementation of a developer funded programme of archaeological works, including an industrial archaeological survey to identify and record any industrial archaeological remains in advance of any construction, or to provide their preservation in situ, as per Policy BH4 of PPS6. Following the above comments from Historic Buildings, a further response has been received on 22 March 2017 from HM stating that they too would welcome maximum retention and reuse of the fabric within the application site and the concerns of HB should be satisfactorily addressed. Were this to be the case, HM advise that an approval should be conditional on the agreement and implementation of a developer funded programme of archaeological works, including an industrial archaeological survey

#### **Objections & Representations:**

- 21 Neighbour notifications have been issued 12/04/16 (expiry date 26/04/16)
- The application was advertised in 5 local papers (statutory expiry date 04/12/2015)
- 1 objection has been received from the Ulster Architectural Heritage Society with summary points as follows:
  - o UAHS object on the basis that the proposal is contrary to the SPPS and PPS6
  - o UAHS questions the extent to which the original structural engineer's report was heritage-led and carried out by a conservation engineer.
  - o Where there are issues around the safety of the site, investigation should be evidenced that heritage-led solutions have been fully considered.
  - o UAHS believes that the partial demolition in 2003 was unauthorised and that the building should previously have been the subject of enforcement.
  - o The building's current condition UAHS points out has come about due to a lack of care and maintenance and reminds the owner of their duty of care to the listed building in this regard.

**Consideration and Assessment:**

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

The subject building which is Grade B2 listed (HB16/26/072) holds the following designations under the BNMAP 2015: Newry Conservation Area (NYCA01,) Area of Archaeological Potential (AAP01,) Local Landscape Policy Area (NY 114,) Townscape Heritage Initiative (THI00,) Newry City Centre (NY75,) Newry Development Limit (NY01.)

This application proposes to demolish the remaining parts of the existing buildings for health and safety reasons. Para 6.16 of the SPPS outlines that proposals for the total demolition of a listed building or any significant part of it must not be permitted unless there are exceptional reasons why it cannot be retained in its original or a reasonably modified form. Where consent to demolish a listed building is granted, this should normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building prior to its demolition.

The policy provisions of PPS6 'Planning, Archaeology and the Built Heritage' have been retained through the SPPS and are the main criteria against which to assess this proposal. Policy BH10 considers the demolition of a listed building and replicates the view of the SPPS in that there must be exceptional reasons as to why the building cannot be retained in its original or a reasonably modified form. Where exceptionally, consent is granted for demolition, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

Policy BH14 deals with demolition in a Conservation Area and operates a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a Conservation Area. Similarly with BH10, where exceptionally, demolition is permitted, full detailed plans about proposed development for the site is required to accompany conservation area consent applications.

The reasons behind this proposal claim that the remaining structure is deemed to be unsafe and the carrying out of stabilising works is impossible due to health and safety risks. The agent has cooperated with our request to provide an additional engineer's report provided by a qualified Conservation Structural Engineer. HED:HB as outlined above, having seen this report, remain of the opinion that as much of the existing fabric should be retained. Furthermore, the agent was advised that the proposal in its current form fails to meet PPS6 and SPPS, without accompanying proposals to re-develop the site.

A request was made by the agent for an onsite meeting with HED and planning, however it was not felt this was merited, without any proposals for redeveloping the



site. In sympathy with the current scenario, the agent was offered the opportunity to submit an application with proposals to redevelop the site, to be assessed in parallel with this current application which we would hold until this was submitted. At this point, having seen the proposed plans, the Planning Department would then revisit the merits of arranging an on-site meeting to agree on an overall solution and prioritise the processing of this application.

A response from the agent was received advising that unfortunately it took so long for the previous proposals to be approved that by the time planning permission was granted in 2008 the scheme was no longer commercially viable. The response states also that limited works were commenced in 2013 (no certificate of lawfulness or evidence has been submitted to demonstrate this,) and the approved scheme is still not economic and there is no prospect that it will be completed in the foreseeable future. It adds that alternative proposals which may have been considered are also not viable due to the restrictions imposed by the existing buildings and the considerable costs associated with underpinning and stabilising the remaining structure. Nevertheless, the applicant feels that the risk that parts of the building could collapse onto adjacent properties is considerable and that some degree of demolition needs to be undertaken urgently for health and safety reasons. The agent notes that this has now been recommended by two structural engineers, one of whom is an accredited Conservation Engineer. The agent states that the current situation leaves our client in an impossible position whereby they cannot obtain approval to carry out the necessary demolition without agreeing to undertake redevelopment but cannot undertake this redevelopment as it not economically possible to do so.

Internal checks with our Building Control Department confirm that an inspection on the roof structure was carried out on 01/07/2003. This decision was closed, following inspection. Having assessed all of the information on file and together with the statutory responses from Historic Environment Division, I agree that the proposal does not meet the requirements of the PPS6 polices BH10 and BH14 in addition to the SPPS. The offer to hold this application to allow for a redevelopment proposal has been turned down. Whilst I sympathise with the current scenario, the matter of economic viability is not a material planning consideration and I agree with UAHS and HED that a degree of neglect has resulted in this situation.

**Recommendation:** Refusal

**Reasons for refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH10 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (NI) 2011 and no exceptional reason has been demonstrated which would justify its demolition.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy BH14 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and the Newry Conservation Area Booklet in that the building makes a material contribution to the character of the Newry Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Department, justifies its demolition.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



**ITEM NO** 8  
**APPLIC NO** LA07/2015/1161/F Full **DATE VALID** 06/11/2015  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Marie & Eugene Millar C/O **AGENT** Gray Design Ltd 5  
 Agent Edward Street  
 Newry  
 BT35 6AN  
 02830251885

**LOCATION** 24a Kilbroney Road  
 Rostrevor  
 BT34 3BJ

**PROPOSAL**

Proposed erection of a dwelling house (Amended site layout drawing received)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
4	2	0	0	0	
<b>Addresses</b>		<b>Signatures</b>		<b>Addresses</b>	
0		0		0	

1 The proposal is contrary to the provisions of Criteria (a), (c), (f) and (h) of Policy QD1 of Planning Policy Statement 7 - Quality in Residential Developments in that:

The proposed development does not respect its surrounding context and is inappropriate to the character of the site in terms of layout, scale and appearance;  
 There is a lack of private amenity space available within the site;  
 Adequate and appropriate provision has not been made for parking; &  
 The proposal will have an unacceptable adverse effect on No. 26 Kilbroney Road by way of loss of light and overshadowing.

2 The proposal is contrary to Criteria (a) and (b) of Policy LC1 of the Addendum to PPS7 Safeguarding the Character of Established Residential Areas in that the proposed plot size is significantly smaller than that of adjacent properties and the pattern of development is not in keeping with the overall character and environmental quality of the 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.

4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2 metres x 60 metres for an appropriate access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

5 The proposal is contrary to Criterion (a) of Policy NH6 of Planning Policy Statement 2 - Natural Heritage - in that the siting and scale of the proposal is not unsympathetic to the special character of the Mourne Area of Outstanding Beauty in general and of the particular locality.

**Application Reference:** LA07/2015/1161/F

**Date Received:** 6<sup>th</sup> November 2015

**Proposal:** Proposed erection of a dwelling house

**Location:** 24A Kilbroney Road, Rostrevor

**Site Characteristics & Area Characteristics:**

The application site is located along the Kilbroney Road, which is within the settlement limits of Rostrevor and the Mournes Area of Outstanding Beauty as designate in the Banbridge, Newry and Mourne Area Plan 2015. The site consists of foundations that have been constructed to subfloor level.

The site is restricted in size and is bounded by number 26 Kilbroney Road to the right hand side and number 24 Kilbroney to the rear. The driveway to No.24 is located immediately adjacent to the southern side of the application site. The boundary of the site is defined by a timber close boarded fence to the front and left hand side and a concrete block wall to the right hand side and rear. The site area measures approximately 150m<sup>2</sup>.



Figure 1 - Satellite Image of Site



**Site History:**

P/2010/0426/F - Proposed replacement dwelling and associated site works at 24A Kilbroney Road, Rostrevor – Permission was refused on 19.10.2010 for the following reasons:

1. The proposal is contrary to Policy QD 1 (criteria a, c, h & f) of the Department's Planning Policy Statement 7, (PPS 7): Quality Residential Environments, in that, the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
2. The proposed development is contrary to the Departments Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2 and would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide adequate sight lines where the proposed access joins Kilbroney Road.
3. The proposed development is contrary to the Departments Planning Policy Statement 3, Access, Movement and Parking Policy AMP7 car parking and servicing arrangements 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/2010/1255/F - Proposed extensions and alterations to existing dwelling at 24A Kilbroney Road, Rostrevor – Permission granted 11.02.2011

**Planning Policies & Material Considerations:**

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking
- PPS 7: Quality Residential Environments
- PPS 7: Addendum: Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements



**Consultations:**

NI Water -	Generic Response.
Environmental Health -	No objections in principal.
Transport NI -	Recommended for refusal as it would prejudice the safety and convenience of road users.

**Notification/Publication**

6 neighbours were notified of the development proposal and the application was initially advertised in the local press the week beginning 23<sup>rd</sup> November 2015. The application was subsequently re-advertised on 3 separate occasions following the receipt of additional information / amended plans.

To date four letters of objection; one letter of support and one petition in support of the application have been received, the contents of which have been summarised and considered below:

**Objections**

Objections (x3) from Kevin Brady, 26 Kilbroney Road, Rostrevor.

- Mr Brady objected to P/2010/0426/F which was refused;
- He was not notified of subsequent application P/2010/1255/F and hence could not object;
- The progression of P/2010/1255/F raises questions about the planning process. Trust in the system has been severely tested as a result;
- Queried the original proposal description of LA07/2015/11161/F as the original dwelling has been demolished;
- There was no attempt made to preserve the building – it was demolished;
- The proposed drawings omit his conservatory, which is within 1.5m from the northernmost corner of the foundations;
- Overshadowing, loss of light and loss of privacy will be unacceptable;
- The proposed building will dominate the site of 24A Kilbroney Road and also the main living area to the front of number 26;
- Does not have the right to have a negative, oppressive view imposed; &
- Issues re: parking, access and safety.
- The 'dwelling' being the home of Tom Dunn no longer exists.

(Mr Brady also enclosed a copy of his objection letter in respect of the original application for a replacement dwelling – P/2010/0426/F)

Objection dated 10<sup>th</sup> January 2017 from Dolores & Myrddin James, 24 Kilbroney Road, Rostrevor.

- The application has been refused in the past for a number of reasons, none of which appear to have been addressed;
- Concerns re: access, parking and manoeuvring of vehicles;
- The proposed height of the dwelling would cause overshadowing to their property over winter months causing dampness and it will interfere with natural drainage, causing expense on their part;
- The drawings are misleading;
- The windows to the rear will cause loss of privacy by way of overlooking;
- The proposed dwelling would break the skyline of Slieve Martin from their property.

### Consideration of Objections

- Planning application reference P/2010/1255/F went through due process and was approved. There was no statutory requirement to notify neighbouring properties. The application was however advertised in the local press which was a statutory requirement;
- The proposal description has been amended to reflect the proposed development and the drawings have been amended and now illustrate the conservatory to the front of number 26 Kilbroney Road;
- The issues regarding access, parking, overshadowing, loss of light and loss of privacy will be considered in detail further below;
- Although the proposed dwelling may break the skyline of Slieve Martin from the objectors' property, the right to a view is not a material planning consideration.
- I do not consider the new dwelling will cause loss of privacy by way of overlooking as it is approximately 40m from the front elevation of No. 24. Numbers 26, 28 and 30 Kilbroney are much closer to the existing dwelling at number 24 and are sited on higher ground than the proposed dwelling.

**Letter of support –** Received by email from Bronagh  
(Bronaghvos@icloud.com) dated 06/02/2017

- The applicants have been most considerate, conscientious and diligent in responding to questions/concerns;
- Having stood in the exact spot for proposed vehicular access there is a clear view in all directions;
- The proposal is a fair development of the available plot;
- It is hoped to see a memorial to Tom Dunn in the village;
- There is ample turning area &



- The applicants are upstanding, trustworthy members of the community who wish to retire in the village;

#### Consideration of letter of support

- The majority of points raised are not material planning considerations;
- The vehicular access will be considered in further detail below;
- The suitability of the development within the plot will also be considered in further detail below.

#### **Petition of Support**

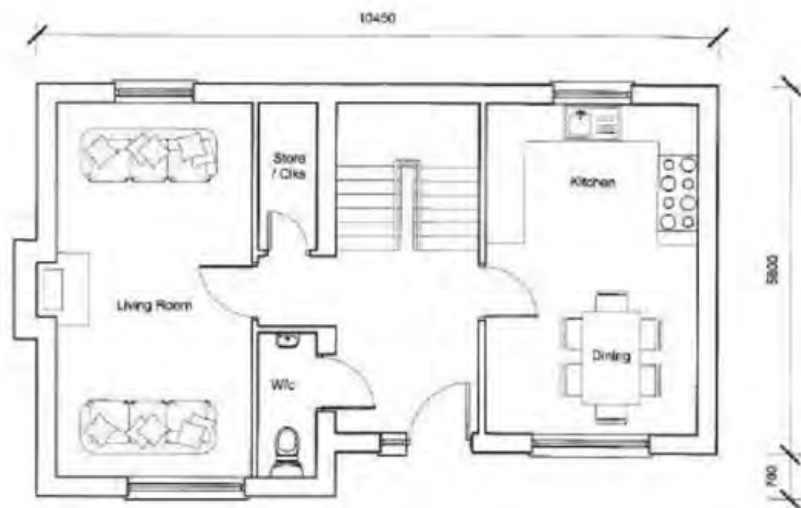
A petition in support of the application was provided by the applicants and signed by seven people from the local area. It is worth noting the petition of support has not been signed by those neighbours that will be directly affected by the proposed development.

#### **Proposed Plans**

The proposal is for the erection of a dwelling house. There was previously a derelict dwelling on the site. As detailed in the site history above, a planning application was submitted to replace the derelict structure but was refused permission. An application was subsequently approved to alter and extend the derelict dwelling.

The applicant has stated that when the contractor began work on site the ivy clad walls and single block boundary wall that had been erected by the adjacent development simply collapsed. Having viewed photographs of the derelict dwelling I doubt that it was structurally sound and capable of being extended to create a storey and a half dwelling in the first place. Nevertheless, approval was granted, the walls subsequently collapsed / were demolished and the applicant began works on the construction of a new dwelling. Accordingly, this application will be assessed as a new dwelling.

As you can see from the floor plans and elevation drawings below, the proposed new dwelling is storey and a half with a maximum ridge height of 6.52m. There is a projecting gable end elevation to the front of the dwelling house. The dwelling measures 10.15m long and 6.5m at its widest point. The ground floor consists of a living room, kitchen, W/C and store room; while the first floor consists of two bedrooms, a bathroom and HP/Store. The site area is approximately 150m<sup>2</sup> while the footprint of the dwelling measures 68.14m<sup>2</sup>. The gable end elevation closest to No. 26 measure 5.99m high.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



Figure 2 - Proposed Elevations

**Consideration and Assessment:**

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

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. 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 7 and other relevant policies. As there is no significant change to the policy requirements for dwellings within settlements following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 7 and its addendum 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.

Criterion (a) of Policy QD 1 requires that development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposed site of 24A Kilbroney Road shares a common boundary with number 26 Kilbroney Road to the north and number 24 Kilbroney Road to the south and west. The site is quadrilateral in shape and measures approximately 150m<sup>2</sup>. As you can see from the image below, the northernmost portion of the proposed dwelling will be within 1.5m of the conservatory of number 26 Kilbroney Road. Given the restricted curtilage of the site; limited amenity space; the height of the proposed dwelling and its close proximity to number 26 Kilbroney Road, I do not consider the development respects the surrounding context and is out of keeping with the character of the area. The size of the plot is much smaller than neighbouring dwellings and is located much closer to the road. As a result there will not be sufficient private amenity space to serve the dwelling.





Figure 3 - Position of Foundations in respect of neighbouring conservatory.



Figure 4 – The Application Site.

Criterion (c) of Policy QD 1 requires that adequate provision is made for private open space and landscaped areas as an integral part of the development. The site is so restricted that it is unable to provide a suitable degree of private open space for the occupants of the dwelling.

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. The proposal fails to meet this criterion for the reasons stated further below.

Criterion (h) seeks to ensure that proposals, by reason of their design and layout, do not create conflict with adjacent land uses or give rise to unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Having considered the layout, bulk, massing, and proximity to the shared boundary, the proposed dwelling would be over dominant and visually intrusive to the extent that it would have an unacceptable impact on the residential amenity of occupants of No.26 Kilbroney Road.

### **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.

Paragraph 2.7 of Policy LC 1 states that for a residential development scheme to be successful, the extent of the surrounding area will need to be fully considered as well as factors including:

- existing densities and layouts;
- plot sizes;
- ratios of built form to garden area;
- spacing between buildings;
- scale, height, and massing of buildings;
- landscaping and boundary treatments;
- impacts of proposals, including that of parking provision, on the street scene.

The pattern of development in the area is typified by a mixture of single storey, storey and a half and two storey dwellings. The plot sizes and spacing between buildings generally follow a similar style and pattern, although some sites the side and rear are set in much larger plots. Due to the restricted size of the application site, the space between the proposed dwelling and No.26; the height of the building, the lack of suitable private amenity space, and the lack of adequate parking, the proposed dwelling is not considered to be in keeping with the overall character and environmental quality of the established residential area. The proposal therefore fails to meet Criteria (a) and (b) of Policy LC1.

### **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.

The agent has stated that the dwelling is to be used as a retirement home and that the applicant does not have a car. This may be the case however it does not negate the need to provide adequate and appropriate provision for parking for the future use of the dwelling. Transport NI were consulted as part of the decision making process

and recommended the application be refused. They considered the proposal to be contrary to Policy AMP7 of PPS 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 that would be attracted to the site.

The proposal was also considered to be contrary to Policy AMP2 in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2m x 60m for an appropriate access cannot be provided.

The agent submitted an amended plan which illustrates one car parking space/turning area. Transport NI were re-consulted and requested an amended layout plan clearly showing 2.0m x 60m sight visibility splays. However as the application is fundamentally contrary to planning policy, I do not consider it expedient to ask the agent to submit an amended layout plan. I discussed the visibility splays with Sean Milligan from Transport NI and he informed me that in his professional opinion they are not achievable at this site. The proposal therefore fails to meet the requirements of Policy AMP2 and Policy AMP7 of PPS 3.

### **Planning Policy Statement 2 – Natural Heritage**

Given the sitting and scale of the proposal and the restricted site curtilage, the proposal is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty in general and the particular locality. The proposal is therefore considered to be contrary to Criterion (a) of Policy NH6.

### **Recommendation:**

The proposal is considered to be contrary to the following Policy:

- Criteria (a), (c), (f) & (h) of Policy QD1 of Planning Policy Statement 7;
- Criteria (a) and (b) of Policy LC1 of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas;  
&
- Policies AMP2 and AMP3 of Planning Policy Statement 3 – Access, Movement and Parking.

Refusal recommended.



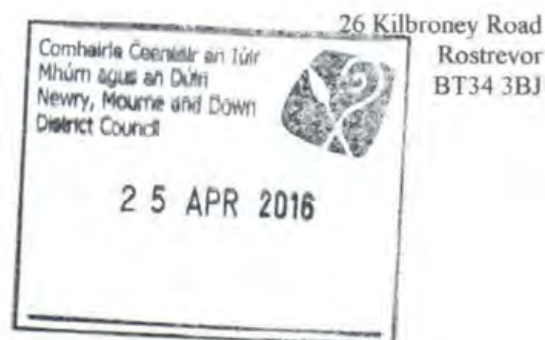
**Refusal Reasons**

1. The proposal is contrary to the provisions of Criteria (a), (c), (f) and (h) of Policy QD1 of Planning Policy Statement 7 - Quality in Residential Developments in that:
  - The proposed development does not respect its surrounding context and is inappropriate to the character of the site in terms of layout, scale and appearance;
  - There is a lack of private amenity space available within the site;
  - Adequate and appropriate provision has not been made for parking; &
  - The proposal will have an unacceptable adverse effect on No. 26 Kilbroney Road by way of loss of light and overshadowing.
  
2. The proposal is contrary to Criteria (a) and (b) of Policy LC1 of the Addendum to PPS7 Safeguarding the Character of Established Residential Areas in that the proposed plot size is significantly smaller than that of adjacent properties and the pattern of development is not in keeping with the overall character and environmental quality of the 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.
  
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2 metres x 60 metres for an appropriate access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
  
5. The proposal is contrary to Criterion (a) of Policy NH6 of Planning Policy Statement 2 - Natural Heritage - in that the siting and scale of the proposal is not unsympathetic to the special character of the Mourne Area of Outstanding Beauty in general and of the particular locality.

**Case Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Authorised Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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



22nd April 2016

**REF: LA07/2015/1161/F**

Dear Sir/Madam,

I refer to the planning application referenced above relating to 24A Kilbroney Road, Rostrevor, next door to my property.

I believe that the history of planning applications, **P/2010/0426/F** and **P/2010/1255/F**, pertaining to 24A Kilbroney Road is relevant to my comments below so I have attached copies of related correspondence between myself and planning authorities.

To summarise:

- (i) I objected to **P/2010/0426/F** which was refused permission.
- (ii) I was never notified about **P/2010/1255/F** and hence could not object, which I most certainly would have done. **P/2010/1255/F** was subsequently granted permission. I did not find out about this application at all until some time after it was granted. I wrote a letter of objection to this turn of events, and after discussion with a planning officer and after taking legal advice I considered that it would most likely be a futile and costly exercise appealing the decision retrospectively. I regret not taking the matter further at the time!
- (iii) The progression of **P/2010/1255/F** raises many questions about the planning process; indeed to this day many people in this area still question how planning permission could possibly have been granted for development of the site of 24A Kilbroney Road, and what train of events might have led to it. Suffice to say that my faith and trust in the planning process has been severely tested!
- (iv) I note that **P/2010/1255/F** referred to 'Proposed Extensions and Alterations to Existing Dwelling'. In the last 18 months the site has been cleared, including demolishing of the dwelling which was to have '...Extensions and Alterations...', and foundations and a subfloor have been laid. Presumably this action breached the terms of the granting of **P/2010/1255/F**. My faith and trust in the developers of the site has been severely tested!


I now respond to the latest application **LA07/2015/1161/F**.

1. **LA07/2015/1161/F** refers to 'Proposed retention of dwelling and amendment to planning application **P/2010/1255**'. There is no dwelling on 24A Kilbroney Road, it was demolished, although there are new foundations in place. Although **P/2010/1255** was granted (the validity of this decision in my opinion questionable as noted above) the terms of the granting were breached in that the dwelling was demolished rather than being extended and altered. It seems to me that **LA07/2015/1161/F** is at the outset on shaky ground.
2. I wish to point out that the drawings related to the application omit my conservatory, which extends 4.8m from the front of my house, the side of my structure being a mere 1.5m from the northernmost corner of the foundations currently in place at 24A. This places the proposed structure close to, in front of and to the south of my home. With a proposed gable height in excess of 6m, the shadowing and resulting loss of light from the front of my home is absolutely unacceptable!

3. The proposed building will not only excessively dominate the site of 24A, it will dominate my main living area to the front of my house. Until the site was cleared I was unable to realistically gauge the visual impact of the proposed construction. One does not have a right to a view, but one does have the right not to have a negative, oppressive view imposed!
4. One of the main problems which I anticipated in previous applications was access to 24A. There is so little room on the site that it would in my opinion be impossible to have safely taken a car or delivery vehicle on to the site. I note that LA07/2015/1161/F refers to pedestrian access rather than vehicular access. All very well if granted on this basis, but for how long would it remain in practice pedestrian access only?

Finally, in my response to P/2010/0426/F I stated that I had in principle, no objection to development of 24A Kilbroney Road. However, given the history of planning applications since then I am basically opposed to further development of the site, and I am vehemently opposed to the proposals within LA07/2015/1161/F.

Yours sincerely,

  
Kevin Brady



Divisional Planning Office  
Marlborough House  
Central Way  
Craigavon  
Co Armagh  
BT64 1AD



26 Kilbroney Road  
Rostrevor  
BT34 3BJ

6th October 2011

**REF: P/2010/1255/F and P/2010/0426/F**

Dear Sir/Madam

I refer to the applications referenced above relating to 24 Kilbroney Road, Rostrevor, next door to my property.

Documents relating to **P/2010/0426/F** will include my letter objecting to that proposal, which was subsequently refused on 19.10.2010. I was informed of that decision.

According to the documents you hold relating to **P/2010/1255/F** a further application relating to 24 Kilbroney Road was received by your office on 18.10.2010 (strangely 1 day before the previous application was refused), and was granted on 11.02.2011. I first heard of this approval a few weeks ago when I was informed by a neighbour.

I am very concerned at this turn of events for the following reasons:

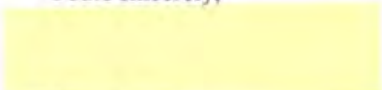
1. I was not informed of the application **P/2010/1255/F** and therefore I did not have the opportunity to object to its contents, as I most certainly would have done, given that my previous objections to **P/2010/0426/F** would still hold. Why was I not informed and given my statutory right to object?
2. **P/2010/1255/F** describes the proposal as 'extensions and alterations to existing dwelling'. The existing "dwelling" is but a shell, with no roof and a collapsed gable wall on its north east side, although the notes relating to the proposal refer to this gable wall as being intact. A dummy gable exists on my property to shield the collapsed wall from my view. I would argue that significant site works would be required to allow the proposed building to be constructed. Undermining of my property, due to its proximity to the proposed building, would be a high risk.
3. The scale and the proximity of the proposed structure to my property will most certainly reduce the light significantly in my home. Surely this is unsatisfactory?
4. I have obtained the drawings relating to **P/2010/1255/F** which were approved. I was appalled to note that the outline of my home omitted my conservatory which will be within a distance of about 1 metre of the proposed structure's gable wall. Overshadowing of my conservatory will be beyond the realms of acceptability.
5. The proposed structure has 3 roof windows which will overlook a living room and bedrooms in my house. This is unacceptable as it threatens my privacy.
6. The DC Group recommendation on 24.11.2010 was for refusal of the application. A further DC group recommended approval on 25.01.11 without the objections in the previous DC group refusal.

being addressed. (The approved drawings were not received by planning until 2.02.11!!) I find this difficult to understand.

I remain steadfastly opposed to this development as it stands, and I believe that I had no opportunity to register my objections, which I believe are reasonable and justified. The process in the granting of **P/2010/1255/F** was flawed to the detriment of my rights.

I request that the injustice afforded to me be redressed as soon as possible.

Yours sincerely,



Kevin Brady

Divisional Planning Office  
Marlborough House  
Central Way  
Craigavon  
Co Armagh  
BT64 1AD



26 Kilbroney Road  
Rostrevor  
BT34 3BJ

5th May 2010

**REF: P/2010/0426/F**

Dear Sir/Madam

I refer to the proposed replacement dwelling and associated site works at 24 Kilbroney Road.

I have a number of concerns I wish to draw your attention to:

- There is a distinct risk that the earthworks required on the proposed site will undermine my boundary wall and property, particularly my conservatory.
- The north wall of the proposed dwelling is shown on the drawings as being on the boundary between that site and my own. Surely that cannot be acceptable, as the proposed dwelling would be very close to my dwelling.
- The positioning, closer to the road and the proximity of the proposed dwelling to my dwelling would have a major and detrimental effect on the visual aspect from my property.
- The positioning, closer to the road and the proximity of the proposed dwelling to my dwelling would have a major and detrimental effect on the levels of light to the front of my property and in the conservatory in particular.
- The roof window to the rear of the proposed dwelling threatens the privacy in several rooms in my dwelling.

Although in principle I have no objection to the site at 24 Kilbroney being utilised in a more suitable manner than it currently is, I wonder how the site could be considered large enough to accommodate the proposed dwelling.

I trust that you will give my concerns fullest consideration in evaluating the present application for planning permission.

Yours sincerely,

Kevin Brady



26 Kilbroney Road  
Rostrevor  
BT34 3BJ

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



29<sup>th</sup> December 2016

REF:

LA07/2015/1161/F

Your letter dated 19<sup>th</sup> December 2016

Dear Sir/Madam,

I refer to the planning application relating to 24A Kilbroney Road, and more specifically to the amended site layout drawing referred to in your letter.

**1. In relation to the drawing No. 01 Rev 03**

- (a) This drawing has errors which could be misleading:
- (i) The area labelled Existing Shed does not have an existing shed and is not part of site 24A Kilbroney Road. The shaded area to the SE of the 'Existing Shed' on the drawing is not part of site 24A. These errors give a misleading impression of the extent of the site.
  - (ii) The size and proximity of the conservatory attached to 26 Kilbroney Road are incorrect. The side of the conservatory facing SW is in fact in line with the gable of 26 Kilbroney Road. The conservatory is 1 metre closer to the proposed structure than indicated in the drawing. This gives the impression of reduced impact on no 26.
- (b) The drawing includes an outline of a structure which was 'approved' under P/2010/1255/F. I have already drawn attention (letters referred to below) to the dubious nature of this approval and the manner in which it was obtained. Suffice to say that a gable wall of that proposed structure was along the boundary wall with 26 Kilbroney Road. Again I ask: How could approval have been legitimately granted for that construction!! For this reason it would be incredibly unjust for that prior approval to be used as grounds for obtaining approval for the current proposal.
- (c) I fail to understand how vehicles can access and turn on the space to be available on the proposed plan. Even if it was possible, it would be so troublesome as to lead to drivers accessing and leaving the site in a manner endangering themselves and others. Furthermore the position of the site on the brow of a hill, on a bend, in itself endangers other road users never mind those using 24A.
- (d) Height and width reductions on the proposed gable next to my property are negligible and amount to a mere suggestion of accommodating my concerns. They do not! The structure is too large for the site, placed too far forward of the line of my house, is too close to my

house, and is too high. All this causes problems for us in relation to overshadowing and the excessive visual mass placed in full view of our living room.

- (e) I believe the presence of now a double roof window and an additional window in the rear wall of the proposed structure threaten our privacy to the front and the side of our property. This is unacceptable.

## 2. Our overall response to the proposals

I wish this present communication and my previous correspondences viz. letter of 22<sup>nd</sup> April 2016 and two letters of 15<sup>th</sup> July 2016 to form my response to the latest version of LA07/2015/1161/F. Can I point out that one of my letters of 15<sup>th</sup> July was a response to Mrs and Mr Millar's letter received by you on 6<sup>th</sup> July 2016 in which they responded to my objections. It is important that the contents of my letter are read by all involved in the decision making process, and be available publically. Its presence in the 'Representations' section of the public access website is rather hidden. I believe a PDF of it should therefore be placed along with the Millars' letter in the public online planning portal under 'Additional Documentation'. I request that you do that please.

To summarise:

The proposals in LA07/2015/1161/F:

- Will impose on 26 Kilbroney Road excessive overshadowing and visual impact.
- Will infringe the privacy of the residents of 26 Kilbroney Road.
- May present a risk to those who access and egress from 24A Kilbroney Road and consequently others in the proximity of the site.
- May present a risk to those who access and egress from 26 and also 24 and 28, Kilbroney Road due to potential visual restriction at the entrance to 24A.

I remain totally opposed to the development of 24A Kilbroney Road as proposed in LA07/2015/1161/F.

Yours sincerely

Kevin Brady

REF: LA07/2015/1161/F

Dear Sir/Madam,

I would like to apply for speaking rights at the Planning Committee meeting to be held on Wednesday May 24<sup>th</sup> regarding application LA07/2015/1161/F.

Permission for this site was granted originally in 1994 but unfortunately lapsed. I re-applied for permission in 2010 to renovate and extend the existing premises and this was also granted. The application concerns a small site that is one of the original houses in a row of three dwellings, the other two having previously been renovated.

Work began on site in 2014 but due to the age of the building and the lack of foundations in the original dwelling, when the contractors began clearing work on site for the new extension the ivy clad walls simply collapsed.

This collapse and subsequent exposure of the lack of adequate foundation of the adjacent property wall led to Building Control insisting on remedial work on the boundary which entailed work on safe support of the boundary and meant our foundation had to be adjusted to facilitate this work.

This new application is to re-build the same house as was initially granted in 2010, it is a house that is a replacement for an existing dwelling and that Roads Service had no objections to or issues with previously.

I have enclosed with this request a copy of my previous correspondence with the office, explaining and supporting my case and answering the objections more fully with photographic evidence for the same.

Thank you,

Yours faithfully,

Marie Millar



**Ref Nos:** LA07/2015/1161/F

23 Park Lane

(P/2014/0170/CA P/2010/1255/F P/2010/0426/F)

Rostrevor

Co Down

July 2016

Dear Sir/Madam,

I would be grateful for the opportunity to respond to the objections put forward by Mr Kevin Brady about the site at 24A Kilbroney Rd Rostrevor.

Planning approval (which was originally granted to a family member in 1990 (Ref: P/89/1187) for a 3 bedroom house and then to my mother lapsed on her death. I re-applied for permission in 2010 for basically the same 3 bed house type - this was refused but permission was granted for a smaller 2 bed house. The background to our ownership and reason for developing the site was explained in my letter to your office in October 2015 - a copy of which is included with this letter.

Mr Brady makes a number of points re the property:

1. Foundations/undermining: The property was not a shell but had walls and features including a standing gable wall and chimney – ivy covered but clearly seen in photo 1.  
A structural engineer came on site at the behest of Building Control to assess the neighbouring boundary and conservatory foundation; he recommended remedial work which was carried out to ensure there would be no undermining of this wall or conservatory. See included certificate
2. Light/visual aspect to the front of his property, particularly the conservatory: Until we began work on the property, the trees and shrubbery on the boundary virtually covered the neighbouring property thus a new building would not take away any more light than previously. See photo 2/3
3. Velux windows/privacy : The decision was taken to have no windows to the back or side to preserve the neighbours' privacy as much as possible -the three small velux windows look directly behind the property not at next door , however any privacy issue could perhaps be overcome by e.g. using privacy glass.
4. Parking and turning issues: There is room to park off the road in front of the house and deliveries can be made as is normal practice at the neighbouring properties - see Google maps photo 4/5
5. Query by many people as to how permission was granted: I have been told by neighbours that they are glad to see the site being worked on as it was an eyesore – that they are glad to see a local home being reclaimed – they have confirmed support for my application. See included petition.

I have hopes that the home that has been in our family for generations and that I lived in as a child could again be a compact, low maintenance home that I could retire to in the coming years. To this end, I have followed the directions and requests of all the statutory bodies involved from the beginning of this process and will continue to do so in the future.

I am sorry that Mr Brady has issues with the property, these I have tried to address but I feel that I too have reasonable rights that have also to be taken into consideration. I am also shocked by the implication in the objection letters that I have tried to circumvent the planning process in some way and reject this totally.

Thank you for your consideration of this matter.

Yours faithfully,

Marie Millar

Eugene Millar

1



2







5



**Ref Nos:** LA07/2015/1161/F

23 Park Lane

(P/2014/0170/CA P/2010/1255/F P/2010/0426/F)

Rostrevor

Co Down

January 2017

Dear Sir/Madam,

Further to my letter dated July 2016, I would be grateful for the opportunity to respond to the objections put forward by Mr & Mrs Dolores and Myrddin James about the site at 24A Kilbroney Rd Rostrevor.

1. **Parking and turning:** The area in front of the house is approx 13.9 metres wide by 3.5 to 4.9 metres at the deepest point giving an approx area of 55.5 sq metres. For security, to avoid trespassing and health and safety reasons we have erected a temporary fence to the front of the site which, without removing the fence, makes it difficult to show how a car can park and turn. However, we have used a sheet (2.2 x 2.6 metres – area 5.72 sq metres) to demonstrate how an average car can adequately park, either by reversing/turning into the site or by driving in and out on to the road. See photos A 1 & 2
2. **Sight lines:** Photos B 1 & 2 show the sight lines and exit from Mr & Mrs James' property while Photos C 1 & 2 show the sight lines from our site. I would submit that the sight lines from both properties are very similar and should not cause any undue problems. Perhaps any problem experienced by Mr and Mrs James might be as the result of their pillar extending beyond the street light.
3. **Size:** The application is for a dwelling that is larger than the original cottage but it is a compact, easily maintained 2 bedroom house that we hope to use as a retirement home. We have tried to accommodate earlier objections by resubmitting a revised plan with a lower roof height to the nearest property. The roof height objection does not take into account that our property is actually 2 metres lower than the surrounding properties and approx 40 metres away from Mr and Mrs James' home. See Photos D 1 & 2.
4. **Shade:** There has never, to our knowledge, been a problem with dampness or drainage in this area despite the numbers of trees on neighbouring properties. See Photo E
5. **Privacy:** It is 40 metres approx from our boundary to Mr & Mrs James' property according to the Google street photo. This is further away than other neighbouring properties that also show overlooking windows, we have previously suggested the use of privacy glass as a possible solution to this issue. See Photo F

As stated in our previous correspondence, we hope to use this dwelling as a retirement home. It is a small site but we feel the size of the proposed dwelling will be suitable both for the area and for our needs. We have spent a lot of time, effort and money trying to address all the issues and objections raised and to remedy them when re applying for permission. We have always been grateful for the help offered and worked with the planning office in the past and will continue to do so in the future. We hope you will look favourably on our request and thank you for your consideration of this matter.

Yours faithfully



A 1



A2



B1



B2



C1



C2

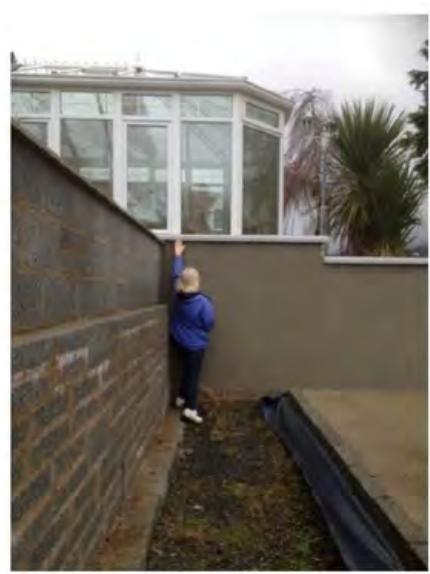




D1



D2



E



F



Colette,

I would like to request speaking rights at next week's planning committee in support of application no. LA07/2015/1161/F to rebut some of the refusal reasons.

Regards,

Jarlath

<b>ITEM NO</b>	<b>9</b>		
<b>APPLIC NO</b>	LA07/2015/1270/F	Full	<b>DATE VALID</b> 02/12/2015
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Michael Teggart C/O Agent	<b>AGENT</b>	O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH 02830835700

**LOCATION** Approximately 70 metres east of 51 Ayallogue Road  
Newry

**PROPOSAL** Erection of dwelling with 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	

- 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 creation of ribbon development along this private lane.
- 2 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and 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 create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/1270/F

**Date Received:** 02.12.2015

**Proposal:** The applicant seeks Full Permission for the erection of dwelling with detached garage on a farm.

**Location:** Approximately 70 metres east of 51 Ayallogue Road, Newry and approximately 0.8 miles North West of Dromintee. The site is located within the Ring of Gullion Area of Outstanding Natural Beauty in South Armagh.

**Site Characteristics & Area Characteristics:**

The site as defined in red takes in the western portion of a large agricultural field which is accessed from an existing laneway that runs along the southern boundary of the site and connects the land to the public road (Ayallogue Road). The area is rural in character with increasing development pressure notable.

**Site History:**

P/2004/2011/O

40 metres east of 51 Ayallogue Road, Newry

Site for replacement dwelling and garage

Permission Refused: 14.03.2005

P/2003/1988/O

Site 76m South East of No 51 Ayallogue Road, Killeavey, Newry

Site for dwelling and detached garage

Permission Refused: 05.03.2004

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 2

Building on Tradition

**Consultations:**

NI Water – Generic Response

NIEA- no objections

Transport NI – No objections subject to compliance with attached conditions

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

Environmental Health – No objections.

**Objections & Representations**

4 neighbours notified on 08.03.2016 and application advertised on 16.12.2015. No objections or representations received.

**Consideration and Assessment:**

The site lies within the AONB/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 to the proposal with regard to the above policy criteria subject to compliance with the attached conditions.

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).

A solicitor's letter has confirmed there has been no development opportunities sold off or disposed from the farm holding. This satisfies the requirements of part (b) of policy CTY10.

The proposed dwelling is sited to cluster with existing buildings on the holding which satisfies part (c) of the policy.

The SPPS reemphasises the need for the development to integrate and respect the rural character of the area.

When the proposed dwelling is viewed from the Ayalogue Road it will be read with the existing buildings immediately adjacent and the dwelling (No.51) at the start of the lane. As these buildings are read together the addition of the proposed dwelling which will also read with these buildings will consequently create a ribbon of development along this private laneway. The proposal consequently fails policy CTY 8.

The proposal is considered to meet policy CTY 13.

As the proposal will create a ribbon of development which is detrimental to the rural character of the area this is contrary to policy 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.

Planning Policy Statement 2: Natural Heritage

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. Due to the issues discussed above relating to ribbon development it is considered that the siting of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality. The proposal is contrary to policy NH6 of PPS2.

**Recommendation:**

Refusal

**Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this private lane.

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

**Case Officer:**

**Authorised Officer:**



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

16<sup>th</sup> May 2017

Dear Sir / Madam,

**Re: LA07/2015/1270/F**  
**Erection of dwelling with detached garage on a farm**  
**Approximately 70 metres east of 51 Ayalogue Road Newry**

1. I refer to the above planning application, which has been recommended for refusal and is to be presented to your committee on 24<sup>th</sup> May 2017 for ratification.
2. I would be grateful if you could give due consideration to the following response to the Council Planning Department's reasons for refusal and its assessment of the application.
3. The background to the case is that the applicant's father operates an active and established farm business. No development opportunities have been disposed of from the farm holding in the preceding ten years, and the proposal is sited so as to cluster with an established group of buildings on the farm. Thus, the applicant is entitled, in principle, to a dwelling on this farm.
4. The dwelling is well screened and it has been positioned in such a manner as to integrate successfully with its surroundings. However, the Council's concern relates to ribbon development (the planning department is of the view that this proposal would, if permitted, result in the creation of a sequence of buildings along this laneway which is purportedly akin to ribboning).
5. Prior to the determination of a recent legal case (Hyde judgement) it was held that proposals that were sited so as to visually link and cluster with an established group of buildings on a farm were not expected to comply with Policies CTY 13 and 14 of PPS 21. Since that judgement, planning authorities in the north have attached greater emphasis



**RTPI**  
Chartered Town Planners



upon the “other planning and environmental considerations” laid out in PPS 21. Additionally, the planning department expressed its belief that the SPPS reemphasises the need for the development to integrate and respect the rural character of the area, hence it attached greater emphasis to Policies CTY 8 and CTY 14 of PPS 21 in particular.

6. In response, I would ask the Committee to note that the assessment of ribbon development has to be undertaken on the basis of how the proposal will appear when viewed from points of general public access or assembly. This is an important aspect of the assessment of this proposal, because it is apparent that the Council’s concerns pertaining to ribboning are based upon how the proposal appears on an ordnance survey map (i.e. there is a perception that, on paper, the proposal constitutes ribbon development, whereas in reality, based upon what will be apparent on the ground this will not actually be the case).



**RTPI**  
Chartered Town Planners



## ANALYSIS OF REASONS FOR REFUSAL

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 this private lane.



**Map 1.**

- It is hereby conceded that a basic perusal of the site layout map submitted on behalf of the applicant could foster an image of sequential development along this private lane leading into the applicant's farm. However, this is not the appropriate manner in which this application ought to be assessed, as will be explained in the following submission.





**Map 2.**

8. At one point in the processing of this application it was indicated that there may be a possibility that the Council could accept the dwelling if it was positioned in the lower (eastern) portion of the host field (marked with the star on map 2, above). This would purportedly have addressed the issue of ribbon development. However, it is respectfully contended that ribbon development could potentially have been more apparent in that scenario, due to the fact that there are extensive views into and through that part of the applicant's farm, whereas there are limited public views into or through the applicant's chosen site.

9. The applicant concedes that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line, and that "buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked".
10. In this case, the buildings in question do not have common frontages. No. 51 Ayallogue Road fronts directly onto Ayallogue Road. Any perception that No. 51 has a frontage onto the private laneway is apparent only at the access to No. 51. The assessment of ribbon development must therefore be undertaken based upon what can be seen from this position as distinct from how the situation appears on a map.



11. CV 1. This is the position where the gable of No. 51 Ayallogue Road comes into view. While one of the two buildings in the cluster to the rear (east) of No. 51 can be seen from this position, it is not clear where the access to this building is being taken from. Equally, while part of the new dwelling may be visible, there will be no perception of



where the access to the proposed dwelling will be taken from, since the laneway along the southern gable of No. 51 cannot be seen. Since there is no perception of a line of buildings along the same frontage (the laneway, which runs in a general easterly direction) there can be no perception that three buildings will form a sequence along this laneway.

12. Even if the Committee feel that there is in fact a linear / transient sequential awareness of development along the lane in question, there is a significant visual buffer between the stone building with the slated roof and No. 51 (which appears to the left of the picture).



13. CV 2. Travelling north, on Ayalogue Road, past No. 43, the stone building with the slated roof is barely visible on the approach to the site. Again, it is impossible to deduce the existence of a laneway at the southern gable of No. 51, but it is clear in any case that any visible element to the new dwelling will not be perceived as extending a sequence



of buildings along this laneway and thus there can be no perception of a ribbon of development.



14. CV 3. Mid-way between No's 43 and 51 Ayalogue Road, the buildings to the rear of No. 51 are obscured from public views. Thus, where roof or gable of the dwelling are visible, the proposal will not appear as if it has extended a linear sequence of buildings along this lane.



15. CV 4. To the north of CV 3, again the buildings to the rear of No. 51 are obscured from public view and thus any element of the proposed dwelling that is visible will not appear as part of a sequence of buildings along this laneway given the new dwelling's juxtaposition with No. 51.





16. CV 5. From this point, the laneway in question (along the southern side of No. 51) is not visible, nor are the buildings with which it is proposed to cluster. Thus, there is no perception of a sequence of buildings along the laneway in question, and ribbon development is not a determining factor.





17. CV 6. When standing at a position almost at the southern gable to No. 51 the buildings to the rear are not visible and there is no perception of a ribbon of development.
18. The Council's planning report indicates that

“when the proposed dwelling is viewed from the Ayalogue Road it will be read with the existing buildings immediately adjacent and the dwelling (No.51) at the start of the lane. As these buildings are read together the addition of the proposed dwelling which will also read with these buildings will consequently create a ribbon of development along this private laneway. The proposal consequently fails policy CTY 8”.
19. However, the notable omission from the planning department's consideration is the failure to identify the location of the relevant critical viewpoints.

20. Based upon O'Callaghan Planning's photographic analysis (carried out on behalf of the applicant), it is respectfully contended that there are no points of general public access or assembly on the southern approach to the site from which it will appear there is a ribbon of development along the lane to the south of No. 51 Ayalogue Road. The Council has been unable to identify the location from which the relevant buildings will be read together in such a manner as to suggest ribbon development.
21. While ribbon development can occur along a private laneway, on occasion, the relationship in this context does not indicate ribbon development. Critically, the laneway is not a point of general public access or assembly, so views taken from the laneway cannot be taken into account for the purposes of identifying the existence of a ribbon of development, and in any case the buildings to the east of No. 51 do not actually present a frontage onto the laneway thus they ought not to be considered to contribute to the existence of a ribbon of development.
22. Whereas Policy CTY 8's justification and amplification states "For the purposes of this policy a road frontage includes a footpath or private lane" this is in the context of defining a substantial and otherwise built up frontage, not a frontage to be determined for the purposes of assessing ribbon development. Thus, the opening statement in para. 5.33 of PPS 21 ought not to be taken as directly applying to this situation.
23. CTY 8's justification and amplification indicates that "buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked". Since there is no certainty that the assessment of ribbon development ought to include private laneways, it ought to be remembered that the buildings in question do not have common frontages, nor are they visually linked in such a manner as to suggest the existence of a line of buildings along this laneway, when viewed from the public road.





The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and 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 create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

24. The Council has not recognised the justification and amplification to Policy CTY 14, insofar as it states that

“in order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should: adopt the spacing of the traditional buildings found in the locality; or integrate sensitively along with a group of existing buildings, such as a farm complex”.

25. In this case, the applicant has clearly integrated sensitively with a group of existing buildings that form a small farm complex.

26. Para. 5.81 of PPS 21 proffers additional guidance, as an aid to the assessment of ribbon development. This states that

“the assessment of the impact of a new building on rural character will be judged from critical views along stretches of the public road network; shared private lane-ways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly. There may also be occasions where combined views from individual private laneways, located in close proximity to each other, will be relevant in assessing the impact of a proposal on rural character”.

27. As has been mentioned above, the farm laneway is not a point of general public access or assembly. It is not a shared driveway serving existing or approved dwellings: it is merely a laneway serving the applicant's own farm. There is no suggestion the Council's visual assessment has been conducted on this basis, and on the basis of the photographic evidence provided in this submission it is clear that, when observed from critical views along stretches of the public road network, this proposal will not appear as





creating or adding to a ribbon of development. Thus, the proposal ought not to have been recommended for refusal on the grounds of Policies CTY 8 or CTY 14 of PPS 21.

28. I trust that the case in support of this proposal has been adequately laid out however in the event the Committee requires further information or clarification on any pertinent matter, please do not hesitate to contact this office.

Yours Faithfully,



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



**RTPI**  
Chartered Town Planner



<b>ITEM NO</b>	<b>11</b>			
<b>APPLIC NO</b>	LA07/2016/0325/F	Full	<b>DATE VALID</b>	10/03/2016
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	L Jay Properties 43 The Slopes Portadown BT63 5NT		<b>AGENT</b>	McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD 02840623444
<b>LOCATION</b>	Site adjacent to and north of number 42 Carquillan Hilltown Newry BT34 5UG			
<b>PROPOSAL</b>	Erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated siteworks			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	9	0	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0 0	0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0325/F

**Date Received:** 7<sup>th</sup> March 2016

**Proposal:** Erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated siteworks

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

**Site Characteristics & Area Characteristics:**

The site is a rectangular piece of agricultural land enclosed on two sides by existing development at Carquillan. The existing dwellings are detached and most are two storey. They are all finished in red brick with a brown tiled roof and white PVC windows. The site slopes generally from south to north towards agricultural land beyond, and Hilltown Sale Yard. It is currently used for grazing and also some informal recreational use as there is a set of goal posts present. There are retaining structures along the southern boundary as the adjoining development sits at a higher level. There are two potential access points from turning heads in Carquillan. It is proposed to use the one to the eastern side which would require the removal of a hedge. The northern boundary of the site is undefined on the ground.



Proposed entrance to site



Looking south into site





Within site

The site is within the development limit of Hilltown, as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is located towards the NW of the settlement and is part of a larger site zoned for housing (HN13). It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The main land uses in the area are residential and agriculture.

#### **Site History:**

There have been no previous planning applications on this part of the site.

#### **Planning Policies & Material Considerations:**

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- PPS15 – Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

#### **Consultations:**

TransportNI – Revised road design is acceptable and plans for the road to be adopted have been determined. Conditions provided.

NI Water – Public water supply and foul and surface water sewers available with capacity to serve the development.

Environmental Health – No objections provided public sewerage system is used.

NIEA – Standard advice on sewerage and drainage. Low risk of land contamination – conditions supplied. Site is close to Area of Archaeological Potential, but no archaeological objections.

Rivers Agency – Drainage Assessment was required in accordance with policy FLD3. Revised document received 2<sup>nd</sup> March 2017 is acceptable.

NI Housing Executive – Has identified a projected need of 15 social units for the town and supports the provision of 8 of these units on this site, plus three wheelchair units. The design of the units has been amended to comply with DfC space standards.

### Objections & Representations:

The application was advertised in local newspapers on 25<sup>th</sup> March 2016 and final amendments to the scheme were re-advertised on 10<sup>th</sup> March 2017. 11 neighbouring properties were notified on 1<sup>st</sup> April 2016 and 24<sup>th</sup> February 2017 as required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Objections were received from the owners of six neighbouring properties all but one of which adjoin the site, as shown on the map below. Some of these were copies of the same letter. As there are objections from six different addresses, the application must be determined by the Planning Committee.





The main issues raised in multiple objections were to the zoning of this site for housing including social housing, development not in keeping with the character or density of the estate, impacts on a public right of way, insufficient parking, access road not wide enough and unsuitable for construction traffic, drainage issues have not been addressed, demand for social and private housing has not been proven, privacy and daylighting issues.

The land was zoned for housing (including a portion of social housing) through a statutory development plan process concluded in 2013 and in which the public had the opportunity to make representations. It is not for the Council to now review the nature of this process through processing of the current planning application. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that the application must be determined in accordance with the plan unless material considerations indicate otherwise. While the points raised by objectors are material considerations, they are not considered to override the provisions of the adopted plan.

While the proposal represents an increase in density from the originally constructed estate, this is in line with the Key Site Requirements of the Area Plan. The design and finishes of the dwellings have been amended to better reflect the character of the existing estate, e.g. through the use of red brick.

The agent has stated that there is no public right of way on the site and no such easement is shown on the Council's mapping system. If the application is approved, an informative will be attached advising that the permission does not alter or extinguish any existing right of way on the lands.

TransportNI has repeatedly confirmed that they are content with the proposed access arrangement and road layout in terms of road safety. As construction traffic travelling to other phases of the estate used the same access road, this is not envisaged to be a difficulty. It is acceptable under planning policy to provide both in-curtilage and on-street parking and the total of 60 spaces provided is in excess of the policy requirements.

A Drainage Assessment was requested in accordance with PPS15. After several revisions, this has now been agreed by Rivers Agency. It demonstrates that storm water can safely be discharged into the NI Water network.

The Housing Executive is the authoritative body with regard to social housing need and has identified a need of 15 units in Hilltown until 2021. They are supporting the provision of part of this need on this site in accordance with the plan zoning. It is not for the Council to suggest alternative sites where this can be realised, as proposed by the objectors. There is no requirement to demonstrate need for private housing on an urban zoned site.

The dwellings have been designed to prevent adverse impacts on the privacy and amenity of neighbouring properties and this is aided by the topography of the site as the new dwellings will sit well below the level of the existing dwellings to the south. This, along with the site's position relative to the sun path will ensure that existing dwellings do not experience significant loss of light.

In addition, individual objectors raised the following specific issues:



The owner of No. 14 had concerns about the proximity of the nearest new dwelling, loss of privacy and levels/drainage. The design of this dwelling has now been amended to single storey with no first floor windows, levels have been adjusted and the Drainage Assessment including discharge to existing NI Water storm drains has been agreed by Rivers Agency.

The owner of No. 21 stated that the land dampens noise pollution from the sale yard and that this is the only safe green area for the children to play. Any recreational use is not formalised and the land remains primarily agricultural. As it is zoned for housing in the adopted plan, these concerns cannot be given determining weight. Any changes in the level of noise pollution can be investigated by Environmental Health.

The owners of No. 42 had agreed to purchase part of the land within the site adjacent to their house, but this had been delayed by a legal issue over a right of way. Land ownership issues are separate from the planning process and a pending sale of part of the land would not stop the developer applying for housing on the site. They were also concerned that a house may be erected on the narrow access strip to the east of their property. This was never part of the application before the Council as the land is not within the red line boundary. They raised concern about cars using this entrance point, but again, there is no provision for this in the application and all traffic will use the eastern entrance point.

Having considered the concerns raised by the objectors in detail, relevant issues have been addressed in the detailed plans and other issues raised cannot be given determining weight.

### **Consideration and Assessment:**

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. On 12<sup>th</sup> October 2016 the Council determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPSS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Hilltown on the above Plan, and is zoned for housing (part of a larger zoning). There are 2 Key Site Requirements. A minimum of 15 dwellings are to be provided for social housing and

the density is to be between 25 and 30 dwellings per hectare. The developer proposed to provide 8 social units in this phase of the development. It was later proposed by NIHE that there would be 3 wheelchair units for identified complex needs cases on the social housing waiting list. This site comprises 52% of the overall zoning of 1.11Ha. 8 social units would equate to 53% of the overall social housing requirement of 15 units. A condition will be imposed to ensure that a minimum of 8 units are for social housing let by a registered Housing Association in accordance with the Area Plan. The mix provided by NIHE counts the wheelchair units on top of the original requirement of 8 units, increasing the total to 11. However, to condition the provision of 11 units would go beyond the requirements of the Area Plan and may impact on the viability of the development. Therefore the condition will refer to a minimum of 8 social units incorporating the mix provided by the Housing Executive. The remaining units can be provided in a later phase on land to the north, subject to housing need at that time. With regard to density, the existing development at Carquillan contains larger detached houses at a rate of 16 dwellings per hectare. However, smaller social housing units will generally have a higher density, hence the Plan's requirement for 25 – 30 dwellings per hectare. The proposed scheme has a housing density of 29 dwellings per hectare, within the range specified by the Area Plan. As there is a specific density requirement in the Plan, it should be accorded greater weight than the provisions of policy LC1 of the Addendum to PPS7.

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 revised design and finishes of the buildings is in keeping with their surrounding context at Carquillan and there is a mix of detached and semi-detached units. The dwellings will be arranged in a u-shape around the access road. The scheme takes account of the characteristics of the site with regard to access, levels and overall layout. There are no known archaeological, built heritage or landscape features that would be adversely affected by the proposal. An average of 89 sq.m of private amenity space is provided at each dwelling, in excess of the requirement of 70 sq.m in *Creating Places*. No public open space is required under policy OS2 of PPS8 due to the small scale of the scheme. Given the small scale of the scheme, the developer should not be required to provide any local neighbourhood facilities as part of the development. The site is within walking distance of public transport and local services. A rumble strip is to be installed as a traffic calming measure at the entrance to the site. The design and layout will not create conflict with adjacent land uses and there will be no unacceptable amenity impact on surrounding dwellings as a result of overlooking or loss of light. The topography of the site will help to preserve privacy for existing dwellings as the new dwellings along the southern side of the site will sit around 5 metres lower than the adjoining buildings to the south. The change in levels can be accommodated by a sloped bank along most of this boundary with a retaining wall only required in the curtilage of site 8. A planting belt is proposed along the western boundary at the edge of the development limit. A detailed scheme for this planting can be required by condition. The layout will provide informal surveillance of the public road in the centre of the site and will prevent public access to the rear of existing and proposed dwellings, helping to deter crime and promote personal safety. The development relates satisfactorily to its townscape setting. The unit sizes comply with the minimum space standards in Annex A of the Addendum to PPS7 and the Housing Executive is now satisfied with the design of the social housing units including 3 wheelchair units. This will ensure the provision of a quality

and sustainable residential environment in compliance with the requirements of policy QD1 of PPS7.

The access proposals are in accordance with the requirements of PPS3 and DCAN15 and TransportNI have no objections. They are content with the narrower entrance to the development of 4.8m width, which then widens to 6m within the site. This is standard for a shared surface layout (*Creating Places* paragraph 19.06). Therefore objections in this regard cannot be sustained on road safety grounds. A plan of the road to be adopted has been determined by TransportNI and appropriate conditions will be attached. As the first part of the access is existing, there is no need to condition the provision of visibility splays. A total of 60 car parking spaces will be provided in-curtilage and on-street as permitted by policy AMP7 and this meets the requirements of *Parking Standards*.

NI Water advised that public water supply and foul and surface water sewers were available with capacity to serve 18 units. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health. Due to the size of the site, a Drainage Assessment was required under policy FLD3 of PPS15. This should demonstrate adequate measures to mitigate the flood risk to the proposed development and development elsewhere. The revised Drainage Assessment received on 2<sup>nd</sup> March 2017 has been found to meet these requirements by Rivers Agency.

**Recommendation:** Approval

**Conditions:**

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

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

2. No development shall take place until a scheme of mature tree and shrub planting for a 3 metre wide strip on the western boundary of the site and a programme of works, have been approved by the Council. The planting shall be undertaken during the first available planting season after commencement of development and shall be carried out in accordance with the approved details.

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

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



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

4. Provision shall be made and permanently retained, within the approved development, for a minimum of 8 No. social housing units. This minimum requirement shall be delivered by an arrangement with a Registered Social Landlord (RSL) ie. Northern Ireland Housing Executive (NIHE) or a registered housing association. These units shall consist of up to:

- 5 No. 3 person 2 bed units
- 3 No. 5 person 3 bed units
- 3 No. 3 person 2 bed wheelchair units

Full details of the mix opted for, from the above, shall be submitted to and agreed by the Council prior to the occupation of any of the dwellings hereby approved.

Reason: To meet the Key Site Requirement for Social Housing provision as listed in Zoning HN13 of the Banbridge / Newry and Mourne Area Plan 2015 and ensure its long term delivery.

5. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

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

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

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

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. After completing any remediation works required under condition 7 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the

Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.**

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 15 bearing the date stamp 3 February 2017.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

11. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption and no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm, shall be carried out in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

12. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.

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

13. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

14. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by Transport NI Street Lighting Section. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by Transport NI Street Lighting Section. These works will be carried out entirely at the developer's expense.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

15. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by TransportNI Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

16. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety.

17. The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to Transport NI for agreement in writing. The developer/applicant shall contact Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



<b>ITEM NO</b>	<b>17</b>			
<b>APPLIC NO</b>	LA07/2016/0925/F	Full	<b>DATE VALID</b>	11/07/2016
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Jaramas Investments (NI) LTD C/O Agent		<b>AGENT</b>	P. O'Hagan & Associates Ltd 10 Trevor Hill Newry BT34 1DN 028 3026 6011
<b>LOCATION</b>	Killeavy Castle Ballintemple Road Clonlum Meigh Newry Co. Armagh			
<b>PROPOSAL</b>	Erection of glasshouse and cafeteria/shop with ancillary accommodation within the walled garden at Killeavy Castle, Clonlum, Meigh, Co. Armagh			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	
	0	0	0	
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference:** LA07/2016/0925/F

**Date Received:** July 11<sup>th</sup> 2016

**Proposal:** Erection of glasshouse and cafeteria/shop with ancillary accommodation within the walled garden.

**Location:** Killeavy Castle, Ballintemple Road, Clonlum, Meigh

**Site Characteristics & Area Characteristics:**

The site is a former walled garden area within the grounds of Killeavy Castle, located to the south east of the main complex; the garden is on a hill side and slopes down to the east and to the south. It is of a rhomboid shape with the northern boundary longer than the southern and the eastern and western walls sloping inwards. Part of the centre of the northern wall has been demolished at some point in the past to permit vehicular access; the interior of the garden contains grass and reeds evidence of extensive water logging.



On the southern wall is a small structure resembling a store that is likely associated with its previous use as a garden; there are mature trees growing just outside of the eastern and southern walls.



The garden is associated with Killeavy Castle, a former country house that is a listed building.

#### **Site History:**

Killeavy Castle was the subject of an approval for a hotel complex involving it and the adjacent former farm buildings. P/2014/0216/F and its associated listed building consent. The landscaping proposals, included the restoration of the original walled garden, including a market garden to grow produce for use in the hotel, the main car park for the scheme is to be constructed just beyond the eastern wall of the garden.

There is an associated application for Listed Building Consent LA07/2017/0301/LBC that is currently being assessed by the Planning Authority.

#### **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:**

**Historic Environments Division** HED has identified a number of concerns with the proposal, including to opening of new entrances in the southern and eastern walls to facilitate access from the new car park and the associated access ramp, as they would impact on the historic fabric of the wall and are contrary to the original concept for the walled garden. It also highlights concerns over the design of the glasshouse, especially the velux rooflights and requests details of the colour of the aluminium windows. The design of this structure is different from that in the associated application for Full Permission, LA07/2016/0925/F. It also requests full details of the proposed planting and a revised landscape management plan.

**Transportni** have requested further information before making comments.

**Objections & Representations**

No representations have been received in relation to this application.

**Consideration and Assessment:****Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, a cafe is effectively retail in nature and such proposals are traditionally assessed under retail policy. Paragraph 6.279 of the Statement states that retailing proposals will be directed towards town centres, however in rural areas an exception is permitted for shops serving tourist or recreational facilities, as the Killeavy Castle Development is a tourist/recreation facility the cafe element meets the exception set out in the policy.

**Banbridge/Newry and Mourne Area Plan 2015.**

The site is located in the rural area, Killeavy Castle is designated as a Historic Park, Garden or Demesne, detailed policy for which is contained within Policy BH6 of PPS6.

**PPS 3: Access, movement and parking**

Transportni have requested further information before making comment. However, the Planning Department consider that the principle regarding access, movement and parking within the site has already been established under the approval for the hotel development which also included the restoration of the walled garden area. The Planning Department consider that this proposal will not result in any parking or traffic issues and feel the proposal is acceptable under PPS 3 subject to the imposition of an appropriate condition. This condition to be applied to any approval will be a duplicate of the condition applied under the previous hotel permission which required that prior to the development hereby approved becoming operational, a scheme of road improvements between the site access and Forkhill Road (including Ballintemple Road and Wood Road) and a timescale for their implementation must be submitted to and agreed in writing by the Planning Authority in order to ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

**PPS6 Planning Archaeology and the Built Heritage Policy BH6**

The policy states that permission will not be granted for any development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens or demesnes of special historical interest. The justification of the policy states that one of the features which will be assessed carefully including the boundary walls of a

garden. The policy states further that in the event of permission being granted the developer will be required to record all details of any structures that are to be demolished.

HED states that it considers that the proposed breaches of the wall, with the associated loss of original wall fabric will have an adverse physical impact upon the wall itself and this scheme is contrary to the original design concept for the walled garden which did not have any new openings. It further states that a number of measures should be addressed such as conservation management for the treatment of the garden wall including preservation of the 19<sup>th</sup> century ironmongery on the wall, full details of all planting and a landscape management plan.

### **Policies BH8 and 11**

The policy allows for the granting of permission for an extension on a listed building if the proposal retains the essential character of the building and its special features remain intact and unimpaired. HED's response states that it considers that the proposal is contrary to this policy in particular it refers to the concrete hard-landscaping products and paviers are not traditional or sympathetic building materials as required by the policy, and requests that they are specified in natural stone, natural timber and/or timber.

The restoration of the walled garden has already been approved under the previous application P/2014/0216/F. The current applications introduce a new element in terms of the cafe and the glasshouse as well as changing several of the details of the restoration and providing new entrances in the eastern and southern boundaries of the wall. HED appears to accept the principle of the cafe and glasshouse although it has some reservations about certain aspects of their design, particularly the cafe. It states that the cafe unit proposed under the Full Application LA07/2016/0925/F is preferable and it is this scheme submitted under the full application which the Planning Department has considered in its assessment, and not the conflicting scheme which has been submitted under the listed building consent.

In relation to the other issues identified by HED, Policy BH6 does contain a provision that where permission is granted for an application that involves demolition of the features of a historic park, garden or demesne the Planning Authority can insist on the imposition of conditions that all features to be demolished can be recorded so that their details are not lost and the Planning Department will condition this as appropriate.

Having considered all of the relevant matters, including the comments and issues raised by HED, it is the opinion of the Planning Department that the application for listed building consent and the full planning application can be recommended for approvals with the opportunity to appropriately restore the historic walled garden which appears to have been neglected for some years as well as the significant employment opportunities which could be brought to the area if the proposed scheme is approved and subsequently implemented. The proposal is acceptable in principle, and the positives associated with an implemented approval substantially outweigh any potential negative impact.

### **Recommendation:**

On balance, having considered all relevant matters, recommendation to approve subject to appropriate conditions and informatives.

**Conditions:**

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

Reason: Time Limit.

2. Prior to the development hereby approved becoming operational, a scheme of road improvements between the site access and Forkhill Road (including Ballintemple Road and Wood Road) and a timescale for their implementation must be submitted to and agreed in writing by the Newry, Mourne and Down District Council.

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

3. Within one year of the opening of the hotel hereby approved, a landscape management plan detailing the management and maintenance of the walled garden shall be submitted to and agreed in writing by the Planning Department.

Reason: To ensure the preservation of the historic designed landscape.

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 Practise. The works shall be completed within a 5 year period from the opening of the hotel and maintained on an ongoing basis in accordance with the agreed landscape management plan.

Reason: To protect the setting of the Listed Building.

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local 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 local planning authority gives its written consent to any variation.

Reason: To protect the setting of the Listed Building.

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

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



7. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Planning Department.  
Reason: To ensure the continuity of amenity afforded by existing trees.
8. In advance of any development on the site, a report recording all features to be demolished shall be submitted to and agreed in writing by the Planning Department.  
Reason: To ensure the recoding of any historic features of interest.

**Case Officer**

**Authorised Officer**

<b>ITEM NO</b>	<b>31</b>			
<b>APPLIC NO</b>	LA07/2017/0301/LBC	Listed Buildi	<b>DATE VALID</b>	01/02/2017
<b>COUNCIL OPINION</b>	<b>CONSENT</b>			
<b>APPLICANT</b>	Jaramas Investments NI Ltd	<b>AGENT</b>	O'Hagan & Associates Chartered Architects 10 Trevor Hill Newry BT34 1LD 028 30266011	
<b>LOCATION</b>	Killeavy Castle Ballintemple Road Clonlum Meigh Newry			
<b>PROPOSAL</b>	Erection of glasshouse and cafeteria/shop with ancillary accommodation within the walled garden.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0 0	0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

**District Council**

**Application Reference: LA07/2017/0301/LBC**

**Date Received: February 1<sup>st</sup> 2017**

**Proposal: Erection of glasshouse and cafeteria/shop with ancillary accommodation within the walled garden.**

**Location: Killeavy Castle, Ballintemple Road, Clonlum, Meigh**

**Site Characteristics & Area Characteristics:**

The site is a former walled garden area within the grounds of Killeavy Castle, located to the south east of the main complex; the garden is on a hill side and slopes down to the east and to the south. It is of a rhomboid shape with the northern boundary longer than the southern and the eastern and western walls sloping inwards. Part of the centre of the northern wall has been demolished at some point in the past to permit vehicular access; the interior of the garden contains grass and reeds evidence of extensive water logging.



On the southern wall is a small structure resembling a store that is likely associated with its previous use as a garden; there are mature trees growing just outside of the eastern and southern walls.





The garden is associated with Killeavy Castle, a former country house that is a listed building.

#### **Site History:**

Killeavy Castle was the subject of an approval for a hotel complex involving it and the adjacent former farm buildings. P/2014/0216/F and its associated listed building consent. The landscaping proposals, included the restoration of the original walled garden, including a market garden to grow produce for use in the hotel, the main car park for the scheme is to be constructed just beyond the eastern wall of the garden.

#### **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:**

**Historic Environments Division** (HED) has identified a number of concerns with the proposal, including to opening of new entrances in the southern and eastern walls to facilitate access from the new car park and the associated access ramp, as they would

impact on the historic fabric of the wall and are contrary to the original concept for the walled garden. It also highlights concerns over the design of the glasshouse, especially the velux rooflights and requests details of the colour of the aluminium windows. The design of this structure is different from that in the associated application for Full Permission, LA07/2016/0925/F. It also requests full details of the proposed planting and a revised landscape management plan.

**Transportni** have requested further information before making comments.

### **Objections & Representations**

No representations have been received in relation to this application.

### **Consideration and Assessment:**

#### **Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to listed buildings the Statement largely restates the provisions of the retained policy.

#### **Banbridge/Newry and Mourne Area Plan 2015.**

The site is located in the rural area, Killeavy Castle is designated as a Historic Park, Garden or Demesne, detailed policy for which is contained within Policy BH6 of PPS6.

#### **PPS 3: Access, movement and parking**

Transportni have requested further information before making comment. However, the Planning Department consider that the principle regarding access, movement and parking within the site has already been established under the approval for the hotel development which also included the restoration of the walled garden area. The Planning Department consider that this proposal will not result in any parking or traffic issues and feel the proposal is acceptable under PPS 3 subject to the imposition of an appropriate condition. This condition to be applied to any approval will be a duplicate of the condition applied under the previous hotel permission which required that prior to the development hereby approved becoming operational, a scheme of road improvements between the site access and Forkhill Road (including Ballintemple Road and Wood Road) and a timescale for their implementation must be submitted to and agreed in writing by the Planning Authority in order to ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

#### **PPS6 Planning Archaeology and the Built Heritage Policy BH6**

The policy states that permission will not be granted for any development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens or demesnes of special historical interest. The justification of the policy states that one of the features which will be assessed carefully including the boundary walls of a garden. The policy states further that in the event of permission being granted the developer will be required to record all details of any structures that are to be demolished.

HED states that it considers that the proposed breaches of the wall, with the associated loss of original wall fabric will have an adverse physical impact upon the wall itself and this scheme is contrary to the original design concept for the walled garden which did not have any new openings. It further states that a number of measures should be addressed such as conservation management for the treatment of the garden wall including preservation of the

19<sup>th</sup> century ironmongery on the wall, full details of all planting and a landscape management plan.

#### **Policies BH8 and 11**

The policy allows for the granting of permission for an extension on a listed building if the proposal retains the essential character of the building and its special features remain intact and unimpaired. HED's response states that it considers that the proposal is contrary to this policy in particular it refers to the concrete hard-landscaping products and paviors are not traditional or sympathetic building materials as required by the policy, and requests that they are specified in natural stone, natural timber and/or timber

The restoration of the walled garden has already been approved under the previous application P/2014/0216/F. The current applications introduce a new element in terms of the cafe and the glasshouse as well as changing several of the details of the restoration and providing new entrances in the eastern and southern boundaries of the wall. HED appears to accept the principle of the cafe and glasshouse although it has some reservations about certain aspects of their design, particularly the cafe. It states that the cafe unit proposed under the Full Application LA07/2016/0925/F is preferable and it is this scheme submitted under the full application which the Planning Department has considered in its assessment, and not the conflicting scheme which has been submitted under the listed building consent.

In relation to the other issues identified by HED, Policy BH6 does contain a provision that where permission is granted for an application that involves demolition of the features of a historic park, garden or demesne the Planning Authority can insist on the imposition of conditions that all features to be demolished can be recorded so that their details are not lost and the Planning Department will condition this as appropriate.

Having considered all of the relevant matters, including the comments and issues raised by HED, it is the opinion of the Planning Department that the application for listed building consent and the full planning application can be recommended for approvals with the opportunity to appropriately restore the historic walled garden which appears to have been neglected for some years as well as the significant employment opportunities which could be brought to the area if the proposed scheme is approved and subsequently implemented. The proposal is acceptable in principle, and the positives associated with an implemented approval substantially outweigh any potential negative impact.

#### **Recommendation:**

On balance, having considered all relevant matters, recommendation to approve subject to appropriate conditions and informatives.

#### **Conditions:**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

#### **Case Officer**

#### **Authorised Officer**



<b>ITEM NO</b>	<b>19</b>			
<b>APPLIC NO</b>	LA07/2016/0999/F	Full	<b>DATE VALID</b>	25/07/2016
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	NIHE Downshire Civic Centre Ardglass Road Downpatrick BT30 6GQ		<b>AGENT</b>	W & M Given Architects Suite 8 River House Castle Lane Coleraine BT51 3DR  NA
<b>LOCATION</b>	12 St Colmans Gardens Rostrevor			
<b>PROPOSAL</b>	Internal alterations with a two storey rear and side extension with additional single storey rear extension			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	20	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1: (a) in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area, (b) in that the proposal would unduly affect the amenity of neighbouring residents and (d) in that insufficient space would remain within the curtilage of the property for recreational and domestic purposes, including the parking and manoeuvring of vehicles.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2016/0999/F

**Date Received:**

26/07/2016

**Proposal:**

Internal alterations with a two storey rear and side extension with additional single storey rear extension

**Location:**

12 St Colman's Gardens, Rostrevor

**Site Characteristics & Area Characteristics:**

The dwelling which is proposed to be extended is located within an established residential development within the settlement limits of Rostrevor, comprising blocks of two storey semi-detached properties as shown below. Parking is not currently provided within the curtilage of many of the dwellings, with the exception of a few in curtilage driveways. No.12, adjoined to No.11, is located towards the back of the cul-de-sac and comprises a small private garden to the front, with a larger area of triangular amenity space to the side and rear, with a small store and oil tank located close to the rear of the dwelling. There are currently a number of mature trees along the southern and northern boundaries to the rear, separating the garden from No.13 to the South and No 10A Greendale Crescent, to the north. Although not visible on site, there is a small river located approximately 5m west of the rear boundary. Along the eastern boundary, separating the adjoining property No.11, there is currently a 1.5m hedge, with more densely grown hedgerow in the subject garden and a small greenhouse.



**Site History:**

None applicable to this application

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- Addendum to PPS 7 'Residential Extensions and Alterations'
- Creating Places 'Achieving Quality in Residential Developments.'
- Representations / objections
- Supporting information

**Consultations:**

Given the close proximity to the river, Rivers Agency was consulted on the proposal. An initial response received 28<sup>th</sup> September 2016 advised that under PPS15 FLD2 Protection of Flood Defence and Drainage Infrastructure, two designated watercourses flow along the northern boundary to the site and that a working strip of 5m (minimum) must be retained between these and the site. The agent was advised to contact Rivers directly to demonstrate that the required working strip can be achieved and protected from impediments, land raising or future unapproved development, with access to this strip required at all times.

A copy of the response, together with a proposed site layout plan showing this working strip (which was sent directly to the agent from Rivers Agency) was received on 23<sup>rd</sup> November 2016 by email and has been uploaded to the Portal. Rivers Agency in this response, dated 21<sup>st</sup> November 2016 has no objections to the proposal based on this amended drawing 06 (SD-07) provided the details are adhered to. I am satisfied therefore that the proposal would not present any issues in terms of flooding.

**Objections & Representations**

- 4 Neighbour notifications were issued 12/08/2016 (statutory expiry 01/11/2016)
- Advertised in local press 01/08/2016 and 12/09/2016 (re-advertisement)
- Statutory publication expiry date 07/10/2016
- 21 objections have been received on this application, including one Councillor Representation. Within these objections, it has been noted that the description of 'rear' extension is misleading and does not accurately describe the proposed works. This matter has been addressed through an amended description which reads 'Internal alterations with a two storey rear and side extension with additional single storey rear extension' and was re-advertised as above. The objections also note that the proposed extension is adjacent to a river where there have been serious flooding issues in the past. This matter has been discussed above under consultations with Rivers Agency.
- The additional material issues raised within the objections are summarised under the following headings:

**Amenity**

- The proposal would unduly affect the privacy or amenity of neighbouring residents;



- Insufficient space would remain within the curtilage for recreational and domestic purposes;
- The level of amenity space would be inadequate and would be incompatible with the overall size of the plot.
- The amenity of residents would be threatened through this 'un-neighbourly extension' resulting in issues of overshadowing, loss of light, dominance, loss of privacy;
- The proposal would result in No.11 being 'hemmed in' by the extension and would dominate existing views, appearing overbearing;
- The proposal would reduce the quality of life to neighbouring residents through loss of daylight and creation of shadows;
- Separation distance to No.11 are of a concern;

#### Visual impact / character of the area

- The works do not respect the existing character or settlement pattern of the local area;
- The scale, massing, design and external materials of the proposal are unsympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area;
- The proposal would not create a quality and sustainable residential environment;
- The proposal is not designed to be an integral part of the existing property and has been designed in isolation to fit in a required amount of accommodation;
- The proposal is incompatible with its surroundings;
- The proposal is so large and prominent that it dominates the host property and its wider surroundings; it is not in scale with existing and adjoining buildings;
- The site would be overdeveloped, in terms of massing, plot size and proximity to boundaries;
- The proposal does not respect the existing form and type of extension prevalent in the area;
- The proposal would create a 'layered' visual impact

#### Parking

- The plans fail to show proposed off street parking
- The proposal does not allow for sufficient parking provision including for accessible vehicles;
- parking on street would block access to the neighbouring property
- The proposal will lead to a substantial increase in traffic to the area, reducing parking availability and increasing risks to children;

#### Other issues which are not material planning considerations:

- The proposal is not socially, economically or environmentally sustainable because its alterations make it only appropriate for a very specific type and size of family, the property might lie derelict / vacant due to its very specific modifications and could attract antisocial behaviour
- Health and Safety concerns have been raised in relation to the construction works on a restricted site - a risk assessment should be requested to manage the proposed building works and ensure the health and safety of the local residents is protected if it were to proceed.

**Consideration and Assessment:**

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

The site lies within the settlement development limit of Rostrevor, which also falls within the Mourne AONB, as identified by the Banbridge / Newry and Mourne Area Plan 2015.

The proposal involves internal alterations with a two storey rear and side extension, with additional single storey rear extension to an existing dwelling to provide access to, improve the health or safety of a disabled person/s. Under the SPPS, the policy provisions of the addendum to PPS 7 'Residential Extensions and Alterations' are retained and will be afforded significant weight considering this proposal. The circumstances and medical requirements which form the basis of this proposal have been provided and remain confidential, however will be afforded appropriate weight in considering this proposal.

Under Policy EXT1 of the Addendum to PPS7, the scale, massing, design and external materials of the proposal must be sympathetic to the built form and appearance of the existing property and must not detract from the appearance and character of the surrounding area.

The subject property in its current form comprises a two storey semi-detached home measuring 6.5m in width x 6.7m in length, with a total internal floor space of 87.1m<sup>2</sup>.

The proposed extension comprises a two storey element to the side and rear, which projects 1.5m to the side and 9.1m to the rear. In addition, it includes a single storey element attached to part of this two storey extension, set back 8.7m from the existing front building line and which projects both 3.1m and 3.7m to the side and measuring 10.3m at its widest point along the rear proposed building line. Overall the proposal would create an additional floor space of 128.48m<sup>2</sup> (93.06m<sup>2</sup> at ground floor level and 35.42m<sup>2</sup> at upper floor level.) In terms of scale and massing of the proposal in the context of the existing dwelling, I feel this extension would be so prominent as to dominate the host dwelling and is not keeping with the scale of the (in particular) adjoining property and the surrounding area. The overall dimensions are significantly greater than the existing dwelling and are not subordinate, more than doubling the size of the existing house.

In terms of plot size, the proposal would leave a separation distance of 1.65m to the rear boundary, 1.1m from the closest point to the SW boundary (two storey element) and 1.2m from the closest point of the single storey element to the SW boundary. There would be a separation distance of 1.6m from the two storey element to the shared boundary with No.11 and 1.1m between the single storey element to this boundary. In my opinion, this would result in over-development of this plot (which measures 278.87m<sup>2</sup>) and create a visual 'terrace effect' when viewed against No.13.

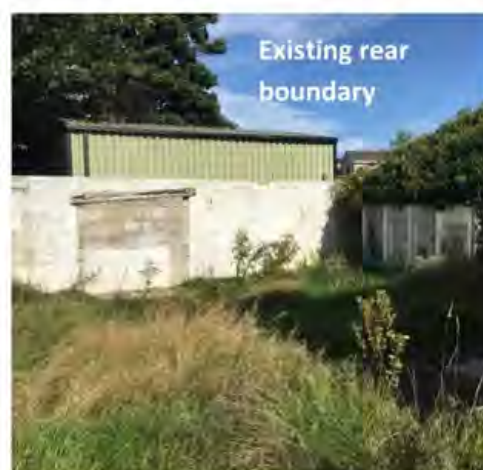




EXT1 seeks to ensure that proposals for extensions / alterations do not unduly affect the privacy or amenity of neighbouring residents. In considering the impact of this proposal initially upon the adjoining property No11, I have immediate concerns regarding the massing and scale in terms of dominance / loss of light to their property, in particular from the two storey element (extending 4.2m and set back 1.6m from the shared boundary.) Upon carrying out a 45 degree light assessment, this element would appear to reduce the level of light to the

openings of No.11 at ground floor level. This is true also for the rear single storey element when the 60 degree angle test is adopted. In terms of No.11, I feel the proposal would result in an unacceptable loss of light and would be dominant upon their property. There are no upper floor windows proposed along the north eastern elevation, therefore issues of overlooking are not of a concern.

In terms of No.13, part of the two storey element would be sited 1.1m from its shared boundary with No12. There is one window proposed at lower level, therefore I do not foresee any issues of overlooking to this property as a result of the extension. Given the orientation of this property, I do not consider there would be any issues of dominance or loss of light to this property. No.10A Greendale Crescent is located to the rear of No.12. Currently, there is an existing shed tight to the shared boundary. This dwelling is located 25.5m away from this shed, therefore adverse impacts as a result of this development are not envisaged to No.10A Greendale Crescent.



In terms of parking provision, EXT1 requires sufficient space to remain within the curtilage of a dwelling for the parking and manoeuvring of vehicles. There is not currently any in curtilage provision for the existing three bedroom property. Given this proposal is to accommodate disabled person/s, it is possible that accessible



parking provision may also be required. I have concerns regarding the scale of the property proposed (i.e. 6 bedroom,) together with the lack of in curtilage parking availability in terms of the sustainability of this dwelling and do not feel the proposal satisfactorily demonstrates that the required parking provision can be provided.

In terms of amenity space, EXT1 requires there to be sufficient space remaining within the curtilage for recreational and domestic purposes. The extension would incur a loss of 96.03m<sup>2</sup> rear amenity space, leaving 24m<sup>2</sup> behind the proposed rear building line, with additional pockets of amenity to the side equating to approximately 28m<sup>2</sup>. I feel in the context of this site, the level of private amenity space remaining would be incompatible for the overall plot size and does not meet the guidance of 'Creating Places' which advises 70m<sup>2</sup> or greater for a dwelling of this scale.

EXT1 also considers whether the proposal would cause the unacceptable loss of, or damage to trees or landscape features. This is not an issue in this case.

The specific needs of a person with a disability are an important material consideration and exceptionally, the policy criteria may be relaxed to meet their needs. I am sympathetic to the circumstances and specific requirements behind this proposal but also have to weigh up the demonstrable harm that would be caused by to neighbouring residents and the suitability of the proposal for the site and its overall impact on the character of the area. As this proposal is for a prospective NIHE tenant and considering all of the issues that have been raised, I do not feel relaxing the policy in this case is justified.

**Recommendation:** Refusal

#### **Reason for Refusal**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1: (a) in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area, (b) in that the proposal would unduly affect the amenity of neighbouring residents and (d) in that insufficient space would remain within the curtilage of the property for recreational and domestic purposes, including the parking and manoeuvring of vehicles.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>21</b>			
<b>APPLIC NO</b>	LA07/2016/1532/O	Outline	<b>DATE VALID</b>	17/11/2016
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Dermot and Antoinette Murphy 5 Lisgarvagh Lislea Newry		<b>AGENT</b>	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 02841772377

**LOCATION** To the rear of 17B Bonds Road  
Dorsy  
Silverbridge BT35 9PE

**PROPOSAL** Site for dwelling and detached garage with access to Bonds Road via existing lane with access improvements.

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) of Northern Ireland 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.
- 2 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with the existing and approved buildings and would therefore result in detrimental change to further erode the rural character of the countryside.
- 3 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.
- 4 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.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/1532/O**

**Date Received:** 21<sup>st</sup> November 2016

**Proposal:** Site for dwelling and detached garage with access to Bonds Road via existing lane with access improvements.

**Location:** The site address is to the rear of 17B Bonds Road, Dorsy, Silverbridge. The application site lies outside the development limits of Silverbridge as defined by the Banbridge / Newry and Mourne Area Plan 2015 and is approximately 14.6 kilometres SW of Newry City Centre.

**Site Characteristics & Area Characteristics:**

The site comprises of an agricultural plot of land with mature hedging, a dry stone wall and timber fencing on the boundaries. The site is elevated above road level and access is provided via an existing laneway between No's. 17 and 17b. West and south of the site are dwellings and agricultural buildings amongst a small cluster of development. The surrounding area is rural in character.

**Site History:**

LA07/2015/1202/O	Outline application for a new dwelling on an infill/small gap site	Site to the rear of 17B Bonds Road, Dorsy, Silverbridge	REFUSAL
P/2013/0743/O	Site for replacement dwelling (in place of existing mobile home)	Adjacent (east) of 15 Bonds Road and to the rear (north) of 17B Bonds Road, Silverbridge	REFUSAL
P/2006/0601/O	Site for dwelling	10m northeast of no. 17B Bonds Road, Silverbridge	REFUSAL

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement for Northern Ireland (SPPS)  
Banbridge / Newry and Mourne area Plan 2015



Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21)  
 Planning Policy Statement 3- Access, Movement and Parking (PPS3)  
 Planning Policy Statement 2- Natural Heritage (PPS2)  
 DCAN 15 Vehicular Access Standards

### **Consultations:**

There were four consultations issued for this application, these have been detailed below.

Transport NI – No objection, RS1 form attached (20/12/16).

NI Water - Standard response, no objection (02/12/16).

Environmental Health – No objection (02/12/16).

NIEA- No objection (06/12/16).

### **Objections & Representations**

There were five neighbour notifications sent out for this planning application. The application was advertised in the local press. There were no representations received.

### **Consideration and Assessment:**

#### **The Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Silverbridge. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

#### **Strategic Planning Policy Statement (SPPS)**

The SPPS is a material consideration for this proposal and states that a dwelling where there are personal and domestic circumstances: provision should be made for a dwelling to meet the long term needs of a person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case.

#### **CTY 6 – Personal or Domestic Circumstances**

There is provision under this policy for allowing planning permission for a dwelling in the countryside for the long term needs of the applicant where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the criteria of the policy as outlined below are met.

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the

conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

Due to the sensitive and personal information contained in the evidence submitted the agent has requested that it not be uploaded to Planning Portal and the specific details will not be outlined in this report.

It has been outlined in the supporting statement that with regards to alternative solutions an extension to the applicants mothers dwelling at 17b Bonds Road to accommodate the applicants and their family could be provided given the spacious plot on which it sits. This alternative to a new dwelling is considered by the applicant and agent as unsuitable to accommodate the applicants family due to potential disturbance caused. The Planning Department consider the reasons outlined not to be compelling and an extension or annex could be designed to in such a way to overcome the reasons outlined by the agent for not providing it.

On review of the evidence submitted and while the Planning Department has sympathy with the applicants and their circumstances it is considered that a new dwelling is not a necessary response to their particular circumstances and that alternative solutions are possible within the sizable existing curtilage of No. 17b Bonds Road, despite the applicant ruling out the option of an extension or annex to the existing dwelling.

PPS3 Access, Movement and Parking & DCAN 15 – Vehicular Access Standards  
Transport NI has requested a site survey at 1:500 to be submitted as part of any reserved matters application in accordance with the RS1 form.

#### PPS 2 – Natural Heritage

Policy NH6 is applicable as the site lies within the AONB. With the proposal site contributing build up it is therefore contrary to NH6 in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.

Taking into account the above, the Planning Department recommends this application for refusal.

#### **Recommendation:**

Refusal

#### **Refusal Reasons/ Conditions:**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) of Northern Ireland 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.

2. The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with the existing and approved buildings and would therefore result in detrimental change to further erode the rural character of the countryside.
3. The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.
4. 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.



<b>ITEM NO</b>	<b>33</b>			
<b>APPLIC NO</b>	P/2015/0067/O	Outline	<b>DATE VALID</b>	28/01/2015
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mrs M McKnight C/O Agent		<b>AGENT</b>	O'Callaghan Planning 9 Ballyscandal Road Armagh BT61 8BL 02837 511714
<b>LOCATION</b>	40m South of 4 Molly Road Lower Jonesborough			
<b>PROPOSAL</b>	Dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling;
  - the cluster does not appear as a visual entity in the local landscape;
  - the cluster is not associated with a focal point or is not located at a cross-roads;
  - the proposed does not provide a suitable degree of enclosure; and
  - the dwelling would if permitted would visually intrude into the open countryside.
  
- 2 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;

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 (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 add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
  
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Finnegan's Road and Molly Lower Road.
  
- 5 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.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: P/2015/0067/O**

**Date Received: 28.01.2015**

**Proposal: Dwelling and garage**

**Location: 40m South of 4 Molly Road Lower Jonesborough**

**Site Characteristics & Area Characteristics:**

*The site is located on a corner at the junction between Finnegan's Road and Lower Molly Road. The site is a substantial plot of green land. The south and east boundaries of the site are defined by post and wire fencing. The north and west boundaries defined by mature planting.*

**Site History:**

P/1989/0231- Dwelling- refusal- Ribboning and open up further development opportunities

P/2005/0235/O- Dwelling- refusal- Extension to ribbon, Build up and no suitable degree of enclosure.

**Planning Policies & Material Considerations:**

Site is located within the countryside approximately 1/2mile from Jonesborough village. The site is located within an AONB as defined in the Banbridge, Newry and Mourne Area Plan 2015.

*The Strategic Planning Policy Statement (SPPS)  
The Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 2  
Planning Policy Statement 3  
Planning Policy Statement 21*

**Consultations:**

NIW- statutory  
TransportNI- RS1 conditions  
EH- no objection



DARD- see report below.

### **Objections & Representations**

*No. of neighbours notified= 5*

*Advertised= 10.02.2015*

*No. of representations received=0*

### **Consideration and Assessment:**

*The proposal was submitted accompanied by a planning statement outlining the proposal considered under Policy CTY 2a.*

*Policy CTY 2a states, Planning permission will be granted for a dwelling at an existing cluster of development subject to all the criteria being met. For the purposes of defining a cluster the PAC has stated a cluster can be defined by the first three criteria listed within CTY 2a.*

*The proposal lies outside a farm; however the cluster does not consist of four or more buildings when you exclude ancillary buildings such as garages and outbuildings. In the agent's statement of support, they refer to the sheds of a scale that would not be described as ancillary. The policy does not outline the scale and nature of the ancillary buildings/outbuildings. The buildings are sited within the residential curtilages of such dwellings; therefore it is my opinion that these buildings are ancillary developments. The site can be said to cluster with at least 3 dwellings but not 4 or more buildings as required by the policy.*

*As there is no cluster of development defined through criteria 1 of CTY 2a the proposal fails criteria 2.*

*In relation to criteria 3, the cluster must be associated with a focal point such as a social/community building/facility, or is located at a cross-roads. As the agent has stated the definition of a focal point and the stated examples of such is not an exhaustive list. The agent has stated that the proposal is a cluster located at a 'T' junction. There is no cluster of development as defined by the policy associated with the 'T' junction if the Council felt that a 'T' junction could be considered as a cross roads. For the purposes of the policy the cluster is not located at a cross roads or associated with a focal point.*

*The site is bounded on at least two sides. However, the site is very open when travelling along the Finnegan's and Lower Molly Road given the lack of enclosure.*

*The development site cannot be absorbed into the existing cluster through rounding off and consolidation. The proposal is considered to alter the existing character through the addition of an existing ribbon style of development along Finnegan's Road. Given the lack of enclosure the proposal will visually intrude into the open countryside area.*

*The proposal in my opinion fails to meet criteria 1, 2, 3, 4 & 5.*



*The agent has submitted additional information for the proposal to be considered under CTY 10 of PPS 21.*

*The applicant has supplied the following information on the P1 C form:*

*The owner of the farm holding is Mr Gerard Morgan and he resides in the south of Ireland, Dundalk. The applicant, Margaret McKnight is the farm business owner's sister.*

*The farm has been established for over 6 years and the farm business owner has a DARD business number (628578 allocation date unknown and that he makes a single farm payment return to DARD).*

*The holding is 15.82 hectares. The business is an intensive livestock farm of approximately 150 beef cattle in flock at present.*

*From the information provided on the PIC form and the comments from the consultation with DARD the Council can ascertain that the farm business is currently active and has been established for more than 6 years. There does not appear to be any portions of the farm holding have been sold off and from our records there is no other approvals for a dwelling on the farm holding.*

*The dwelling has not been sited to cluster or visually link with 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. One of the exceptions listed being that the applicant can demonstrate that the requirement to cluster and visually link with buildings on the farm would present demonstrable health and safety issues. The agent has provided a health and safety report for the farm holding at 58 Edenappa Road, Jonesborough commissioned by MG Safety Services. The report highlights issues with gaining access to the lands to the rear, dangers to the occupants/visitors and outlines recommendations. Having inspected the site and discussed options regarding access, it is clear that the applicant is not in ownership of the lands to either side of the existing farm yard entrance to enable them to by-pass the farm yard. Access to the lands to the rear, for a dwelling to be sited to cluster or visually link with the buildings on the farm would have to go through the existing farm yard. The H&S report outlines the main issues on proposing an access through the farm yard and has recommended that if it is not possible for the applicant to provide a separate access then an alternative site should be sought. The report also recommends that a new dwelling is sited at least 75 metres from all existing and proposed agricultural buildings on this farm. Maximising physical separation will minimise the danger of fumes when mixing slurry.*

*Having considered the site restrictions and the report presented by MG Safety Services, I am of the opinion that an alternative site be investigated. This opinion is based on the grounds that a separate access to a dwelling (to visually link/cluster) cannot be achieved and the occupants would have to pass a no. of outbuildings/animal enclosures to gain access to the site which would present a health and safety concern to the Council. Having inspected all the remaining lands within the farm business; the majority of the fields to the rear of the rectory and Primary*

*School beyond the settlement limit of Jonesborough represent issues with sprawl, access and landscape constraints given the topography. The field to the south of the settlement along the Edenappa Road also represents issues with sprawl and ribboning.*

*The Council having accepted the alternative site away from the farm, have proposed siting a dwelling in field 1 of the farm business maps which is directly to the rear of Jonesborough Primary School. A dwelling appropriately sited would overcome any possible issues with CTY 15 and negative impacts upon the LLPA (JH08). However, as pointed out in the agent's submission there appears to be an ownership issue with these lands. Having completed a land registry check it has confirmed that neither the farm business owner nor applicant owns the title to this land.*

*The only lands remaining within the farm business is the site the applicant had chosen to be considered under CTY 2a. In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.*

*As stated under my consideration of Policy CTY 2a, the site is exposed and a dwelling on this site will be a prominent feature in the landscape. The site lacks long established boundaries to the south and east. The site is quite open and exposed when travelling along Finnegan's Road and as you enter onto Lower Molly Road. The proposal will rely on new landscaping for integration.*

*The proposal will add to the existing suburban style build up when viewed with the existing development and will extend an existing ribbon of development along Finnegan's Road and along Molly Road lower.*

#### **Recommendation:**

#### **Refusal**

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

16<sup>th</sup> May 2017

Dear Sir / Madam,

**Ref: P/2015/0067/O**  
**Dwelling and garage**  
**40m South of 4 Molly Road Lower Jonesborough**

- i. The planning application set out above has been recommended for refusal and is to be presented to your committee on 24<sup>th</sup> May 2017, for ratification.
- ii. In this case, there are contended to be a number of reasons why permission should be granted. These have been summarised in this submission, as set out below.

#### **COMMENTS UPON COUNCIL PLANNING DEPARTMENT'S REASONS FOR REFUSAL**

**The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:**

**the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling;**

1. The Council's planning report stated the following:

*The proposal lies outside a farm; however the cluster does not consist of four or more buildings when you exclude ancillary buildings such as garages and outbuildings. In*

2. Contrary to the reason for refusal, the proposal is actually located within a cluster consisting of more than 4 dwellings. The Council opined that when ancillary buildings such as garages and outbuildings were excluded, the cluster did not consist of more



than four buildings. However, at a basic level, the cluster includes No's 7 and 9 Finegan's Road, and No's 1 and 4 Molly Road Lower. Thus, the site is actually located within a cluster that contains the requisite number of buildings, for the purposes of Policy CTY 2a.

3. In attempting to diminish the status of some of the buildings within nearby plots, the Council's planning report conceded that the policy is not prescriptive when it comes to describing ancillary buildings:

*the agent's statement of support, they refer to the status of a scale that would not be described as ancillary. The policy does not outline the scale and nature of the ancillary buildings/outbuildings. The buildings are sited within the residential*



**Image 1.**

4. This image shows three dwellings to the immediate west of the application site. While the dwelling to the east cannot be seen from this particular viewpoint, the scale of the building to the rear of No. 7 Finegan's Road is not consistent with an ancillary building or an outbuilding. In effect, this building ought to be recognised as a "qualifying building" for the purposes of Policy CTY 2a of PPS 21, however the applicant does not actually need to rely upon this because there are more than four dwellings in any case.

**the cluster does not appear as a visual entity in the local landscape;**

5. Again, contrary to the stated reason for refusal, the cluster does actually appear as a visual entity in the local landscape. The applicant's belief that this is the case is

reinforced in the fact that the planning department has alleged that the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

6. The Council felt that the proposal offended this criterion automatically, given it purportedly failed the first criterion.



**Image 2.**

7. Just out of view in this image are dwellings to the extreme right and left of the picture. This view takes in No's 7 and 9 Finegan's Road, and the application site lies at the bottom of the arrow shown in the centre of the image, within an existing cluster of more than 4 buildings.

**the cluster is not associated with a focal point or is not located at a cross-roads;**

8. This proposal is not located at a cross roads or a formal cluster of buildings in the countryside. However, supporting evidence has already been supplied to the planning department to outline why the absence of a formal cross-roads or the type of "focal point" specified in Policy CTY 2a of PPS 21 is not determining.
9. The requirement to be located at a cross-roads or focal point in the community is not an absolute requirement to fall into one or other of these typologies. Rather, as has been held in planning case law (Lamont case in particular) the Council is not required to adhere slavishly to this policy criterion.



10. This Council approved an application in precisely these circumstances in recent times (LA07/2015/0135/O). Extracts from that decision have been enclosed, below:

This cluster is not associated with a focal point however, this fact was not fatal in planning appeal 2010/A0202 where the Commissioner recognised that the overall thrust of CTY 2a was to consolidate and round off development.

The Commissioner states in this appeal that the proposal complies with the policy's broad overall intent in that it would round off the cluster without changing the areas character.

#### **Summary of Recommendation**

Approval of a dwelling on this site would consolidate the exiting cluster without changing the character of the area.

It is my opinion that permission should be granted in light of planning appeal decisions including 2010/A0202 where the Commission considered at paragraph 11 "Whilst the proposal fails the third criterion of Policy CTY2a of PPS21, it complies with the policies broad overall intent in that it would round off and consolidate an existing cluster of development without changing the characteristics of the area".

The SPPS states at Paragraph 3.8 that the "guiding principle for Planning Authorities in determining planning applications is that sustainable development should be permitted, having regard to the Development Plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance". I don't consider that the development of this site will cause demonstrable harm.

Legal judgement Lamont Vs DOE in 2014 where Justice Treacy added that case law does not require the Planning Service to "slavishly" follow the policy.

When the SPPS is considered alongside CTY2a, I consider that although the application site fails the 'focal point' criterion, the general thrust of the documents when read together is that development should round off and consolidate existing clusters without significantly altering the character or visually intrude into the countryside. The proposal will not cause any of these effects.

I don't consider the development of this site to be detrimental to the character of this area.

Approval is recommended.



11. When this precedent was pointed out by an appellant in a planning appeal, also in this District, this Council's planning staff conceded the point and recognised that the absence of a cross-roads or formal "focal point" were not determining failures. Attached below is an extract from a recent PAC decision in relation to application LA07/2016/0556/O (Application Allowed on Appeal, subsequent to Newry, Mourne and Down Council withdrawing its reasons for refusal):

5. At the hearing the Planning Authority said because of a previous appeal decision 2012/A00120 and two recent granted planning permissions one of which is in its own jurisdiction (LA08/2015/0056/F and LA 07/2015/0135/) that if the appeal proposal met all of the other requirements of Policy CTY 2a the requirements of criterion three could be disapplied as the appeal proposal would then be comparable to those cases.

12. The Planning Appeals Commission had earlier approved a planning appeal in similar circumstances (2010/A0202). The PAC found that the proposal in question complied with the overall thrust of the policy (CTY 2a) and allowed the appeal (as can be seen from the following extract:

*Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character.*

13. As mentioned in the appeal pertaining to application LA07/2016/0556/O, Armagh, Banbridge and Craigavon Council approved application (LA08/2015/0056/F) in similar circumstances. That Council relied heavily upon the legal case cited above (*Lamont*) finding that it is not necessary to adhere to the planning policy slavishly. In particular, it found that the absence of a cross-roads or formal "focal point" did not have to be determining factors.

14. It is noteworthy that in recent weeks a significant document was submitted to the Council's planning department, outlining additional justification for the approval of this application (primarily based upon the planning appeals hereby cited and the recent decisions by Newry, Mourne and Down, and Armagh, Banbridge and Craigavon Councils). That document has not been mentioned in the Council's planning report and there has been no attempt to distinguish this case from the approvals cited in the recent submission. On that basis, the planning department is considered not to have paid due



regard to all relevant material considerations, and the refusal of this application would be premature in that context.

**the proposed does not provide a suitable degree of enclosure; and**

15. The Council's planning report concedes that the site is bounded on at least two sides. However, the site is purported to appear "very open when travelling along Finegan's Road and Molly Road Lower given the lack of enclosure".
16. In this case, critical viewpoints are limited in the extreme. The site comes into view (fully) from the western approach only at the boundary with No. 7 Finegan's Road. Equally, there is only a filtered view into / through the site, from the eastern approach, on Finegan's Road. Molly Road Lower is quite built up to the north of the site and due to the combination of roadside buildings and the road geometry, the views into and through the site from the northern approach do not indicate that a dwelling will be sub-standard in terms of its means of enclosure.



**Image 3.**

17. The site is visible from the eastern approach. However visible the site is (the test for enclosure is not invisibility) the proposal benefits from an attractive backdrop and a dwelling would also integrate with existing buildings, trees, slopes and other natural features.



the dwelling would if permitted would visually intrude into the open countryside.



**Image 4.**

18. This image illustrates that the proposed dwelling will not actually encroach into the open countryside, contrary to the planning department's assessment of the proposal, and it is particularly evident that the proposed site is bounded on three sides by dwellings while there is a public road to the south. But for the existence of Molly Road Lower, the site would be recognised as adjoining the property to the east (this is the same type of guidance used to determine whether to notify the occupiers of adjoining lands for the purposes of the neighbour notification scheme operated by the Council. In that respect, one would question why the property to the east would need to be notified of this application if it was not considered an adjoining property, and if it is in fact regarded as an adjoining property then it must be taken into account for the purposes of Policy CTY 2a).
19. The planning department indicated the proposal cannot be accommodated through rounding off and consolidation:



*The development site cannot be absorbed into the existing cluster through rounding off and consolidation. The proposal is considered to alter the existing character through the addition of an existing ribbon style of development along Finnegan's Road. Given the lack of enclosure the proposal will visually intrude into the open countryside area.*

20. The image shown above (Image 4 ) illustrates that rounding off and consolidation would actually apply in this case. Although there is no doubt the proposal will extend an existing ribbon of development, this is inevitable in a situation whereby an existing cluster of buildings in the countryside is being rounded off / consolidated. In this context, ribbon development is not a determining factor.

#### **FARMING BACKGROUND**

21. The applicant is related to the owner of an active and established farm business. Her brother has generously agreed to forsake his own entitlement to a dwelling on his farm and to provide his sister with a site to build a new house on. In an ideal world, the owner of the farm business would retain an opportunity to build a dwelling on his farm for one of his children, however his sister's need is more pressing. Clearly, if this application could have been approved on the basis of its compliance with Policy CTY 2a, the farm business could potentially have retained an opportunity to apply for a dwelling thereon. However, since it is apparent the Council is of the view the proposal does not fully comply with Policy CTY 2a, it has been deemed appropriate to introduce the farming case.
22. The farm business is active and established and no development opportunities have been disposed of from the holding in the last ten years. However, the proposal is not sited in such a position as to visually link or cluster with an established group of buildings on the farm, although an arrangement such as this is in fact provided for under the provisions of Policy CTY 10 of PPS 21. Such cases will be treated as an exception (to the general presumption in favour of clustering a new dwelling with an established group of buildings on a farm). In this case, the Council appears to acknowledge there is no way a new dwelling could be erected at the main farm grouping, and the Council appears to have no objections to the principle of an "alternative site". Rather, it is the Council's concerns regarding the environmental quality of the chosen site that have proven determining.



23. The Council appears to have accepted the applicant's justification for not siting the dwelling at any other position on her brother's farm holding. The only possible location in which a dwelling could, in practice, be built, is on the subject site. As it happens, it is felt that a dwelling on that site could have been justified in its own right, on the basis that it would round off and consolidate an existing cluster of buildings in the countryside. However, the Council felt the site could not meet the requirements of Policies CTY 13 or CTY 14 of PPS 21.

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;



Image 5.

24. This image, captured on the eastern approach to the site, illustrates how a simple dwelling, of modest proportions, would not appear prominent on the subject site, contrary to the planning department's assessment of the proposal.





**Image 6.**

25. This image illustrates how the proposed dwelling will be barely visible from the western approach to the site. The site does not become fully exposed to open views until its actual boundary with No. 7 Finnegan's Road is reached.



**Image 7.**

26. This image illustrates the mature vegetation to the north of the site. The proposal will certainly not appear prominent when viewed from this vista, contrary to the planning department's assessment.

**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;**

27. The images shown above illustrate how the site does in fact benefit from adequate natural boundaries and it does actually provide a suitable degree of enclosure.



28. The Council appears to have attached determining weight to the fact that the site lacks structure planting or substantial boundaries to the south and east. However, the planning department has ignored its own advice in this respect (Building on Tradition is a supplementary planning guidance document that was introduced to help elaborate on the tests laid out in PPS 21. When dealing with the subject of integration / enclosure, Building on Tradition advises developers to look for sites with at least two [and preferably three] boundaries in situ). Therefore, it is apparent that the minimum number of boundaries required to be intact is two, and in this respect the proposal is compliant. It is also pertinent that the views into and through the application site are not "head on" but are in fact side on, and in the short range (rather than head on / long range).

**the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.**

29. As has been illustrated above, the site will be barely visible beyond its immediate boundaries. Accordingly, the proposal will not rely primarily for the use of new landscaping for the purposes of integration. While new planting will improve the dwelling's sense of enclosure, the policy makes specific reference to the word integration and not the word enclosure. The proposal does not appear to offend this planning policy criterion.

**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;**

30. The issue of prominence has been addressed earlier in this submission and it is respectfully submitted that the proposal will not in fact be unduly prominent. The proposal has avoided a sense of prominence by siting the new dwelling close to the site's corner, in a position where it can visually link and cluster with other buildings at this locus while availing of the screening afforded by existing mature vegetation.



**RTPI**  
Chartered Town Planners



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

31. The proposal is rounding off and consolidating an existing cluster of buildings that is already urbanised. In that respect, the proposal will not effect a change in the rural character of the area, and because it is infilling a small gap at the centre of the cluster the proposal will not result in a suburbanising effect.

the (building) would, if permitted add to a ribbon of development;

32. Although the proposal would, technically, extend an existing ribbon of development, the critical consideration is that it is rounding off and consolidating an existing cluster of buildings (if the proposal's merits, having regard to the provisions of Policy CTY 2a of PPS 21 are recognised it is expected that this concern will be set aside).

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Finnegan's Road and Molly Lower Road.

33. As has been outlined above, although the proposal would, technically, extend an existing ribbon of development, the critical consideration is that it is rounding off and consolidating an existing cluster of buildings (if the proposal's merits, having regard to the provisions of Policy CTY 2a of PPS 21 are recognised it is expected that this concern will be set aside).

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.

34. The "need" for this development, outwith a settlement, is rooted in the fact that the applicant is entitled, in principle to a dwelling on her brother's farm, while the proposal also complies largely with the provisions of Policy CTY 2a of PPS 21.







- iii. While I trust that the case in support of this proposal has been laid out in appropriate detail, for the Committee's benefit, in the event any additional information is required, please do not hesitate to contact this office.

Yours faithfully,

.....  
**Colin O'Callaghan**  
Chartered Town Planner  
Bsc Hons Dip TP MRTPI





**ITEM NO** 34  
**APPLIC NO** P/2015/0095/F Full **DATE VALID** 04/02/2015  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mrs Geraldine Fearon C/o Agent **AGENT** ERES Limited  
 Mourne House  
 41-43 Downshire  
 Road Newry  
 BT34 1EE  
 NA

**LOCATION** 140m North-East of No. 61 Foughilletra Road  
 Foughill Etra  
 Jonesborough  
 Armagh  
 BT35 8JE

**PROPOSAL** Erection of farm dwelling and garage (amended plans)

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4.. metres x 70. metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 5 The proposal is contrary to the Strategic Planning Policy Statement and policy NH6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is unsympathetic 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: P/2015/0095/F**

**Date Received: 04.02.2015**

**Proposal: Full permission for the erection of a farm dwelling and garage**

**Location:** 140m North-East of No. 61 Foughilletra Road, Jonesborough, Armagh, BT35 8JE. South East of Council area approximately 1.7KM from Meigh.

**Site Characteristics & Area Characteristics:**

The site as defined in red on the site location plan takes in a large existing private laneway with the site then spanning over 2 agricultural fields at the top of the laneway. Then site sits at quite an elevated level and is surrounded by agricultural land and a number of domestic/agricultural properties adjacent to and immediately south of the site. The area is rural in character and the surrounding land form can be described as undulating. The site is located within the Ring of Gullion AONB.

**Site History:**

N/A

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015  
Strategic Planning Policy Statement for Northern Ireland  
Planning Policy Statement 21  
Planning Policy Statement 3 / DCAN 15  
Planning Policy Statement 2

**Consultations:**

Rivers Agency – no objections, developer is advised to appoint a competent professional to carry out their own assessment of flood risk due to a small part of the development located on the Surface Water Flood Map.

Environmental Health – no objections although advises dwelling should be moved at least 75m from farm dwellings.

Transport NI – no objections if the information on the Traffic Statement is correct. However as the Council disputes this information, refusal is recommended.

NI Water – Generic



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

### **Objections & Representations**

6 Neighbours Notified and application advertised on 18.02.2015. Objection received from No. 64 Foughiletra Road. Objection on the basis of poor visibility at the entrance of the laneway from the public road. The Council would concur with this position as noted below.

### **Consideration and Assessment:**

The lies within the Rural Area / AONB. No specific objections with regard to the Area Plan.

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

Transport NI originally recommended this application for refusal as it was proposed to intensify the use of the lane and site splays of 2.4m x 70m could not be provided. Subsequently Transport NI responded with no objections with regard to this policy, subject to the Traffic Statement being an accurate and true reflection of the traffic pattern at this location. The Traffic Statement firstly relates to 4 dwellings using the lane, which according to the statement accounts for 40 movements a day. However on receipt of the agent's map showing each property identified for the purposes of the Traffic Statement the actual amount of dwellings occupied on the lane equates to 3. This therefore, according to the Traffic Statement, would then amount to a total of 30 movements for dwellings on the laneway. The Traffic Statement states there are two businesses with a combined total of 12 employees and the cumulative total of movements for the businesses combined which includes customers is 132 per day. **This information has not been verified.** Finally the Traffic Statement accounts for the movements of landowners around the laneway to 40 movements a day. The total movements per day on this lane are 202 and an additional dwelling at 10 movements would cause an increase at 4.95% which is under the 5% threshold.

However given the large volumes of traffic for the lane documented within the Traffic Statement the Council undertook a traffic survey at lunchtime, which according to the Traffic Statement should be one of the busiest times on the lane as 12 employees leave the premises for lunch and return again after. During this period there were 2 movements noted. Transport NI also conducted a traffic survey on 2 different occasions for half an hour each and noted a combined total of 4 movements. When you consider the Traffic Statement to depict a busy rural laneway with 202 movements a day the figures attained from all the surveys certainly point to a much lower volume of traffic on average. Therefore it is my assessment that the actual traffic movements on this laneway are much lower than 202 which would mean another dwelling would bring this beyond the 5% increase threshold and as a consequence result in intensification of an existing access.

I revert to Transport NI's original consultation response and contend the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility



splays of (2.4.. metres x 70. metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15

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

**UPDATE SINCE PLANNING COMMITTEE** – It was agreed at a previous planning committee for the agent to provide an independent Traffic Survey for the laneway. This information was not received and instead the agent submitted drawings showing larger site splays. The agent was also as asked to provide the names of both businesses but despite the request, failed to do so.

Transport NI responded to the larger site splays with the same refusal reason as before.

#### 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).

Having completed a history search on all the land identified on the farm maps I am satisfied no development opportunities have been sold off from the holding since 25<sup>th</sup> November 2008. The proposal is in compliance with (b) of CTY10

Part (c) of CTY 10 requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. The proposal has not been sited to cluster with or visually linked to existing buildings on the farm and as such fails this policy criterion.

The agent contends the subfloor structure that is located next to the building not on the holding constitutes a building. The Council does not agree with that position and in any case the policy refers to buildings – plural.

In terms of policy CTY13 the proposal fails criterion (g) as it is not visually linked or sited to cluster with an existing group of buildings on the farm and consequently fails policy CTY13.

With regard to policy CTY14 it is not considered that the proposal would result in build up when the separation distance is considered and ribbon development is not an issue for this site.

Environmental Health was consulted in relation to the sewage arrangements and has responded with no objections. 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. Environmental Health has recommended the dwelling be moved at least 75m from

the nearby farm due to the potential to cause public health nuisances from odour, noise and pests. This would be dealt with by way of informative to any potential decision notice.

### Planning Policy Statement 2

Policy NH6 is applicable as the proposal is within the Ring of Gullion AONB. As the proposal fails to fully meet the policy requirements of acceptable development in the countryside under policy CTY1 of PPS21 the siting of the proposal is unsympathetic to the special character of the AONB in general and to the particular locality. There is no specific conservation or heritage features in the immediate area and the proposal respects local architectural styles, design, materials, boundary features and colour. The proposal fails this policy criteria.

### **Recommendation:**

Refusal

### **Refusal Reasons**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4.. metres x 70. metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the proposed access is unacceptable, in accordance with the standards contained in the Department's Development Control Advice Note 15.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2 Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed 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.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

**Case Officer:**

**Authorised Officer:**



<b>ITEM NO</b>	<b>36</b>			
<b>APPLIC NO</b>	P/2015/0193/O	Outline	<b>DATE VALID</b>	09/03/2015
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Brian Convery 202 Belfast Road Newry BT34 1RE		<b>AGENT</b>	
<b>LOCATION</b>	Approx 70m North of 202 Belfast Road Newry.			
<b>PROPOSAL</b>	Proposed dwelling on a farm under policy CTY10 of PPS21			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement 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 and has been established for at least six years.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: P/2015/0193/F**

**Date Received: March 9<sup>th</sup> 2015**

**Proposal: Proposed dwelling on a farm under policy CTY10 of PPS21**

**Location: Approx 70m North of 202 Belfast Road, Newry**

**Site Characteristics & Area Characteristics:**

The site is an overgrown triangular shaped area of ground between the A1 dual carriageway and a section of the former A1 which terminates immediately to its north. The site slopes up towards its western boundary which is marked by mature bushes



The north eastern side of the site has no vegetation along its boundary but views of the site are confined to a short stretch of the former A1 before it terminates, there is another stretch of mature vegetation along the south eastern side.

The surrounding area is agricultural, there is a farm complex immediately south of the site, to the south of this is the former Glen Primary School. The area contains a number of dwellings previously sited along the A1.



The road serves a number of dwellings, it is connected to the A1 by a junction approximately 100 metres south of the site. There are no views of the site from outside of its immediate surroundings.

**Site History:**

The site was the subject of an application for an agricultural shed, P/2007/1512 which was approved on September 12th 2011.

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 21 Sustainable Development in the Countryside.

**Consultations:**

**Transport NI** No objections

**DAERA** Advises that farm has not been in existence for at least 6 years although Single Farm Payment has been claimed in that time.

**Objections & Representations**

No representations have been received in relation to this application.

**Consideration and Assessment:**

**Strategic Planning Policy Statement**

The SPPS provides a framework for the preparation of new Local Development Plans by Councils; in relation to proposals for dwellings on farms it largely restates the existing policy but emphasises that farm dwellings should comply with retained policies on integration and build up.



**Banbridge/Newry and Mourne Area Plan 2015.**

The site is located within the rural area as designated by the plan, there are no other policies of the plan relevant to this application.

**PPS21 Sustainable Development in the Countryside Policy CTY 10**

The policy requires that farm businesses be established and active for at least 6 years, DARD has informed the Council that the FBID has not been in existence for the required period of time. The holding consists of a group of fields to the sides and west of the farm complex, no development opportunities have been sold off during the required period.

The holding appears to have once been a contiguous unit however it has been severed in two by the construction of the new A1 dual carriageway over 10 years ago, a letter from local estate agents states that "The lands were not available to you for approximately 4 years from the date of vesting in September 2003."

It is then claimed that the applicant inherited the lands and operated it as a farm for some time prior to registering the business with DARD by cutting hay and silage and selling it to a local farmer. It has been claimed that the land was put in wheat in 2015 and the holding is currently used for arable farming, presumably this relates to the fields across the A1 as the site was unused on the day of the site visit, it is presumably too small for arable farming.

A number of invoices and bank statements have been provided to demonstrate that the applicant has been purchasing farm supplies; these appear to only go back to 2015.

**Policy CTY 13**

The site is located adjacent to the stump of the old A1 close to the point where it terminates, this means that there is no through traffic and the site will not be seen widely although it is prominent in the immediate vicinity given its elevated nature above the level of the road.

The site does not immediately adjoin the farm cluster as there is a short visual gap and it is at a significantly lower level than the site, this means that visual linkages between the two will be very weak. However the site's secluded position must also be taken into account as must the impact of the site's elevated position on the prominence of any dwelling.

**Policy CTY14**

The area has not experienced any significant degree of development pressure, this was due to its inclusion in the former Newry Greenbelt and the protected route status of the former A1, and therefore it retains a strongly rural character.

**Recommendation:**

The key issue in this case is whether or not the farm business is established and active for the requisite period. There was a farm holding on the lands in question until September 2003 when they were vested by DRD as part of dual carriageway scheme, according to the information submitted they were not available to be used until September 2007.

At some point after this, but on the basis of the DARD response, prior to August 2009 the applicant registered his business after having used the lands for the cutting of hay and silage when it was unregistered. In 2015 the lands were planted in wheat, a series of invoices and a bank statement purport to provide evidence of payment for the supplies.

However this still leaves a significant period of time where no evidence of agricultural activity has been shown on the site, it is claimed that the farmer who the hay and silage were sold to has recently passed away and the applicant is unable to obtain receipts. Taken together I consider that there is no evidence that the lands have been farmed for the period specified, while they were almost certainly used for farming prior to September 2003 this ceased for at least 4 years and possibly longer.

I consider that a dwelling on the site not unduly erode its rural character given the low level of development pressure in the area. In relation to CTY 13 I consider that a dwelling located at the southern end of the site, where it is lowest would not be unduly prominent and would be close enough to the cluster to meet the visual linkage test set out in CTY 10.

Therefore refusal is recommended on the grounds of CTY 10.

**Refusal Reasons/ Conditions:**

The proposal is contrary to the Strategic Planning Policy Statement 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 and has been established for at least six years.

**Case Officer**

**Authorised Officer**

## Planning Committee Schedule of 24<sup>th</sup> May 2017

Planning reference: **P/2015/0193/O**

Proposal: **Proposed dwelling on a farm under policy CTY10 of PPS21**

Applicant: **Mr Brian Convery**

Location **Approx 70m North of 202 Belfast Road, Newry**

Date of submission **9<sup>th</sup> March 2015**

Recommendation: **Refusal**

### Reason

**The proposal is contrary to the Strategic Planning Policy Statement 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 and has been established for at least six years.**

### Site Description

The site is located in a triangular shaped piece of farm land between the A1 dual carriageway and the abandoned former A1 and came into existence as result of the construction of the dual carriageway several years ago.

The land is used for cutting silage and hay by the applicant and is located adjacent to his recently constructed agricultural building.

The development is accessed via an existing junction with the dual carriageway and this leads to the abandoned former A1 which services several dwellings and buildings.

### Planning Policies & Considerations

PPS 21

SPPS

PPS3



## Banbridge / Newry & Mourne Area Plan 2015 DCAN 15

### **Assessment of reason for Refusal**

The farm business has operated since 2007 and was registered with DARD in 2009, the former Planning Authority saw fit to assess that an agricultural shed could be approved on the adjacent site when an application was submitted 2007 and approved in 2011.

This shed was re-sited under a further planning application in 2011 which was approved in 2012.

The applicant Mr Convery has owned farm since the death of his father and these matters were brought to the attention of the Planning Department. The applicant also submitted an application for an agricultural shed in 2007 (when the land was returned to his possession following the vesting which was in relation to the works on going at the time to the new carriageway) and that application was eventually deliberated on and granted permission under Planning Ref: P/2007/1512 on 12<sup>th</sup> Sept 2011 and a subsequent application was submitted under P/2011/1061 to re-site the shed and this was granted permission on 22<sup>nd</sup> May 2012 and was subsequently built by the applicant. The applicant has been in receipt of Single Farm payment (SFP) and this has been confirmed by the then DARD who stopped this payment and this matter was appealed on behalf of Mr Convery by David Rankin of Edenkennedy Agricultural Consultancy and following discussions with Mr Rankin he has indicated that following an appeal to DAERA relating to the non-payment of SFP and entitlements to Mr Convery this payment was reinstated (See attached letter from J McGrath DAERA)

This practice has requested Mr Ranking to attain the current statement from DAERA in relation to the status of Mr Convery's farm and this we hope will be available for presentation to the Planning Committee on 24<sup>th</sup> May

### **Overview**

The Planning Department consulted DAERA on 29.7.2017 in relation to Farm Business Ref 653432 and a response issued from Mr Keith Johnson DAERA on 10.8.2015 and following the submission of the successful appeal to DAERA by Mr Convery this information was forwarded to Planning Department who do

not appear to have considered its impact or re-consulted DAERA in relation to the farm status rather they rely on the initial response of some 2 years previous.

The main issues of concern in relation to a dwelling on the farm under Policy CTY10 are met by this proposal.

The business is active and SFP are made criterion (a).

No development opportunities have been sold of the holding Criterion (b).

The building clusters with a group of buildings on the farm being located less than 30m from the existing buildings. Criterion (c) .

Access to the proposed site will be via an existing access point in compliance with the positive comments of Transport NI engineer and no objections were received from any of the formal consultees.

### **Conclusion**

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling as applied for on this active farm.



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

<b>ITEM NO</b>	<b>D1</b>			
<b>APPLIC NO</b>	P/2007/1508/O	Outline	<b>DATE VALID</b>	31/10/2007
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Grandesign Rentals Ltd. C/O Agent		<b>AGENT</b>	Turley Associates Hamilton House Joy Street Belfast BT2 8LE 028 90723900

**LOCATION** Lands between Nos. 44-50 Dundalk Street Newtownhamilton extending to the rear (east/north-east) of Nos. 40-56 Dundalk Street and southwards to the boundary shared with No. 60 Dundalk Street

**PROPOSAL** Site for residential development incorporating new access to Dundalk Street, relocation of on street parking and new service bay

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>		<b>SUP Letters</b>		<b>OBJ Petitions</b>		<b>SUP Petitions</b>	
	0	2	0	0	0	0	0	0
	<b>Addresses</b>		<b>Signatures</b>		<b>Addresses</b>		<b>Signatures</b>	
	0		0		0		0	

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy QD 1 (Criteria a, b, f, g and h) of Planning Policy Statement 7 (PPS 7) - Quality Residential Environments, Policy LC1 of PPS7 (Addendum): Safeguarding the Character of Established Residential Areas and PCP1 of PPS12: Housing In Settlements in that the conceptual plan submitted 18.08.11 is unacceptable and fails to demonstrate that the proposal would create a quality and sustainable residential environment.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy BH 11 of the Department's Planning Policy Statement 6 (PPS 6) - 'Planning, Archaeology and the Built Heritage' in that it would, if permitted, adversely affect the setting of the adjoining listed public house (No. 42 Dundalk Street) and Nos. 52-56 through its disruption to the street-scene caused by the demolition and loss of neighbouring frontage development along Dundalk Street and the dominance of proposed hard-surfacing in its place.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted, harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Dundalk Street, its disruption to the scale and rhythm of built form along the street-scene, the dominance of hard-surfacing in its place, the adverse impact on views along the street caused as a result and the suburban form of the re-development scheme proposed in the back-lands.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Policy BH 10 of the Planning Policy Statement 6 (PPS 6) - 'Planning, Archaeology and the Built Heritage' in that proposed development has been facilitated by the unauthorised demolition of a Listed Building (No. 44 Dundalk Street).





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2007/1508/O

**Date Received:** 31.10.2007

**Proposal:** Site for residential development incorporating new access to Dundalk Street, relocation of on street parking and new service bay

**Location:** Lands between Nos. 44-50, to the rear of 40-56 Dundalk Street and to the boundary with No. 60 Dundalk Street, Newtownhamilton

**Site Characteristics & Area Characteristics:**

Site is located within the settlement of Newtownhamilton accessed via Dundalk Street, comprising of a gap between Nos. 42 and 52 which currently consists of an unauthorised temporary car park, shop with lands extending beyond this to the east.

**Site History:**

**P/2012/0149/F** - Retention of Car Park. Adjacent to no 50 Dundalk Street, Newtownhamilton. Adjacent to no 50 Dundalk Street, Newtownhamilton. PAC Decision Temporary Approval (Application site - N of spar shop)

**P/2012/0042/CA** - Unauthorised demolition and extension to a listed building. 42-44 Dundalk Street, Tullyvullan, Newtownhamilton. Enforcement - Court Action being pursued (Application site and adjoining building)

**P/2011/1038/F** - Lands at and adjacent to No.42 Dundalk Street, Newtownhamilton. Retention of rear extension and alterations (with internal modifications) to existing public house to include off-licence sales (with separate access to rear) and new toilets on ground floor; keg store, kitchen and ancillary storage in basement; conversion of first floor to provide liveable accommodation; external smoking area at ground floor level; internal and external circulation including disabled access provision; and with demolition of existing rear out-shot. Application being considered in conjunction with accompanying application for Listed Building Consent, under File Ref. P/2011/1034/LBC. Current (Application site)

**P/2011/1034/LBC** - Lands at and adjacent to No.42 Dundalk Street

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

**P/2011/0166/CA** - Unauthorised Car Park. Adjacent To 50 Dundalk Street Tullyvullan, Newtownhamilton, Armagh

**P/2011/0165/CA** - Unauthorised demolition and extension to a listed building. 42-44 Dundalk Street, Tullyvullan, Newtownhamilton, Armagh. Enforcement - Court Action being pursued (Application site and adjoining building)

### **Planning Policies & Material Considerations:**

**Banbridge/ Newry and Mourne Area Plan 2015:** Inside the development limits, area of archaeological potential with part of site within the town centre boundary

**Policy Consideration and Guidance:** SPPS, PPS2, PPS3, PPS6, PPS7, PPS7 (Addendum), PPS8, PPS12, PPS15, PSRNI, Creating Places, DCAN 8, DCAN 10, DCAN 15 and Parking Standards

### **Archaeology and Built Heritage (SPPS and PPS6)**

Policy directs that there will be a presumption in favour of retaining listed buildings and demolition will only be permitted in exceptional circumstances

The frontage of the site included a listed building at No.44 which was demolished during the course of the application (17.03.09) without prior consent from the Planning Authority (court action currently being pursued) and an unauthorised car park erected between Nos.42 and 50 was facilitated by the demolition of the listed building and is currently subject to an enforcement action. NIEA Historic Buildings Unit recommended refusal of the application on a similar basis, in comments dated 24 November 2011 its stated that proposals are contrary to BH10 of PPS6 in that there is no exceptional reason to support demolition.

Proposals will also impact on the setting of the existing street scheme with a 'gaping hole' between the listed buildings at 42 and 52 -56, loss of neighbouring frontage and dominance of hard surfacing in its place. This has already been caused by unauthorised works however the approval of such development in its place will continue to reinforce an unsightly void between protected buildings and detract from its setting.

**Access/ Parking (PPS3, DCAN 15 and Parking Standards)**

Transport NI in comments dated 05.01.12 have no objection and parking can be accommodated sufficiently within the site

**Land Use:**

The principle of use of land for residential purposes is acceptable given surrounding land uses. The former development along the street frontage appeared to include a number of dwellings. Housing on this site is compatible in principle with the surrounding development

**Townscape (PSRNI: DES 2)**

The clearance of the row of buildings along the Dundalk Street frontage (Nos. 44-48) has had a very negative impact on this section of streetscape. It has left a large unsightly gap which is totally out of keeping with the remainder of the street. This disrupts the alignment, scale, height and rhythm of development along the streetscape. The existing street pattern and built form gives Newtownhamilton its strong character. The development would, if permitted, harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Dundalk Street and will be dominated by hard surfacing in its place. Proposals will also have an adverse impact on views along the street through the opening up of this large section of street frontage enabling clearer views of suburban form of the re-development scheme proposed in the back-lands.

Approval of this form of development would set an unfavourable precedent. The gain associated with developing back-lands does not outweigh the harm to the local townscape character as well as the impact to the setting of listed buildings brought about the clearance of buildings along the streetscape.

**Housing Quality – SPPS, PPS7 (QD1), PPS7 (LC1)(Addendum), PPS8, DCAN 8 and Creating Places**

The revised concept layout date received 18 August 2011 shows an indicative layout of 16 dwellings located to the back of the site situated around to cul-de-sacs with development shown backing on to all boundaries to the main back-lands. The front of the site is taken up with the access and pedestrian footpaths either side.

## 1. Character:

The scheme does not respect the linear nature of Dundalk Street, through the maintenance of a large gap in the streetscape.

## 2. Topography

The infilling of the front portion of lands, as reflected in the current unauthorised car parking, does not respect the natural topography of the lands. This leaves for a reliance on cut-and-fill measures to the rear.

## 3. Form



The main scheme appears very suburban in form, out-of-keeping with the historic street-scape along Dundalk Street.

#### 4 Built Heritage

The scheme will impact on local built heritage as raised under Policies BH 10 and BH 11 of PPS 6.

#### 5. Parking

The alternative parking arrangements do not respect neighbouring properties.

#### 6. Amenity

The creation of access/ hard standing and car parking to the rear of existing properties will introduce and generate activity which will have an adverse impact on neighbouring properties due to noise, general nuisance and disturbance.

#### 7. Crime/ Personal Safety

Development is set well back from Dundalk Street that the access and communal areas of parking are poorly supervised

### **PPS12: PCP1 (Increased Housing Density without Town Cramming)**

Whilst the number of units is comparable to similar plots sizes within the town.

Due to the variance of ground levels (between Dundalk Street and the eastern boundary of the site) in order to facilitate access to development extensive infilling is required. The infilling to the front portion of the site has already been undertaken without the benefit of planning permission and is reflected in the demolition of the former listed building and other buildings to facilitate an unauthorised car park. The employment of engineering works and fill will result in the reliance of cut and fill measures to the rear. Development will have an adverse visual impact on character and setting of listed buildings

### **PPS3: Sustainable Forms of Development**

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

### **HS4: House Types and Sizes**

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

### **Natural Heritage (SPPS and PPS2)**

The site and land zonings do not raise any nature conservation concerns. The lands to the front were developed / built on, at the time of the first site visit on 29 July 2008

The location and characteristics of the site did not warrant consultation with NIEA (Natural Heritage) nor the submission of any flora or fauna survey information.

The site benefits from a mature tree-lined boundary along its east edge. This screening is of merit, worthy of protection as part of the development

There are no longer any buildings within the site that would be suitable for roosting bats

The retention of trees and provision of biodiversity information could be made conditional on a decision notice.

### **Flood Risk**

Consultation was not carried out with DARD Rivers Agency during the application. The Department's records show a 10metres buffer around part of a watercourse which is located along the east of the site and that this part of the site may be partially affected by fluvial ponding. The site does not fall within a floodplain.

Part of the red line that identifies the site boundary abuts a watercourse is not relevant. The proposed development will be located on higher ground at the back of the site, away from the subject watercourse in an area which is not identified as being within a flood plain. There is no flood risk concern and it not necessary that a Flood Risk Assessment be carried out.

Further consultation should take place with DARD Rivers Agency at detailed planning stage on the basis of the detailed proposals. The scale of development will exceed the agreed threshold for consultation (10 dwellings). The site is generally well-elevated. The design concept does not interfere with the watercourse along the east boundary.

### **Archaeology**

In their comments dated 28 April 2008, NIEA HMU requested a developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS 6 (Archaeological Mitigation). This is to identify and record any archaeological remains in advance of new construction, or provide for their preservation in situ. Content to deal with this by way of negative conditions on a decision notice.

### **Sewerage Disposal**

NIW comments dated 8 February 2011, confirm there is available capacity at the receiving Waste Water Treatment Works / Sewer Network to serve the proposed development, with a foul sewer within 20 metres of the site. NIEA Water Management Unit similarly raised no concerns, in their comments dated 8 November 2011.

**Consultations:**

Environmental Health (10.01.12) - Public House located close to development not licensed for entertainment also nearby Spar Shop producing noise (condensers/fans) these are located on the car park wall and not outside wall facing proposed development. No objection in principle

Transport NI (05.01.12) - No objection

Development Plan (24.11.11) - Prematurity not an issue

Historic Buildings (24.11.11) - Contrary to BH10 of PPS6. 42-44 listed buildings and no exceptional reason to support demolition. No. 44 demolished without consent. HBU strongly object

NIW (27.02.08) - Generic response

NIEA Water Management (08.11.11) - No objection

NIEA HMU (28.04.08) - A developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS 6

**Objections & Representations**

55 Neighbour Notifications

Advertised October 2011 and December 2012 (amended drawings)

**1 Objection letter:** Drs O'Leary, Lambe and Larkin:

- Dangerous/ difficult parking
- Traffic congestion caused by existing traffic volumes in area
- Road safety at site

**Consideration of Objection:**

Transport NI in comments have raised no road safety concerns in relation to proposals

**3 letters of support:** Danny Kennedy (MLA), CLG Naomh Micheal Baile Ur, Credit Union

- Rejuvenation/regeneration of the area
- Creation of employment
- Improve road infrastructure
- Increase of people living area will



**Consideration and Assessment:**

The overall proposals fail to meet the Strategic Planning Policy Statement as well as PPS7: Policy QD1 (criteria a, b, f, g, h and i), PPS7 (Addendum): LC1, PPS12: PCP1, DES 2 (PSRNI), BH10 and 11 of PPS6 for the reasons set out above and on this basis it is recommended to refuse the application.

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy BH 10 of the Planning Policy Statement 6 (PPS 6) - 'Planning, Archaeology and the Built Heritage' in that proposed development has been facilitated by the unauthorised demolition of a Listed Building (No. 44 Dundalk Street).
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy BH 11 of the Department's Planning Policy Statement 6 (PPS 6) - 'Planning, Archaeology and the Built Heritage' in that it would, if permitted, adversely affect the setting of the adjoining listed public house (No. 42 Dundalk Street) and Nos. 52-56 through its disruption to the street-scene caused by the demolition and loss of neighbouring frontage development along Dundalk Street and the dominance of proposed hard-surfacing in its place.
3. The proposal is contrary to the Strategic Planning Policy Statement and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted, harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Dundalk Street, its disruption to the scale and rhythm of built form along the street-scene, the dominance of hard-surfacing in its place, the adverse impact on views along the street caused as a result and the suburban form of the re-development scheme proposed in the back-lands.
4. The proposal is contrary to the Strategic Planning Policy Statement and Policy QD 1 (Criteria a, b, f, g and h) of Planning Policy Statement 7 (PPS 7) - Quality Residential Environments, Policy LC1 of PPS7 (Addendum): Safeguarding the Character of Established Residential Areas and PCP1 of PPS12: Housing In Settlements in that the conceptual plan submitted 18.08.11 is unacceptable and fails to demonstrate that the proposal would create a quality and sustainable residential environment.

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

<b>ITEM NO</b>	<b>D2</b>			
<b>APPLIC NO</b>	P/2012/0668/F	Full	<b>DATE VALID</b>	20/08/2012
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Damian Mallon 4 Ballymacdermot Road Killeavy Newry BT35 8AZ		<b>AGENT</b>	
<b>LOCATION</b>	45 metres north east of 4 Ballymacdermot Road Killeavy Newry BT35 8AZ			NA
<b>PROPOSAL</b>	Erection of dwelling with detached garage on infill site			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			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 Ballymacdermot Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposed ancillary works do not integrate with their surroundings.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and create a ribbon of development which would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2012/0668/F

**Date Received:** 20.08.2012

**Proposal:** Full permission for the erection of dwelling with detached garage on infill site.

**Location:** Between 22 & 26 Low Road, Killeavy, Newry

**Site Characteristics & Area Characteristics:**

The site includes a portion of a larger agricultural field that abuts the public road. The area is rural in character and located within the Ring of Gullion AONB.

**Site History:**

P/1999/2204/O

On Ballymacdermot Road, opposite No 67 Forkhill Road, Newry  
Site for dwelling.

Application Withdrawn

P/2000/1885/F

On Ballymacdermot Road opposite No 67 Forkhill Rd Newry  
Erection of dwelling.

Permission Granted: 13.02.2001

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

**Consultations:**

Transport NI – amended plans required.

Water NI – generic

Environmental Health – no objections



**Objections & Representations**

6 Neighbours notified and application advertised on 07.09.2012. No objections received.

**Consideration and Assessment:**

The site is located within the rural area / AONB as designated in the area plan. There are no specific objections with regard to the area plan.

Planning Policy Statement 21

The proposal has been considered against policies CTY 1 and CTY 8. As the site is located within a ribbon that includes undeveloped sites, where a common frontage is not shared by a line of 3 buildings and the proposed plot size does not reflect the existing pattern in the immediate area, the proposal is not considered an exception to CTY8 and instead would result in the addition of ribbon development. With no over-riding reasons why the development is essential the application also fails policy CTY 1.

The proposed site is considered to lack established boundaries for enclosure and the ancillary works are not considered to integrate with their surroundings. Consequently the proposal fails the policy criteria of CTY13.

As the proposal would add to a ribbon of development and contribute to build up when viewed with existing buildings the proposal would be detrimental to the rural character of the area and therefore is contrary to policy CTY 14.

Consent to discharge would be dealt with by way of a negative condition on any approval notice. This complies with policy CTY 16.

Planning Policy Statement 3

Whilst Transport NI has requested further amendments this information has not been sought due to the above issues with the principle of development.

Planning Policy Statement 2

Due to the issues above relating to integration and rural character the siting of the proposal is considered to be invariance with the policy provisions of policy NH6 which is applicable for all development in the AONB.

**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 addition of ribbon development along Ballymacdermot Road.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposed ancillary works do not integrate with their surroundings.

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

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the building would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer****Authorised Officer**

## Newry, Mourne & Down District Council – April 2017

415

### 1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293

### 2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075

### 3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	67

### 4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104

### 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
April	123	Approvals (111)	90%
		Refusals (12)	10%

### 6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738



## Newry, Mourne & Down District Council – April 2017

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416

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April 2017	26	19	7
<b>Totals</b>	<b>26</b>	<b>19</b>	<b>7</b>

### 8. Appeals

#### Planning Appeal Commission Decisions issued during April 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	26	2	0	2	0
Down	8	0	0	0	0
<b>TOTAL</b>	<b>34</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>

## Newry, Mourne & Down District Council – April 2017

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### 9. Statutory Targets Performance Data

Statutory targets monthly update to April to March 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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% 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%
August	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%	125	24.2	32.8%	29	44.8	55.2%
Mar	3	26.0	66.7%	145	16.4	46.9%	69	61.8	52.2%
<b>Year to date</b>	<b>27</b>	<b>86.6</b>	<b>14.8%</b>	<b>1,843</b>	<b>23.0</b>	<b>35.1%</b>	<b>239</b>	<b>54.2</b>	<b>56.1%</b>

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.





## Current Appeals

419

**AUTHORITY**      **Newry, Mourne and Down**

<b>ITEM NO</b>	<b>1</b>	<b>PAC Ref:</b>	<b>2016/A0005</b>
<b>Planning Ref:</b>	P/2014/0303/O	<b>DEA</b>	<b>The Mournes</b>
<b>APPELLANT LOCATION</b>	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
<b>PROPOSAL</b>	<sup>Newry</sup> Erection of Infill Dwelling and Detached Garage		

<b>APPEAL TYPE</b>	Plg Refusal; permissions	<b>Date Appeal Lodged</b>	<b>05/04/2016</b>
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>2</b>	<b>PAC Ref:</b>	<b>2016/A0041</b>
<b>Planning Ref:</b>	P/2014/0853/F	<b>DEA</b>	<b>Crollieve</b>
<b>APPELLANT LOCATION</b>	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
<b>PROPOSAL</b>	Retention of two light industrial units, erection of three light industrial units.		

<b>APPEAL TYPE</b>	Plg Refusal; permissions	<b>Date Appeal Lodged</b>	<b>01/07/2016</b>
<b>Appeal Procedure</b>	<b>Informal Hearing</b>		
<b>Date of Hearing</b>		<b>16/09/2016</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

420

<b>ITEM NO</b>	<b>3</b>	<b>PAC Ref:</b>	2016/A0135
<b>Planning Ref:</b>	P/2014/0649/O	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Mr Joseph Walls		
<b>LOCATION</b>	60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
<b>PROPOSAL</b>	Site for Farm Dwelling (amended address)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	13/10/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>	<b>PAC Ref:</b>	2016/A0139
<b>Planning Ref:</b>	P/2014/0678/F	<b>DEA</b>	Newry
<b>APPELLANT</b>	Mr Frank King		
<b>LOCATION</b>	33a Flagstaff Road Fathom Lower Newry		
<b>PROPOSAL</b>	Retention of existing fuel sales business to include existing hard standing area and portacabin		

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

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## Current Appeals

421

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	P/2014/0670/F	<b>PAC Ref:</b>	2016/A0140
<b>APPELLANT</b>	Mr Frank King	<b>DEA</b>	Newry
<b>LOCATION</b>	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)		
<b>PROPOSAL</b>			
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	17/10/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2015/0877/F	<b>PAC Ref:</b>	2016/A0148
<b>APPELLANT</b>	Mr Diarmid Sloan	<b>DEA</b>	The Mournes
<b>LOCATION</b>	10 Tullybrannigan Brae Newcastle BT33 0DG		
<b>PROPOSAL</b>	Roof space conversion, replacement roof and 2 storey extension		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	01/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

422

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	P/2013/0938/F	<b>PAC Ref:</b>	2016/A0157
<b>APPELLANT</b>	John Morgan	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	220 Metres West Of 6 Tamary Road Mayobridge		
<b>PROPOSAL</b>	225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	R/2015/0078/O	<b>PAC Ref:</b>	2016/A0163
<b>APPELLANT</b>	Mrs M Dodds	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Lands 20m North East Of 65 Tollymore Road Newcastle		
<b>PROPOSAL</b>	Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage.  (Amended proposal)		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	23/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

423

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2015/1244/F	<b>PAC Ref:</b>	2016/A0166
<b>APPELLANT</b>	Barney Mackin	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	19.3m North-East Of No27B Derrycraw Road Derrycraw		
<b>PROPOSAL</b>	<sup>Newly</sup> Erection of farm dwelling and garage		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	30/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2016/1041/C	<b>PAC Ref:</b>	2016/A0172
<b>APPELLANT</b>	Joseph O'Hare	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
<b>PROPOSAL</b>	<sup>Newly</sup> Dwelling and domestic garage on gap/infill site (amended address)		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	05/12/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

424

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2016/0812/C	<b>PAC Ref:</b>	2016/A0173
<b>APPELLANT</b>	George Kelly	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Between No. 54 & 54a Mill Road Mullaghbawn		
<b>PROPOSAL</b>	<sup>Newly</sup> New dwelling with domestic garage. Gap/Infill site		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	05/12/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2016/0731/C	<b>PAC Ref:</b>	2016/A0174
<b>APPELLANT</b>	Ms Sheena Gribben	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	60 Metres South East Of 47 Castlewellan Road Hilltown		
<b>PROPOSAL</b>	Site for dwelling and garage on farm		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	07/12/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

425

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2015/1315/C	<b>PAC Ref:</b>	2016/A0184
<b>APPELLANT</b>	Clare Ferris	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Between 16 And 20 Lough Road Crossgar		
<b>PROPOSAL</b>	BT30 9DT Proposed Dwelling on in-fill site under Policy CTY 8 Ribbon Development		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/12/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2016/0381/C	<b>PAC Ref:</b>	2016/A0185
<b>APPELLANT</b>	Mr Matt Burns	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Opposite No. 107 Kilbroney Road Rostrevor		
<b>PROPOSAL</b>	Proposed farm retirement dwelling		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	15/12/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

426

**ITEM NO** 15  
**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**

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**ITEM NO** 16  
**Planning Ref:** LA07/2016/0802/C **PAC Ref:** 2016/A0192  
**APPELLANT** Darren O'Hagan **DEA** Crotlieve  
**LOCATION** 60m NE Of 11a New Line Road  
 Hilltown  
 Newry  
**PROPOSAL** Site for dwelling and detached garage

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure** **Date Appeal Lodged** 30/12/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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### Current Appeals

427

**ITEM NO** 17  
**Planning Ref:** P/2014/0972/O  
**APPELLANT** Edward Ryan  
**LOCATION** 15 Ryanstown Road  
 Newry  
 RT34 2NG  
**PROPOSAL** Site for dwelling (additional information submitted)

**PAC Ref:** 2016/A0197  
**DEA** Crotlieve

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure** Informal Hearing  
**Date Appeal Lodged** 11/01/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 18  
**Planning Ref:** LA07/2015/1217/C  
**APPELLANT** Mr & Mrs Quinn  
**LOCATION** Land Adjacent To And North East Of 20 Crohill Road  
 Cobane  
 Newry  
**PROPOSAL** Site for replacement dwelling and garage (Off-site Replacement due to current proximity to public road.)

**PAC Ref:** 2016/A0201  
**DEA** Crotlieve

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure**  
**Date Appeal Lodged** 18/01/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**



## Current Appeals

428

<b>ITEM NO</b>	<b>19</b>	<b>PAC Ref:</b>	2016/A0204
<b>Planning Ref:</b>	LA07/2016/0510/C	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Robert Laurence Annett		
<b>LOCATION</b>	Adjacent And West Of 60 Corcreaghan Road Kilkeel		
<b>PROPOSAL</b>	RT34 ASI Dwelling on a farm		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	23/01/2017
<b>Appeal Procedure</b>	<b>Written Reps</b>		
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2016/A0211
<b>Planning Ref:</b>	LA07/2016/0826/C	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Kevin Donaghy		
<b>LOCATION</b>	Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely		
<b>PROPOSAL</b>	Reshrook Proposed erection of detached dwelling and garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	02/02/2017
<b>Appeal Procedure</b>	<b>Written Reps</b>		
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

429

<b>ITEM NO</b>	<b>21</b>		
<b>Planning Ref:</b>	LA07/2015/0647/C	<b>PAC Ref:</b>	2016/A0214
<b>APPELLANT</b>	PR Jennings	<b>DEA</b>	Rowallane
<b>LOCATION</b>	15m North Of 39 Listooder Road Crossgar		
<b>PROPOSAL</b>	Erection of farm dwelling (additional information received)		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/02/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>		
<b>Planning Ref:</b>	P/2014/0769/O	<b>PAC Ref:</b>	2016/A0215
<b>APPELLANT</b>	Mr Kevin Cunningham	<b>DEA</b>	The Mournes
<b>LOCATION</b>	210 Metres South Of No 36 Belmont Road Kilkeel RT34 A1 A		
<b>PROPOSAL</b>	Site for dwelling on a farm		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	10/02/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

430

<b>ITEM NO</b>	<b>23</b>	<b>PAC Ref:</b>	2016/A0217
<b>Planning Ref:</b>	LA07/2016/0732/C	<b>DEA</b>	Newry
<b>APPELLANT</b>	Mrs Mary Carr		
<b>LOCATION</b>	Lands To The Rear And South Of No. 6 Railway Road Meigh		
<b>PROPOSAL</b>	<sup>Killeavy</sup> Proposed erection of a farm dwelling		
<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	16/02/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>	<b>PAC Ref:</b>	2016/A0219
<b>Planning Ref:</b>	LA07/2016/0268/F	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	J Graham And Sons		
<b>LOCATION</b>	Between 32 And 34 Eliza Close Newcastle		
<b>PROPOSAL</b>	Proposed storey and a half dwelling		
<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	17/02/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

431

<b>ITEM NO</b>	<b>25</b>	<b>PAC Ref:</b>	2016/A0224
<b>Planning Ref:</b>	LA07/2016/0365/C	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr And Mrs McCluskey Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
<b>PROPOSAL</b>	2no proposed dwelling houses		
<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	27/02/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>	<b>PAC Ref:</b>	2016/A0225
<b>Planning Ref:</b>	LA07/2015/1317/C	<b>DEA</b>	Slieve Gullion
<b>APPELLANT LOCATION</b>	Paul And Dianne Kelly 25m South Of 162 Tandragee Road Jerrettspass		
<b>PROPOSAL</b>	<sup>Newry</sup> 1 No. infill 1.5 storey dwelling and garage		
<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	27/02/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

432

<b>ITEM NO</b>	<b>27</b>	<b>PAC Ref:</b>	2016/A0226
<b>Planning Ref:</b>	LA07/2016/0477/F	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mr Caolan Quinn		
<b>LOCATION</b>	50m South-east Of No. 106 Carrickgallogly Road Carrickgallogly		
<b>PROPOSAL</b>	<del>Belleek</del> Erection of dwelling		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	28/02/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>	<b>PAC Ref:</b>	2016/A0228
<b>Planning Ref:</b>	LA07/2016/0523/F	<b>DEA</b>	Newry
<b>APPELLANT</b>	Ms Naiomh Morgan		
<b>LOCATION</b>	Adjacent To No 13 Crieve Road Newry BT34 2JT		
<b>PROPOSAL</b>	Dwelling House		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	14/03/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

433

<b>ITEM NO</b>	<b>29</b>	<b>PAC Ref:</b>	2016/A0238
<b>Planning Ref:</b>	LA07/2016/0561/F	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr & Mrs Samuel Duke 19 Inishbeg Killyleagh Downpatrick		
<b>PROPOSAL</b>	Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/03/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>	<b>PAC Ref:</b>	2016/AO125
<b>Planning Ref:</b>	P/2014/0769/O	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Mr Kevin Cunningham 210 Metres South Of No 36 Belmont Road Kilkeel RT34 41 A		
<b>PROPOSAL</b>	Site for dwelling on a farm		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/02/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

434

<b>ITEM NO</b>	<b>31</b>		
<b>Planning Ref:</b>	LA07/2016/0396/L	<b>PAC Ref:</b>	2016/E0032LDC
<b>APPELLANT</b>	Michelle McGivern	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	26A Greenan Lough Road (on Lands Associated With 26 Greenan Lough Road)		
<b>PROPOSAL</b>	Dwelling of temporary construction within the curtilage of an existing dwelling		
<b>APPEAL TYPE</b>	Plg Conditions		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	15/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>		
<b>Planning Ref:</b>	LA07/2015/0166/L	<b>PAC Ref:</b>	2016-E0045
<b>APPELLANT</b>	Mr Ronald Sloan	<b>DEA</b>	The Mournes
<b>LOCATION</b>	29 Leitrim Road Kilkeel		
<b>PROPOSAL</b>	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.		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	24/01/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

435

**ITEM NO** 33  
**Planning Ref:** LA07/2015/0429/F **PAC Ref:** 2017/A0002  
**APPELLANT** Rory And Kerri Farrell **DEA** Croilieve  
**LOCATION** Site 11  
 The Avenue  
 Rurren  
**PROPOSAL** New two storey house with attached garage and associated external works

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure** **Date Appeal Lodged** 04/04/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 34  
**Planning Ref:** LA07/2016/1296/C **PAC Ref:** 2017/A009  
**APPELLANT** Mr And Mrs John Curran **DEA** Slieve Croob  
**LOCATION** Opposite 2 And 4 Magheralone Road  
 Drumaness  
 Rallvnahinch  
**PROPOSAL** Proposed 1No. dwelling and garage with associated site works

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure** **Date Appeal Lodged** 11/04/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
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<b>Appeal Reference:</b>	2016/A0151
<b>Appeal by:</b>	Mrs Kathleen McKeivitt
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Farm dwelling and garage
<b>Location:</b>	Approximately 75m north of No.26 Jack's Road, Killeen, Armagh
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	LA07/2015/0009/F
<b>Procedure:</b>	Written representations and accompanied site visit on 8 March 2017
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 24 April 2017

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development would be acceptable in principle in the countryside and its impact on both the rural character of the countryside and the defined settlement limit of Killeen.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. In the Banbridge Newry & Mourne Area Plan 2015 the appeal site is located outside the settlement development limit of Killeen in the countryside. The Plan contains no specific policies or designations that are of assistance in the determination of this appeal. The relevant policy context is therefore provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), which is identified as a retained policy document by the Strategic Planning Policy Statement for NI (SPPS).
4. Policy CTY1 of PPS21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. This includes a dwelling on a farm in accordance with Policy CTY10. This policy is expressed permissively stating that planning permission will be granted where three criteria are met. Criterion (a) is satisfied as there is currently an active farm business in the name of the appellant as identified by the farm business ID number 646598 which DARD confirmed has been in existence for more than six years.
5. Though not referred to in the reason for refusal under Policy CTY10, both parties referred to evidence which falls to be considered under criterion (b). This criterion requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision only applies from 25 November 2008. The farm holding as shown on the associated farm map consists of 5ha of land. Whilst the planning authority referred to a transfer of land on 7 March 2008



- which had planning permission for a dwelling to the north of the appeal site and was formerly within the appellant's ownership, that transaction precedes the critical threshold date and is therefore not pertinent. The planning authority however also referred to a transfer of land to the south of the appeal site (No.26 Jack's Road) to Niall McKeivitt, the appellant's son, on 17 August 2009. The planning authority stated that this land was originally within the ownership and control of the appellant. Whilst No.26 was included within the blue line in the site location map and Certificate A was signed certifying that the appellant was in actual possession of every part of the land to which the application relates, this does not confirm that the dwelling is part of the farm holding. Though a solicitor's letter dated 14 April 2016 stated that the appellant has not sold or agreed to sell any part or parts of her farm holding since 1 November 2008, farm holding maps do not include buildings. The appellant lives at No 18 Jack's Road. Whilst it was stated that Niall McKeivitt manages the farm business on the appellant's behalf, I nonetheless consider that there is insufficient evidence to demonstrate that the land has not been sold off from the holding within 10 years of the application. I find that criterion (b) is not satisfied.
6. Criterion (c) requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The appellant's assertion is that the proposed dwelling would be visually linked with No.26 Jack's Road and a dwelling referred to as No.24 Jack's Road which was approved under P/2007/0326/RM in the name of the appellant and has evident foundations. Given the evidence before me as set out above, I am not persuaded that No.26 represents a building on the farm. With respect to No.24, though foundations are in place, the dwelling is not erected. It therefore does not represent an established (*my emphasis*) building on the farm.
  7. Criterion (c) goes on to state that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the a farm or out-farm and where there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The only established building on the farm holding is the appellant's dwelling at No.18 Jack's Road. Notwithstanding that there is no building group on the farm, the appellant argued that access to the lands within the farm holding close to her dwelling would represent a health and safety risk as it would necessitate navigating a watercourse and represent development in a flood plain. These lands however are presently accessed by an existing concrete laneway and criterion (c) states that where practicable access should be taken from an existing laneway. I am not persuaded that would be a health and safety risk in crossing the watercourse via the existing laneway especially as the access to the dwelling at No.20 Jack's Road presently crosses the same watercourse. I note that the identified flood plain in the vicinity of the watercourse does not extend across the extent of the farm land. The health and safety arguments presented do not merit the appeal proposal as an exception under criterion (c) of Policy CTY10. Considering all the matters raised I find that the proposal does not meet the requirements of Policy CTY10.
  8. There is no evidence to suggest that the proposal falls into any of the other types of development that are listed as acceptable in principle in the countryside in Policy CTY1 of PPS21. Policy CTY1 indicates that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No other overriding policy or material considerations were presented to outweigh the policy provisions of CTY1. I therefore find that there is no policy support for the proposal in PPS21 and the planning authority's first and second reasons for refusal under Policies CTY1 and CTY10 have been sustained.
  9. Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The appeal site is a cut out of a large roadside field and it is proposed to position the dwelling centrally within the plot to achieve a separation distance

of 72m from an existing sewage treatment plant to the northwest. A new access laneway from Clontigora Road is to run along the southern site boundary which is presently demarcated by intermittent shrub vegetation. The other boundaries of the proposed curtilage are presently undefined. Direct views towards the appeal site are available from the both approaches along Clontigora Road due to the absence of any significant roadside or other intervening vegetation. Though the proposed dwelling with a ridge height of 7m is of a simple design and is to be setback 140m from the road, it nonetheless would appear prominent in this open and exposed site. Despite the distant backdrop of rising topography, the site lacks a suitable degree of enclosure and would rely primarily on the proposed additional new landscaping to successfully integrate the dwelling into the landscape. Whilst I accept that the accessway running along the vegetated boundary would integrate, the associated ancillary works for the proposed 1m sloped embankment and 1m high fence behind the visibility splays would create an obtrusive feature. Whilst I accept that a number of the other examples of dwellings in close proximity to the appeal site appear prominent in the landscape including No.26 Jack's Road, I do not consider that these justify setting aside the unacceptable visual impacts of the appeal proposal. Each application must be judged on its own merits. Policy CTY13 reiterates that a proposed dwelling on a farm will be unacceptable if it is not visually linked or sited to cluster with an established group of buildings on a farm. The planning authority has sustained its third reason for refusal.

10. Policy CTY14 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. Despite the open appearance of a number of dwellings in the landscape which detract from the rural character of the area, the area nonetheless retains a rural ambience. The appeal proposal would appear as a prominent feature in the landscape and would unacceptably further erode the rural character of the area. The proposal would readily read with the dwellings to the south and north of the site and despite the setback, would result in the creation of ribbon of development and suburban style of development resulting in a detrimental change to the rural character. The planning authority has sustained its fourth reason for refusal.
11. CTY15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The development limit of Killeen is located 80m to the south of the application on the other side of Jack's Road. I consider that the dwelling recently erected close to the junction of Jack's Road and Clontigora Road which lies between the appeal site and the development limit already mars the distinction with the countryside. Nonetheless, the proposed development would extend development further into the countryside and result in urban sprawl. This would be against the thrust of Policy CTY15. The planning authority has therefore sustained its fifth reason for refusal.

This decision is based on the following drawings:-

- PL01 (01) 1:2500 scale Site location plan, 1:500 scale Proposed site layout and 1:100 scale cross-sections;
- PL02 (02) 1:100 scale Floor plans and elevations.

**COMMISSIONER BRIGID McGLINCHEY**

**List of Appearances**

Planning Authority:- P Manley  
B Curran  
L O'Hare

Appellant:- S Hughes, ERES Limited  
F McKeivitt, Daughter-in-law

Third Parties:-

**List of Documents**

Planning Authority:- C1 Statement of case

Appellant:- A1 Statement of case





# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
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<b>Appeal Reference:</b>	2016/A0125
<b>Appeal by:</b>	Mr Noel McKinley against the refusal of full planning permission
<b>Development:</b>	Erection of 2 apartments
<b>Location:</b>	Adjacent to No.24 and opposite Nos. 19 & 20 Tudor Mews, Upper Dromore Road, Warrenpoint
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	LA07/2015/1109/F
<b>Procedure:</b>	Written Representations with Accompanied Site Visit on 9 February 2017
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 3 April 2017

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant submitted an enlarged site plan (1:200 scale) with his statement of case for consideration. The site plan does not alter the proposal but rather provides more detail in respect of identified areas of amenity space for each apartment than that shown in the original smaller scaled block plan. The enlarged site plan also indicated a section A-A through the site showing the relative position and height of the proposed building to that of one of the semi-detached dwelling opposite the site. The enlarged site plan also indicated a footpath across the front of the property and visibility splays of 2m x 33m. I consider that that changes are not substantial and I am satisfied that there would be no prejudice to any party if I was to consider the enlarged site plan.

## Reasoning

3. The main issues in this appeal are:
  - whether the proposal would provide a quality residential development;
  - impact on the character of the area;
  - whether parking provision and visibility splays can be provided clear of the highway.
4. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that, where in making any determination under this Act, regard is to be had the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The local plan in this case is the

Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) which indicates that the appeal site lies within the development limits of Warrenpoint. There is no particular zoning in BNMAP in relation to the appeal site. The Strategic Planning Policy Statement for Northern Ireland (SPPS) indicates that until such times as a Plan Strategy for the whole of the council area has been adopted planning authorities will apply existing policy within specified retained Planning Policy Statements. Planning Policy Statement 7: Quality Residential Environments (PPS7) sets out the main planning considerations that the planning authority will take into account in assessing the quality of proposals for new residential development. The Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas (APPS7) provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas and must be read in conjunction with PPS7. Both these policy documents are retained under the SPPS and provide the pertinent policy tests to consider the proposal. Additional supplementary planning guidance is provided in Creating Places: Achieving Quality in Residential Developments. Planning Policy Statement 3: Access, Movement and Parking (PPS3), which sets out planning policies for vehicular accesses, is also relevant.

5. The appeal site is a triangular shaped grassed area (0.027ha) that extends along the boundary fence of the cul-de-sac forming the end of Tudor Mews and forms the only piece of open space within the housing development. The site backs onto the yard of a primary school and tapers out alongside a laneway serving Dromore Terrace. The proposed apartment block is to be positioned within the widest section of the appeal site with parking and bin storage to either side of the building. Policy QD1 of PPS7 indicates that the tests for proposals for housing developments in established residential areas are whether they would cause unacceptable damage to local character, environmental quality or residential amenity. The policy sets out a number of criteria that proposals are expected to conform to. Criterion (a) requires that a proposal respects the surrounding context and is appropriate to the character and topography of the site, in terms of layout, scale, proportions, massing and appearance of buildings and landscape and hard surface areas. The policy directs that proposals for residential development should draw upon the positive aspects of the character and appearance of the surrounding area. Paragraph 2.3 of APPS7 indicates that its Policy LC1 is an amplification of Policy QD1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. Criterion (a) of Policy LC1 requires that the proposed density is not significantly higher than that found in the established residential area whilst criterion (b) requires that the pattern of development is in keeping with the character and environmental quality of the established residential area.
6. Tudor Mews is comprised primarily of two-storey dwellings with gardens to the front and rear. The development is accessed from the Dromore Road via Irene Terrace. Whilst one of the houses situated close to Irene Terrace is set back within 2m of the footpath, the majority of the front gardens of the dwellings in the development and especially those towards the end of the cul-de-sac are more generously proportioned plus typically they have more substantial rear gardens. The proposed apartment block is to be positioned approximately 2.5m at its closest point to the carriageway and approximately 0.5m from the boundary fence between it and the primary school. Notwithstanding that the proposed massing of the building has a smaller footprint and gable width than the semi-detached



dwellings, it nonetheless would appear prominent on this restricted plot. The proposed layout with a parking area extending out to one side along the road frontage and small amenity areas would depart significantly from that of the other dwellings in the immediate vicinity. The appeal scheme would appear cramped in the immediate street scene and would be out of keeping with the prevailing pattern of development. Criterion (a) of Policy QD1 and criterion (b) of Policy LC1 are not met and the objectors concerns in this regard are upheld.

7. With respect to the density on the site, whilst I agree with the objectors that the appeal proposal would have a higher density than the existing houses in Tudor Mews development, the Council indicated that the proposed density was acceptable as it would not be significantly higher than that in the wider context of both Irene Terrace and Dromore Terrace. Criterion (b) of Policy LC1 would therefore not be offended.
8. Criterion (c) of Policy QD1 requires that adequate provision is made for private open space as an integral part of the development and paragraph 4.31 of the Justification and Amplification of the policy indicates that this depends on the characteristics of the development proposed and the surrounding context. Paragraph 5.20 of Creating Places states that in the case of apartment developments, private communal open space will be acceptable in the form of landscaped areas ranging from a minimum of 10 square metres per unit to around 30 square metres per unit. The appeal proposal indicates the provision of an area of approximately 24 sq m to the front of the development as landscaped amenity space to the first floor apartment and two smaller pockets of amenity space of approximately 23 sq m to either side of the building as private amenity space for the ground floor apartment. Based on the guidance in Creating Places, the open space provision is adequate in both extent and disposition to meet the needs of the appeal development and to satisfy criterion (c) of Policy QD1. The Council's and the objectors' concerns in this regard are not sustained.
9. Criterion (f) requires that adequate and appropriate provision is made for parking. This reflects the policy requirements of Policy AMP7 of PPS3 which states that proposals should not prejudice road safety. The proposal indicates the provision of four perpendicular parking spaces, one to the north side of the building with three to the south side. The relevant design guidance for parking spaces contiguous with carriageways is provided in Paragraphs 20.28 and 20.29 of Creating Places which specify minimum dimensions of 4.8m long by 2.4m wide. Though the enlarged site plan indicated the provision of all the car parking spaces in adherence with these guidelines, the plan also shows a proposed footpath along the front of the site. Furthermore, the measurements taken at the site visit by Transport NI demonstrated that the two most southern car parking spaces were not adequate as they measured 4.4m and 4.8m long as measured out to the kerb of the carriageway and permitted no allowance for the footway. Transport NI stated that it has not been demonstrated that appropriate parking provision clear of the highway can be achieved. The proposal therefore does not satisfy criterion (f) of Policy QD1 or Policy AMP7 of PPS3. The Council therefore has sustained its fourth reason for refusal under Policy AMP7.
10. Criterion (h) of Policy QD1 indicates that new residential development should not have an unacceptable adverse effect on existing or proposed properties. The concerns raised by the objectors under this criterion related to loss of privacy and



noise and disturbance. The original block plan and the section shown on the more detailed site plan indicate that the proposed apartments will be positioned approximately 22m from the semi-detached dwellings of Nos. 19 and 20 opposite the appeal site. I consider that given the separation distance and the lower differential height of the appeal proposal that there would be no unacceptable overlooking or loss of privacy to the existing residential properties as a consequence of the proposal. Although the proposed building backs onto to the yard of the primary school in close proximity, the four small windows on the proposed back elevation are to serve bathrooms. I therefore consider that the privacy of the school would not be unacceptably affected. The resulting increase in vehicle movements and other activities associated with two apartments would not result in adverse levels of noise or disturbance. I consider that the proposal would not unacceptably impact on the residential amenity of the existing dwellings or have an adverse effect on the school. The objectors' concerns in this regard are not sustained and criterion (h) of Policy QD1 is not offended.

11. Nonetheless, as I have found that the proposal would not meet criteria (a) and (f) of Policy QD1 or criteria (a) of Policy LC1, it would not provide a quality and sustainable residential development. Though the appellant referred to a block of two apartments approved in Kilkeel under appeal decision 2013/A0006, I find that the context and circumstances in that appeal are not comparable to the appeal proposal before me and therefore it has no bearing in this appeal. The Council has sustained its first reason for refusal under Policy QD1 and its second reason for refusal under Policy LC1.
12. Policy AMP2 of PPS3 indicates that planning permission will only be granted for development involving direct access onto a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic. Development Control Advice Note 15: Vehicular Access Standards (DCAN15) sets out standards for sightlines and Transport NI stated that visibility splays of 2.0m x 33m are required. Whilst the appellant indicated the necessary sightlines in his enlarged site plan, these impinge on a number of the car parking spaces and therefore cannot practically be achieved. Notwithstanding that the appellant may own the necessary land, it has not been demonstrated that the visibility splays can be provided clear of the highway and that the proposal would not prejudice road safety. The Council has sustained its third reason for refusal.

This decision relates to:-

- Drawing Rev01 - 1:1250 scale Site location plan, 1:500 scale Site plan and 1:100 scale Floor plans and elevations submitted with the application;
- Drawing No. 2825sp - 1:200 scale Enlarged site plan and 1:200 scale Cross-section submitted with the appellant's statement of case.

**COMMISSIONER BRIGID McGLINCHEY**

**ATTENDANCES AT SITE VISIT****Planning Authority:**

G Kerr, Newry, Mourne & Down District Council  
K Elder, Newry, Mourne & Down District Council  
R Loughlin, Transport NI  
S Milligan, Transport NI

**Appellant:**

A Cole, Cole Partnership  
N McKinley, Appellant

**LIST OF DOCUMENTS****Planning Authority:**

C1 Statement of case with Appendices

**Appellant:**

A1 Statement of case with Appendices  
A2 Land & Property Services Map

<b>Report to:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	24 May 2017
<b>Subject:</b>	Newry, Mourne and Down Statement of Community Involvement: Finalised Draft
<b>Reporting Officer:</b>	Anthony McKay, Chief Planning Officer
<b>Contact Officer:</b>	Andrew Hay, Principal Planning Officer

**Decisions required:**

Note the content of this report.

**1.0 Purpose and Background:**

- 1.1 The purpose of this report is to update Members following a public consultation on the Council's draft Statement of Community Involvement (SCI), and provide Members with the finalised draft of the SCI, which was presented to the SPR Committee on 11/5/17 for agreement. The Planning Committee was invited to the SPR Committee on 11/5/17 in the consideration of the report on the finalised draft of the SCI. The SCI outlines how the Council proposes to engage the community and stakeholders in exercising its planning functions.
- 1.2 The contents of the draft SCI were presented and agreed at the SPR Committee on 19/1/17, noted by the Planning Committee on 2/2/17, and subsequently ratified by Council on the 6<sup>th</sup> February 2017. Members agreed with officer's recommendations to carry out a public consultation and seek comment on the draft SCI (as per Regulation 5 of the Statement of Community Involvement Regulations 2015).
- 1.3 A 4 week public consultation commenced on 8/3/17 with publication of the draft SCI on the Council's website. A Public Notice was also placed in local newspapers for two consecutive weeks; the Newry Reporter, Mourne Observer and Down Recorder on 8 and 15/3/17 and in the Crossmaglen Examiner on 10 and 17/3/17. The public consultation period ended on the 7/4/17.
- 1.4 The Council received 3 representations from the general public in response to the published draft SCI document.
- 1.5 The Planning Department also sent a copy of the draft SCI to the Department for Infrastructure (DfI) for its consideration. DfI responded with some comments and recommendations.
- 1.6 All comments received in relation to the draft SCI have now been considered. In finalising the document, the draft SCI has been further considered and reviewed by the Planning Department. The attached 'Consultation Report' (Appendix 1):
- lists the general public respondents and summarises the main issues raised, together with the Council's response, and amendments made to the draft SCI document (Part 1); and
  - details the comments and recommendations received from DfI, together with the Council's response, and amendments made to the draft SCI document (Part 2).
  - highlights changes made to the draft SCI document following further consideration and review by the Planning Department (Part 3).
- 1.7 The amended SCI document is detailed at Appendix 2; this represents the finalised draft of the SCI.



1.8	The finalised draft of the SCI must now be approved by the Council and thereafter agreed by DfI. In agreeing the SCI, DfI have a duty to respond within four weeks of its receipt (unless it has notified the Council in writing that it requires more time). The DfI may make suggestions for change to the document or accept it as submitted.
1.9	The finalised draft of the SCI was presented to the SPR Committee on 11/5/17 for agreement on: <ul style="list-style-type: none"> <li>• The amendments to the draft SCI as outlined in the 'Consultation Report' (Appendix 1).</li> <li>• The submission of the finalised draft of the SCI to the DfI for their agreement (Appendix 2).</li> </ul>
<b>2.0</b>	<b>Key issues:</b>
2.1	The SCI explains how the community and stakeholders will be involved in the preparation of the Local Development Plan as well as Development Management and Planning Enforcement.
2.2	The SCI sets out the steps that the Council will take to facilitate community involvement and sets out the vision and strategy for involving the community and stakeholders at various stages of the planning process.
2.3	In relation to the Development Plan function, the Council is legally required to have its SCI in place before the publication of the first formal document to be produced as part of the new Local Development Plan process, namely the Preferred Options Paper (POP).
2.4	The finalised draft of the SCI must be approved by resolution of the Council prior to submission to the DfI for its agreement.
<b>3.0</b>	<b>Recommendations:</b>
3.1	Members are requested to note the content of this report.
<b>4.0</b>	<b>Resource implications</b>
4.1	N/A
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	The draft SCI has taken account of the Council's Equality Scheme. Para 3.2.6 of the Equality Scheme states that a consultation period should last for a minimum of 12 weeks. However, in exceptional circumstances, the Council may shorten timescales to 8 weeks or less. Given the timeframe for the preparation of the LDP, and as it is not a statutory requirement, a consultation period of 4 weeks was considered adequate for the draft SCI.
<b>6.0</b>	<b>Appendices</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Statement of Community Involvement: Consultation Report</li> <li>• Appendix 2 – Statement of Community Involvement: Finalised Draft (May 2017)</li> </ul>

## **Statement of Community Involvement: Consultation Report**

### **Public Consultation: Consideration of Representations Received**

1. A 4 week public consultation commenced on the 8th March 2017 with publication of the draft SCI on the Council's website. A Public Notice was also placed in local newspapers for two consecutive weeks; the 'Newry Reporter', 'Mourne Observer' and 'Down Recorder' on the 8th and 15th March 2017 and in the 'Crossmaglen Examiner' on the 10th and 17th March 2017. The public consultation period ended on the 7th April 2017.
2. Three representations were received from the general public in response to the published SCI document. In addition to the public consultation responses, comments were also received from the Department for Infrastructure (DfI).
3. All comments received in relation to the draft SCI have now been considered. This report lists the general public respondents and summarises the main issues raised, together with the Council's response, and amendments made to the draft SCI document (Part 1). The report also details the comments and recommendations received from DfI, together with the Council's response, and amendments made to the draft SCI document (Part 2). Finally, following further consideration and review of the draft SCI, the report highlights changes made to the draft SCI by the Planning Department (Part 3).

## Part 1: Representations received from the General Public

### List of Respondents

1	Anne Callan and Pamela McClelland
2	Eimer Cleland (Albert Basin Park Action Group)
3	Christine Gibson

### Summary of Main Issues Raised, Response, and Amendments

General		
Issue	Response	Amendments
Legislation referred to in the SCI should be freely available to the community.	The legislation referred to throughout the SCI is freely available to view online, see <a href="http://www.legislation.gov.uk/">http://www.legislation.gov.uk/</a> .	'Advisory Note' amended with additional sentence as follows: "The legislation is available to view online at <a href="http://www.legislation.gov.uk/">http://www.legislation.gov.uk/</a> ."

Local Development Plan		
Issue	Response	Amendments
Register of Interests should be set up to enable public notices to be emailed to individuals and groups.	All public notices will be advertised in the 4 local newspapers listed in Appendix G for two consecutive weeks, and on the Council's website. The SCI also states that the Council will write to local community groups and under-represented (Section 75) groups. A 'Register of Interest', as suggested, is not considered necessary, but will be further considered along with any other consultation measures the Council considers appropriate. Any such additional measures, would be supplementary to those set out in the SCI.	None
Consultation report should be produced showing how the Council have considered representations received to the LDP.	The SCI refers to a Public Consultation Report at the Preferred Options Paper stage, and the reporting of representations and counter representations at both the Plan Strategy and Local Plan Policies stages.	None



Development Management		
Issue	Response	Amendments
Objectors to a planning application should have third party right of appeal to the PAC.	Third party right of appeal does not currently exist within the NI Planning system. The introduction of third party right of appeal is outside the Council's planning responsibilities and would be for the NI Executive to address.	None
The time allowed for objectors to speak at Planning Committee must not be restricted.	The time allowed for deputations to speak at Planning Committee is not specified in the SCI. The time allowed (currently 5 minutes) is set out in the Council's Protocol for the Operation of the Planning Committee. The SCI refers to the most up-to-date version of the document, and advises that the protocol is subject to change. Any changes to the protocol are a matter for the Planning Committee to consider.	None
All development should be subject to a planning application and be available for community scrutiny.	Not all development requires a planning application. Under the provision of current planning legislation, there are classes of development, described as permitted development, which do not require a planning application. Any changes to planning legislation are outside the Council's planning responsibilities and would be for the NI Executive to address.	None

**The following issues raised by the general public refer to specific sections within the SCI Consultation Draft (Jan 2017) and are referenced accordingly.**

**The Council's responses are highlighted in red for ease of reference and any associated references refer to sections within the finalised draft SCI (May 2017)**

- Paragraph 1.1, page 4  
Needs definition of what a major planning application is in the appendices (such as that published by Belfast City Council)  
*Appendix A – Glossary of Terms already contains a definition of major development.*
- Paragraph 1.7i, page 5  
Need to define what constitutes "have it considered" – does this mean assessed or discussed?  
*The definition of "considered" includes "to take into account when making a decision or judgement". This is what will be done throughout the planning process. No definition necessary.*
- Paragraph 1.9, page 5  
Culture of Engagement "people" need to define as "any member of the public". "encouraged" how?  
*The reference to "people" is used throughout the SCI, it is considered to be an appropriate term used to describe the general population.  
The purpose of this SCI is to encourage greater public participation, this is done by clearing setting out the opportunities at which people can engage in the planning process. No change required.*
- Paragraph 1.13, page 6  
"with partners" who are these partners and what is their role and influence?  
*Further information on Community Planning and how it is being delivered by the Council is available on the Council's website. It is not the purpose of the SCI to detail the Community Planning process. The SCI concerns community engagement in the planning process only.*
- Paragraph 1.14, page 6  
"objectives for maintaining and (to add) improving..."  
To end this paragraph with a phrase that encapsulates the definition of sustainability eg to maintain and/or enhance each of the three arms of sustainability as mentioned above.  
*The wording of paragraph 1.14 is taken from section 66 (2) (a) of the Local Government Act (Northern Ireland) 2014. It is not considered necessary to expand on the existing wording.*



- Paragraph 2.2, page 7  
 Include these policies in the appendices and in all sites on the website pertaining to planning.  
*All referenced documents are publicly available. The Council's Corporate Plan and Community Plan can be viewed and downloaded from the Council's website. Documents published by the NI Executive and its Departments can be viewed and downloaded from the relevant Department website. Inclusion of these documents within the SCI Appendix is not considered necessary.*
- Paragraph 2.4, page 7  
 "issues will be identified.." by whom and how?  
*This is an introductory overview and is not intended to go into detail. Further information is provided under Stage 1: Data Collection see paragraph 2.15, of the finalised SCI. No change required.*
- Paragraph 2.6, page 7  
 Add to the end of this paragraph " not to the detriment of any of these factors"  
*Not considered necessary.*
- Paragraph 2.7, page 7  
 Why has this taken until 2017 to develop this plan when it has been outstanding since 2015?  
*References in this paragraph are to the two legacy Area Plans for the District, which despite their reference to 2015 are the current development plans covering the Council area, and will continue to be the extant development plans until they are replaced by the LDP. Preparation work associated with the LDP was commenced by the Council in 2015. The stages of the of the LDP process are set out in the SCI. The Plan Timetable will be published in the summer of this year, this will set out the programme through the various stages of the LDP process to adoption. No change considered necessary.*
- Paragraph 2.8, page 8  
 "will be sought" – how and can the public sign up to this?  
 "people" should be defined as "any individual"  
*"In particular the views of the following groups of people will be sought" is now changed to "In particular the Council will welcome the views of the following groups of people."  
 It is not considered necessary to change "people" to "any individual."*
- Paragraph 2.12, page 9  
 Need a dedicated website (subsite) to house relevant documents, processes and provide means of communication for feedback and Q and A facility.  
*The LDP currently has a dedicated page accessed via the Planning section of the Council's website, where relevant information can be uploaded by the Planning Department and documents made available to the public. The Council's website*



address is provided at the outset of the document. No change is considered necessary.

- Paragraph 2.15, page 9  
Is this to be reviewed by the public?  
Yes, paragraph amended and moved to paragraph 2.44 of the finalised SCI, now states that *"Any changes will be subject to the same procedural and publicity requirements as set out in the Plan Strategy and Local Policies Plan."*
- Paragraph 2.16, page 9  
"this will be undertaken using a topic based approach.." by whom and please highlight the "topics".  
The topic based preparatory papers are produced by the Planning Department and form part of the data collection stage, it is not considered necessary to state that the Planning Department will produce them.  
In order to retain flexibility around production of preparatory papers and associated studies, and avoid the need to revise the SCI it is not considered appropriate to list them within the SCI.
- Page 10, 2<sup>nd</sup> bullet point  
Determined by the Council – this should be 50% 50% public members and council members  
Public input to the LDP Steering Group is provided by Elected Members. It is not considered necessary to extend membership to the general public.
- Page 10, 4<sup>th</sup> bullet point  
"Consultees..." and should include general public  
Public consultation and engagement is undertaken throughout the LDP process, and is in accordance with that set out within the legislation, this includes publication of the Preferred Options Paper, publication of the draft Plan Strategy and publication of the draft Local Policies Plan. Those making representations will have the opportunity to participate at the Independent Examination at both Plan Strategy and Local Policies Plan Stage. There is no requirement nor is it considered necessary to introduce further public consultation and subsequently extend the timeframe for the LDP.
- Paragraph 2.17, page 10  
How do members of the public influence the POP?  
As stated in paragraph 2.17 of the finalised SCI the POP will be issued for public consultation, this will offer the public the opportunity to comment on all aspects of the POP.

- Paragraph 2.18, page 11, 2<sup>nd</sup> bullet point  
Change "topic" to "all".  
Reference to topic papers removed and replaced with "Make the POP and any other supporting documents the Council considers relevant to the preparation of the POP, available for inspection on the Council's website....." See paragraph 2.17 page 12, 2<sup>nd</sup> bullet point of the finalised SCI.
- Page 11, last bullet point  
"key consultees..." how are these determined and can these include those who signed up on website to request to be a consultee?  
Appendix B lists the LDP Statutory Consultation Bodies, these are set down in the LDP regulations. The Planning Department will consider what additional consultation bodies may be necessary throughout the LDP preparation process.
- Page 12, 1<sup>st</sup> bullet point  
Website needed  
The Council currently has a website in place. The website address is provided at the outset of the document.
- Paragraph 2.20, page 12  
Representations should be made on website too  
The arrangements for the submission of representations on the draft Plan Strategy will be published along with the draft Plan Strategy. Paragraph 2.21 2<sup>nd</sup> bullet point of the finalised SCI confirms that representations will be made available on the Council website.
- Page 13, last bullet point  
"Representations" from what stage or from all stages to that point?  
This bullet point is under the section titled "Stage 4: Public Inspection of Representations received to the draft Plan Strategy." It is considered that the current wording is sufficiently clear.
- Paragraph 2.21, page 13  
"interested parties" who are they? "by the council" who exactly in the Council? And allow "the comments" to be made on the internet.  
Further clarification on the wording "Interested parties" and "by the Council" is not considered necessary. The arrangements for submission of representations, including electronic submission, will be confirmed following publication of the draft Plan Strategy.



- Paragraph 2.23, page 14  
Under what grounds can DfI modify or withdraw it?  
Where the Department for Infrastructure considers the draft Plan Strategy to be unsatisfactory and issues a Direction to the Council to withdraw or modify the draft Plan Strategy it is required to provide the grounds as indicated at paragraph 2.23 of the finalised SCI. It is for DfI to consider what grounds there is a basis for modification or withdrawal. No change necessary within the SCI.
- Paragraph 2.24, page 14  
To include a summary of all representations and counter-representations made to that date.  
This was addressed at paragraph 2.24 part (vi), and now paragraph 2.23 part (vi) of the finalised SCI. The Council will provide DfI with a statement setting out the main issues raised in representations made and how these have been taken into account in the preparation of the draft Plan Strategy. No change necessary within the SCI.
- Paragraph 2.26, page 15  
"they must consider..." what are the factors to be given weight?  
The operation of the Independent Examination is outside the remit of the Council, the Council cannot comment on how the PAC or other person appointed by DfI will consider the representations submitted. No change necessary within the SCI.
- Page 17, 2<sup>nd</sup> bullet point  
"asked to be notified.." what is the process for this?  
The detailed processes around notification of adoption will be published along with the draft Plan Strategy.
- Paragraph 2.36 iii), page 19  
to include summary of all rep... as above.  
Paragraph 2.36, 2<sup>nd</sup> bullet point of the finalised SCI has been amended to highlight that the draft Local Policies Plan and all associated documentation will be made available on the Council's website (see point (iv)). Issuing a summary report to all who submitted representations/counter representations is not considered necessary.
- Paragraph 2.40, page 20  
Will there be an opportunity for the public to object at this stage?  
Additional paragraph added (see 2.39 of the finalised SCI), this states "Under section 10 (7) of the Planning Act (Northern Ireland) 2011 any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination."



- Paragraph 3.3, page 22  
Please explain on what grounds the DfI can call in applications.  
Footnote added (see page 25 of finalised SCI) advising that further information on the call-in procedure is contained within the DOE's SCI, which can be viewed on the NI Planning Portal: <https://www.planningni.gov.uk/index/policy/departments-sci.htm>
- Paragraph 3.16, page 24  
"one local newspaper" given the diverse range of our district this should be "two" newspapers to ensure adequate coverage of publicity and to run for two consecutive weeks and to avoid holiday times for major developments.  
The Council consider the commitment to advertise all new applications on a weekly basis in at least one newspaper circulating in the locality in which the land to which the application relates is situated in accordance with Article 8 (1) (a) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, together with the publication of the weekly list of new applications online represent adequate publicity arrangements. The Council currently advertise all new applications in two local newspapers; for the area of the district served by the Downpatrick Planning Office, all new applications are advertised in the 'Down Recorder' and the 'Mourne Observer', for the area served by the Newry Planning Office, all new applications are advertised in the 'Newry Reporter' and the 'Crossmaglen Examiner'.
- Paragraph 3.17, page 25  
To add iii) or will be directly affected by access issues if these are open to change within the proposal  
Council does not consider this appropriate. The Council's neighbour notification policy and definition is in accordance with that set out in Article 8 (1) (b) of the Planning (General Development Procedure) Order 2015 and corresponding interpretation.
- Paragraph 3.24, page 26  
first bullet point to include "assessments"  
Not appropriate, the planning public register does not include any assessment.
- Paragraph 3.25, page 26  
"by appointment" and provide copies of requested documents. Reasons should be given why these are not uploaded on the website.  
Additional line added: "Subject to data protection hard copies can also be provided upon request (at a specified price)"  
Paragraph 3.25 clearly states that planning applications including supporting documents and corresponding plans can be viewed online as well as at the Council offices. Paragraph 3.25 also clarifies that certain information may be withheld on data protection grounds.

- Paragraph 3.33, page 27  
"to do so..." and if substantial interest is shown from the public to do so.  
The Council consider that the current wording sufficiently addresses the circumstances when additional publicity and/or events may be organised in respect of certain developments or proposals.
- Page 30  
To include process of Judicial Review and deadlines.  
The Judicial Review process is outside the Council's planning remit. Further information can be found on the NI Courts and Tribunals Service website. No change necessary within the SCI.
- Paragraph 4.5, page 31  
To state a deadline for responding (not just acknowledging) to complaints on enforcement issues.  
Targets in relation to planning enforcement are not contained within the SCI. These will be addressed in the Council's forthcoming Enforcement Strategy as referenced in paragraph 4.6 of the finalised SCI.
- Page 37  
SA – reword "consider" to "assess"  
Amended as per comment.
- Page 41, Appendix E  
"the decision will be made by the Chief Planning Officer.." please explain when this is applicable.  
This is a summary chart, further detail and explanation is provided within the body of the SCI document, specifically paragraph 3.37 of the finalised SCI which references the Council's Scheme of Delegation.
- Page 42, Appendix F  
Material Considerations to include:
  - 1) Climate Change
  - 2) Air Pollution
  - 3) Alternative LocationsThe existing lists are considered to be sufficient to provide a broad indication of material and non-material considerations. As stated in the third paragraph the lists provided are not intended to be exhaustive.



## Part 2: Comments and Recommendations received from DfI

Comments and recommendations received from DfI refer to the Council's SCI Consultation Draft (Jan 2017) and are referenced accordingly.

The Council's consideration and amendments are highlighted in red for ease of reference, any associated references refer to sections within the finalised draft SCI (May 2017).

- General points:  
The Council may decide to go over and beyond the legislative requirements in terms of how they propose to engage the community and stakeholders in exercising its planning functions. If a council gives a commitment in the SCI to go beyond that specified in legislation, it must comply with the commitment.  
**The Council notes this requirement.**  
  
There are many references to the "*local development plan*". The Council might consider referencing this in the first instance and then referring to the plan as "*LDP*" from then on in the document.  
**Amended as per DfI comments.**
- Paragraph 1.8, page 5:  
Consider inserting "*and planning application submission, assessment and determination*" after "*during plan preparation*".  
**Amended as per DfI comments, see paragraph 1.8, page 5.**
- Paragraph 1.10, page 6, 3<sup>rd</sup> bullet point:  
The Council may consider rewording this to read "*the consideration of new ways and ideas etc.*"  
**Amended as per DfI comments, see paragraph 1.10, page 6, 3<sup>rd</sup> bullet point.**
- Paragraph 1.12, page 6:  
Section 77 of the Local Government Act (NI) 2014, amended section 8, subsection (5) of the Planning Act 2011, inserting after paragraph (a) "*(aa) the council's current community plan*".  
Section 77 of the Local Government Act (NI) 2014, amended section 9, subsection (6) of the Planning Act 2011, inserting after paragraph (a) "*(aa) the council's current community plan*".  
  
The Council should reflect this amendment in this paragraph removing "*The Local Government Act 2014*" and inserting "*Sections 8 (5) (aa) and 9 (6) (aa) of the Planning Act (Northern Ireland) 2011.*"  
**Amended as per DfI comments, see paragraph 1.12, page 6.**
- Paragraph 1.15, page 6:  
The Council should consider amending "*The body of the SCI*" with "*This SCI*"  
**Amended as per DfI comments, see paragraph 1.15, page 6.**
- Paragraph 2.8, page 8:  
The Council may consider removing "*at the opportunities provided*" and replace with "*during the public consultation stages.*"  
**Amended as per DfI comments, see paragraph 2.8, page 8.**



- Paragraph 2.12, page 9:  
This paragraph reflects guidance within the Department's Development Plan Practice Note 2 (DPPN 2). We are unaware of the Council's policy on this matter, however the Department's recently revised guidance on making information available refers to CD/DVD and to audio/signed CD.  
*The draft SCI has taken account of the Council's Equality Scheme. It is considered that reference to alternative formats within the text is sufficient and it is not necessary to refer to specific alternative formats.*

- Paragraph 2.13, page 9:  
The Council may consider removing "*the formulation of a local development plan*" and replacing it with "*the preparation of a local development plan*".  
*Amended as per DfI comments, see paragraph 2.13, page 9.*

Legislation Branch has requested greater clarification on how the community can become involved in data collection.

*Reference to Data Collection stage now removed, paragraph amended to read as follows: "The preparation of a LDP involves a number of key stages each presenting opportunities for community involvement. These stages are: formal notice of LDP (including publication of the Preferred Options Paper); publication and adoption of the Plan Strategy; publication and adoption of the Local Policies Plan and Monitoring and Review." See paragraph 2.13, page 9.*

The Council should consider inserting the Preferred Options Paper (POP) stage as another key stage of the formulation of Local Development Plan (LDP) to involve the community.

*Para 2.13 has been amended, reference to data collection stage has been removed and replaced with "formal notice of LDP (including Preferred Options Paper)".*

The Department would also suggest that the last sentence of para. 2.13 should be removed and the following inserted, "*The actions will fulfil and in some cases exceed the statutory requirements on public consultation as set out in the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015*"

*Amended to read as follows: "The actions will fulfil and may in some cases exceed the statutory requirements..."see paragraph 2.13, page 9.*

- Paragraph 2.15, page 9:  
Suggest moving this section to para 2.41 of the draft SCI.  
*Moved to paragraph 2.44, page 24.*
- Paragraph 2.16, page 9:  
A new plan is a statutory requirement, therefore the Department would suggest that the first sentence be amended to read, "*The purpose of the data collection stage is to establish the key issues to be addressed and the options for addressing them in the preparation of the LDP.*"  
*Amended as per DfI comments, see paragraph 2.15, page 10.*



In the third sentence starting "*By the end of this stage...*" reference is made to the SCI. However the Department would wish to highlight that the LDP is to be prepared in accordance with the SCI and the SCI is to be agreed with the Department in advance of beginning the plan preparation. The Council should remove reference to SCI here.

Amended as per DfI comments, see paragraph 2.15, page 10.

- Page 10:  
The Council should consider inserting another bullet point under "*What we will do*" to read, "*This Statement of Community Involvement is prepared at this initial stage, listing the key consultees, Community Groups and under-represented (Section 75) groups who will be actively encouraged to participate in the process. These lists will be kept under review and written requests for inclusion from additional bodies will be considered*".

Amended as per DfI comments, see paragraph 2.15, page 10, 1<sup>st</sup> bullet point.
- 1<sup>st</sup> bullet point, page 10:  
The Council may wish to amend this bullet point to read , "*Following the agreement of the timetable by the Council and the Department for Infrastructure (DFI) we will make the timetable available on our website and publish a Public Notice in the local newspapers (see Appendix G) for two consecutive weeks . We will also publish the notice on our website. This notice will confirm etc etc....*"

Amended to read as follows: "*Following the approval of the LDP Timetable by the Council and the agreement by the Department for Infrastructure (DFI) we will make the LDP Timetable available on our website and publish a Public Notice in the local newspapers (see Appendix G) for two consecutive weeks. We will also publish the notice on our website. This notice will confirm.....*" See paragraph 2.15, page 10, 2<sup>nd</sup> bullet point.
- 4<sup>th</sup> bullet point, page 10:  
Council should consider amending the wording to "We will notify our statutory consultees"

Amended as per DfI comments, see paragraph 2.15, page 10, 5<sup>th</sup> bullet point.
- 5<sup>th</sup> bullet point, page 10:  
The Council should consider inserting the following sentence at the end of the existing sentence, "*They will also be provided opportunity to identify any particular issues or needs which they feel the plan should address. Where requested this can be done through a face to face meeting with a planning official. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment.*"



Amended to read as follows:

*"They will also be provided opportunity to identify any particular issues or needs which they feel the LDP should address. Where requested this can be done through a face to face meeting with a planning officer. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment."* See paragraph 2.15, page 11, 1<sup>st</sup> bullet point.

- Paragraph 2.18, page 11:  
The Council should consider inserting the following sentence at the end of the first sentence, *"It will be issued for public consultation as a key part of the community involvement and public participation process."*  
Amended as per DfI comments, see paragraph 2.17, page 11.
- Paragraph 2.18, page 11, point (iv):  
The Department notes that the Council will invite comment on the POP within an 8 week consultation period. Regulation 11 (3) in the LDP Regs allows an 8 to 12 week consultation period. The Council may wish to review this time period for consultation.  
The Council has reviewed the period for public consultation on the POP, this has now been revised from 8 weeks to 12 weeks to align with the Council's policy on consultation periods contained within the Council's Equality Scheme.
- Paragraph 2.19, page 12:  
The Council may wish to insert a sentence here to acknowledge the requirements of Reg 11 (4) of the LDP Regs where it states, *"A council must take account of any representations ...before it prepares a development plan document."*  
Amended to read as follows:  
*"Under Regulation 11 (4) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council must take account of any representations made about the Council's POP before it prepares a development plan document."* See paragraph 2.18, page 13.
- Paragraph 2.20, page 12, point (i):  
Council may wish to amend this point to read, *"publication of draft Plan Strategy and accompanying Sustainability Appraisal Report (including the SEA Environmental Report) and Equality Impact Report, and how to view or obtain copies."*  
Amended as per DfI comments, see paragraph 2.19, page 13, point (i).
- Paragraph 2.20, page 12, point (iii):  
In line with Regulation 15 of the LDP Regs, the Council may wish to amend this point to read *"the 8 week period and closing date for receipt of representations and the address to which representations can be sent to the draft Plan Strategy and accompanying Sustainability Appraisal Report and Equality Impact Assessment."*



Amended to read as follows:

*"the 8 week period for public consultation to the draft Plan Strategy and accompanying Sustainability Appraisal Report and Equality Impact Assessment, notification of the address to which representations can be sent and the closing date for receipt of representations." See paragraph 2.19, page 13, point (iii).*

- Page 13, bullet point 1:

The Department would direct the Council to Reg 15 (a) (iii) of the LDP Regs which states that a copy of the draft PS, a copy of the SA and *"such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan"*, should be made available for inspection, during normal office hours at the Council's principal offices and any other places within the council district as the council considers appropriate. The Council may wish to make amendments to read, *"we will make the draft Plan Strategy and any other supporting documents which s required under legislation (e.g. SA) or as a Council considers relevant to the preparation of the LDP available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price)."*

*Amended as per DfI comments, see paragraph 2.19, page 13, 2<sup>nd</sup> bullet point.*

However the Department acknowledges that the Council may wish in their SCI, to specifically state which documents will also be made available along with the draft Plan Strategy and a copy of the SA which is required under Reg 15 (a).

- Paragraph 2.22, page 13:  
*"for Independent Examination"* should be deleted.  
*Amended as per DfI comments, see paragraph 2.21, page 14.*
- Paragraph 2.22, page 13, point (i):  
The Council may wish to insert *"and the places and times at which they can be inspected"* after *"inspection"*.  
*Amended as per DfI comments, see paragraph 2.21, page 14, point (i).*
- Paragraph 2.22, page 13, point (ii):  
The Council may wish to insert *"and notification of the address to which counter representations can be sent"* at the end of this sentence.  
*Amended as per DfI comments, see paragraph 2.21, page 14, point (ii).*



- Paragraph 2.22, page 14:  
 The Council may choose to insert an additional bullet point in line with Reg 17 (f) of the LDP Regs to read, *"We will notify any person who has made (and not withdrawn) a representation to the draft PS that representations are available for inspection and the places and times at which they can be inspected."*  
*Amended as per DfI comments, see paragraph 2.21, page 14, 3<sup>rd</sup> bullet point.*
- Paragraph 2.23, page 14:  
 The Council may consider rewording the first sentence to be in line with Section 10 of the 2011 Act to read, *"Council will only submit the draft Plan Strategy, associated documents and supporting evidence to the DfI if it considers it has complied with relevant legislation requirements and it thinks the draft PS is ready for independent examination."*  
*Amended as per DfI comments, see paragraph 2.22, page 15.*

After the word *"held"* the Council may wish to insert, *"by the Planning Appeals Commission or a person appointed by the Department."*  
*Amended as per DfI comments, see paragraph 2.22, page 15.*
- Paragraph 2.24, page 24:  
 The Council may wish to amend the first sentence to read, *"If DfI does not intend to cause an independent examination, it must give reasons for its decision."*  
*Amended as per DfI comments, see paragraph 2.23, page 15.*
- Paragraph 2.24, page 15, point (i):  
 The Council, in line with Reg 21 of the LDP Regs, may wish to alter the last sentence to read: *"Advising of the fact that the draft PS has been submitted to the Department."*  
*Amended as follows: "advising of the fact that the draft Plan Strategy has been submitted to the DfI." See paragraph 2.23, page 16, point (i).*
- Paragraph 2.24, page 15, point (ii):  
 The Council, in line with Reg 21 of the LDP Regs, may wish to alter this point to read: *"notify the consultation bodies of the fact that the draft PS and the accompanying documents are available for inspection and the places and times at which they can be inspected."*  
*Amended as per DfI comments, see paragraph 2.23, page 16, point (ii).*
- Paragraph 2.24, page 15, point (iii):  
 Consider inserting the word *"valid"* before representations.  
*The Council does not consider this appropriate as section 10 (7) of the Planning Act simply states "any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination." The word "valid" does not appear in the legislation.*



- Paragraph 2.24, page 15, point (iv):  
Consider inserting the following after the word "*documentation*" - "*that are required under legislation or as Council considers relevant to the preparation of the draft PS*".  
Amended as per DfI comments, see paragraph 2.23, page 16, point (iv).
- Paragraph 2.25, page 15:  
The Council may also wish to include that the purpose of the IE is also to determine whether the Draft PS satisfies relevant statutory requirements and whether it is sound.  
Amended as per DfI comments, see paragraph 2.24, page 16.
- Paragraph 2.26, page 15:  
Consider removing "*make recommendations*" and inserting "*send the recommendations and reasons for recommendations to the Department*" which is in line with Reg 24 (1) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (LDP Regs).  
Amended as per DfI comments, see paragraph 2.25, page 16.

Council should consider providing details of community involvement at IE in line with Section 10 (7) of the 2011 Act, "*Any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.*"

Amended as per DfI comments, see paragraph 2.26, page 16.

- Paragraph 2.27, page 15, point (i):  
In line with Reg 22 (2) (b) of the LDP Regs, the Council may wish to insert at the end of this point, "*and whether the planning appeals commission or another person (and who that person is) will carry out the independent examination.*"  
Amended as follows:  
"*.....advising of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI).*" See paragraph 2.27, page 17, point (i).
- Paragraph 2.27, page 16, point (iii):  
The Council should consider inserting the following at the end of point iii, in line with Reg 22 (2) of LDP Regs "*and whether the planning appeals commission or another person (and who that person is) will carry out the independent examination.*"  
Amended as follows:  
"*... and who will carry out the Independent Examination (the PAC or another person appointed by DfI).*" See paragraph 2.27, page 17, point (iii).



- Paragraph 2.30, page 16, 1<sup>st</sup> bullet point:  
Consider inserting "*as originally prepared or with modifications*" following "*Adopt the Plan Strategy*".  
*Amended as per DfI comments, see paragraph 2.30, page 18, 1<sup>st</sup> bullet point.*
- Paragraph 2.30, page 16, 2<sup>nd</sup> bullet, point (i):  
In line with regulation (24) (d)(i) of the LDP Regs, consider inserting "*date*" before "*adoption of our Plan Strategy*".  
*Amended as per DfI comments, see paragraph 2.30, page 18, 2<sup>nd</sup> bullet, point (i).*
- Paragraph 2.30, page 16, 2<sup>nd</sup> bullet, point (ii):  
In line with regulation d (ii) of the LDP Regs, consider replacing point ii with, "*where and times to inspect and get copies of the Plan Strategy and any accompanying documents*"  
*Amended as per DfI comments, see paragraph 2.30, page 18, 2<sup>nd</sup> bullet, point (ii).*

Paragraph 2.30, page 16, 3<sup>rd</sup> bullet point: Consider inserting "*and any accompanying documents including the DfI Direction etc.*" after "*Plan Strategy*".

*Amended as per DfI comments, see paragraph 2.30, page 18, 3<sup>rd</sup> bullet point.*

The Council has indicated that hard copies will be available to purchase from the Council Planning Offices. Is this the only location for purchasing the plan?

*Yes.*

- Paragraph 2.30, page 16, 4<sup>th</sup> bullet point:  
The council may consider inserting "*and those who have submitted, and not subsequently withdrawn, valid representations and counter representation*" before "*advising of the adopted plan*" etc.  
*Amended as follows: "We will write to key consultees and those who have submitted and not subsequently withdrawn representations and counter representation advising of the adoption of the Plan Strategy, and where to get hold of copies together with the DfI Direction and the Independent Examiner's Report." Reference to valid removed as per previous reasoning. See paragraph 2.30, page 18, 4<sup>th</sup> bullet point.*
- The Department would suggest the same amendments to Stage 8 of this draft SCI, as that suggested for Stage 3. Stage 8 should read the same for Stage 3, however where it states draft PS, this should refer to draft LPP.  
*Amended as per DfI comments.*
- The Department would suggest the same amendments to Stage 9 of this draft SCI, as that suggested for Stage 4. Stage 9 should read the same for Stage 4, however where it states draft PS, this should refer to draft LPP.  
*Amended as per DfI comments.*

- The Department would suggest the same amendments to Stage 10 of this draft SCI, as that suggested for Stage 5. Stage 10 should read the same for Stage 5, however where it states draft PS, this should refer to draft LPP.  
*Amended as per DfI comments.*
- The Department would suggest the same amendments to Stage 11 of this draft SCI, as that suggested for Stage 6. Stage 11 should read the same for Stage 6, however where it states draft PS, this should refer to draft LPP.  
*Amended as per DfI comments.*
- The Department would suggest the same amendments to Stage 12 of this draft SCI, as that suggested for Stage 7. Stage 12 should read the same for Stage 7, however where it states draft PS, this should refer to draft LPP.  
*Amended as per DfI comments.*
- Paragraph 2.41, page 21:  
The Council should consider inserting a line to clarify that any revisions will be subject to the same procedural and publicity requirements as set out previously.  
*Amended as follows: "Any changes will be subject to the same procedural and publicity requirements as previously set out for the Plan Strategy and Local Policies Plan." See paragraph 2.44, page 24.*
- Paragraph 3.1, page 22:  
Council should consider including "*and hazardous substances consent*" at the end of the paragraph.  
*Amended as per DfI comments, see paragraph 3.1, page 25.*  
  
The Council should also consider inserting a line advising that there are some minor exceptions to this, namely where the DCA is submitted by a Council as these applications must be determined by the Department.  
*The Council do not consider it necessary to go into this detail.*  
  
The Council may also wish to include a reference to the provision for the Department to call in an application, although this is to be the exception.  
*The Council do not consider this necessary as reference to call-in is contained in paragraph 3.3*
- Paragraph 3.5, page 22:  
The Council should note the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 refers to 1000 sqm or more **gross floorspace** outside town centres.  
*Amended as per DfI comments, see paragraph 3.5, page 25.*



- Paragraph 3.9, page 23, point (i):  
Council should consider inserting "*at least*" before "*12 weeks in advance*".  
**Amended as per DfI comments, see paragraph 3.9, page 26, point (i).**
- Paragraph 3.9, page 23, point (ii):  
Council should consider inserting, "*This is not to be held earlier than 7 days after the notification of the date, time and place of the event.*" as an additional sentence.  
**Amended as per DfI comments, see paragraph 3.9, page 26, point (ii).**
- Paragraph 3.9, page 23, point (iii):  
Council should consider, in line with Reg 5 (2) (b) of the Planning (Development Management) Regs, replacing this with, "*publish details of the proposal in the local press, outlining a description of, and the location of, the proposed development; details as to where further information can be obtained about the proposed development; the date, time and place of the public event; a statement explaining how, and by when, people who want to make comments can; and a statement that comments made to the prospective applicant are not representations to the council but that representations may be submitted should an application be made to the Council at a later stage.*"  
**Amended as per DfI comments, see paragraph 3.9, pages 26 & 27, point (iii).**
- Paragraph 3.13, page 24  
The Council should consider amending the last sentence to read, "*Where local concerns and issues are not adequately addressed by the applicant at pre-consultation stage they may, be raised by the community again at formal applications stage.*"  
**Amended as per DfI comments, see paragraph 3.13, page 27.**
- Paragraph 3.15, page 24  
The Council should consider amending the last sentence to read, "*If DfI amend or change the statutory publicity requirements then our future approach will reflect any changes that are made .*"  
**Amended as per DfI comments, see paragraph 3.15, page 28.**
- Paragraph 3.17, page 25  
The Council may wish to amend the first sentence to read, "*The Planning (General Development Procedure) Order 2015 states that any identified occupier of land neighbouring the land to which the application relates must be notified of the proposed development by serving a notice on them.* "  
**Amended as per DfI comments, see paragraph 3.17, page 28.**



- Paragraph 3.23, page 26:  
The Council may wish to consider inserting the telephone number on which planning officers can be contacted to get advice.  
*Amended as follows: "You can contact the Council's Planning Department by telephone on 0300 200 7830 or by email on [planning@nmandd.org](mailto:planning@nmandd.org)". See paragraph 3.23, page 29.*
- Paragraph 3.34, page 28:  
The Council may consider inserting reference to the fact that typed names and addresses remain visible.  
*Amended as follows: "Names and addresses will remain visible." See paragraph 3.34, page 31.*
- Paragraph 3.35, page 28:  
The Council may consider clarifying that such negotiations are with the applicant/developer and not the public. Suggest inserting "*and the applicant*" after "*The Council*".  
*Amended as per DfI comments, see paragraph 3.35, page 31.*
- Paragraph 3.41, page 29:  
The Council might wish to insert a footnote following the word "*notified*" making reference to DfI guidance.  
*Amended as per DfI comments, see footnote on page 32.*
- Paragraph 3.43, page 29:  
Is there a timescale when minutes will be published on the Council website.  
*Yes. Additional line provided as follows: ".....or by viewing the minutes of the Committee meeting published on Council's website the day after they are formally approved and adopted at the following Planning Committee meeting." See paragraph 3.43, page 33.*
- Paragraph 3.44, page 29:  
Consider inserting "*by the applicant*" after "*Planning Appeals may be made etc.*"  
*Amended as per DfI comments, see paragraph 3.44, page 33.*
- Paragraph 4.5, page 31:  
Will Council provide complainant with guidelines for PD which do not require planning permission.  
*The Council do not currently provide complainants with guidelines for PD which do not require planning permission. It should be noted that the Council's Enforcement Strategy has not yet been published as indicated at paragraph 4.6 on page 34.*

- Paragraph 4.6, page 31:  
Council may consider inserting at the end of this paragraph the following, "*and a public consultation exercise will form part of this review process.*"  
*Amended as per DfI comments, see paragraph 4.6, page 34.*
- Paragraph 5.3, page 32:  
The sentence in relation to consultation with Historic Buildings Council should read, "*This will entail formal consultation with the Historic Buildings Council, the Department for Communities, the Department for Infrastructure and any water or sewerage undertaker.*"  
*Amended as per DfI comments, see paragraph 5.3, page 35.*

Council may consider inserting, "*Upon formal designation the Council will publish a public notice in the local press and hold a public launch and exhibition.*"  
*Amended as per DfI comments, see paragraph 5.3, page 35.*
- Appendix B, Page 38, points 6,7,8:  
The references (c), (a) and (b) have been placed after points 6, 7 and 8 respectively. In the interpretation of the LDP Regs, the references (a), (b) and (c) have been placed after the associated consultation body. These references are related to footnotes for the Interpretation of the Regs. The Council should consider removing these from Appendix B of the SCI.  
*Amended as per DfI comments, see Appendix B, page 41, points 6,7 & 8.*
- Appendix C, Page 39:  
The Council may consider inserting a line to advise that Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be undertaken and that the specific criteria and thresholds for consultation should be referred to.  
*Footnote added as follows: "Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be undertaken." See Appendix C , page 42.*

The Council should also include Department for Communities in the statutory consultee list in Appendix C of the draft SCI .  
*Amended as per DfI comments, see Appendix C, page 42.*

### **Part 3: Changes to the draft SCI following further consideration and review by the Planning Department.**

- Page 2, 2<sup>nd</sup> paragraph amended as follows " *Further information on the Council's Planning functions .....is provided on the Council's website at [www.newrymournedown.org/planning](http://www.newrymournedown.org/planning) from where this and other planning documents can be viewed and downloaded.*"
- Paragraph 1.8, page 5 "....*during plan preparation and planning application submission, assessment and determination.*" replaced by ".....*throughout the planning process.*"

- Paragraph 2.18, page 11, 1<sup>st</sup> bullet point (iv)

The period for public consultation of the POP has been revised from 8 weeks to 12 weeks to align with the Council's policy on consultation periods contained within the Council's Equality Scheme.

- A number of minor changes have also been made to address discrepancies, typographical errors, and to improve the general reading of the document.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

## **Statement of Community Involvement**

A guide to community engagement in the planning process

**May 2017**

## Getting in touch

You can contact the Council's Planning Department in the following ways:

By email: [planning@nmandd.org](mailto:planning@nmandd.org)

By post to:                      Newry Planning Office    or    Downpatrick Planning Office  
   O'Hagan House                      Downshire Civic Centre  
   Monaghan Row                      Downshire Estate, Ardglass Rd  
   Newry BT35 8DJ                      Downpatrick BT30 6GQ

By telephone:                      0300 200 7830

Further information on the Council's Planning functions is provided on the Council's website at [www.newrymournedown.org/planning](http://www.newrymournedown.org/planning) from where this and other planning documents can be viewed and downloaded.

To ensure equality of opportunity in accessing information, copies of this document in alternative formats are available on request. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

If you have any queries regarding this document please contact us using the details above.

### Advisory Note:

This Statement of Community Involvement in the Planning process is not intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this statement and if any discrepancy exists the provisions of the legislation will prevail. The legislation is available to view online at <http://www.legislation.gov.uk/>

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## 1.0 Introduction

### **Our Statement of Community Involvement: Background and Purpose**

- 1.1 Following the transfer of planning powers to local councils on the 1<sup>st</sup> April 2015 Newry, Mourne and Down District Council has become the main decision maker on the majority of planning applications within its District and is the body responsible for the production of its local development plan.
- 1.2 The purpose of this statement is to set out policy for involving the community in the production of the Newry, Mourne and Down Local Development Plan and the consideration of planning applications. It describes who, together with how and when the community will be invited to participate in the different stages of both plan formulation and the determination of planning applications.
- 1.3 The term 'community' embraces all the individuals, groups and organisations that make Newry, Mourne and Down what it is and extends to local residents, business, voluntary and community groups and local and national organisations with interests in planning matters.
- 1.4 The requirement to produce a Statement of Community Involvement (SCI) was introduced in the Planning Act (Northern Ireland) 2011. The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 came into operation on the 1<sup>st</sup> April 2015 and set out the process that the Council must follow in preparation of its SCI. The Council do not however see community involvement as just a statutory requirement, it has a positive role to play in helping to identify local issues, inform policy-making, provide feedback on service delivery and create a sense of local ownership.

### **Why is Planning Important?**

- 1.5 The planning system directly affects the environment that we live in, where we live, work, shop and spend our leisure time. Planning decisions determine where new homes, offices, shops and leisure facilities go and what happens to our countryside, open spaces and historic environment. In doing so it influences our quality of life and general well-being.
- 1.6 Planning has to balance competing land uses, shaping places by setting out the vision for how communities will change. For many people planning is something they only get involved with when a development directly affects them, this can sometimes be too late to really influence the process. By getting involved in the early stages of local planning policy formulation as well as the end stage of specific planning applications, you can help to shape the way your local environment looks and works. This document sets out how you can do this.

## A Vision of Participation

- 1.7 The Council is committed to ensuring that all council engagement is meaningful, inclusive and fit for purpose and that all its citizens share a sense of effective participation in the decision making process. The Council therefore aims to ensure that:
- (i) Everyone has an early and informed opportunity to express their views on the development of the area and have it considered before decisions are made; and
  - (ii) All groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependants are enabled and empowered to participate.
- 1.8 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation throughout the planning process. The process must therefore be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback throughout the process.

## Principles of Community Involvement

- 1.9 The Council's approach to community involvement is based on a number of key principles.
- **Culture of engagement.** People should know that they are encouraged to take part in the planning process, and that decision makers are interested in their views;
  - **Early involvement.** The community should be involved at an early stage in the preparation of local development documents and major development proposals;
  - **Appropriate Consultation Methods.** Methods used to encourage involvement should be appropriate to people's experience and needs. Arrangements for consultation need to be appropriate for the type of document or application being considered and realistic in terms of available resources.
  - **Clarity.** The planning process and timetables for producing or reviewing local development documents should be clear so that people are able to participate in a timely and effective manner.



### **What are the benefits of community involvement in Planning?**

- 1.10 There are many benefits to involving local communities in the consideration of planning applications, and in the development of plans and policies for their local council area, including:
- a greater focus on the priorities identified by local communities;
  - a greater influence on the provision of local services to ensure they are better able to meet local needs;
  - the consideration of new ways and ideas;
  - a shared ownership of key policy documents;
  - an increased support for local planning policies; and
  - an increased understanding of how planning policies are developed and how they are linked to each other and other documents produced by the Council.
- 1.11 Community involvement is important to the Council to ensure that the services being delivered tackle issues identified by local communities. It also helps to set priorities, in the context of limited resources, and to ensure that the Council's services are customer focused.

### **Alignment to the Community Plan**

- 1.12 Sections 8 (5) (aa) and 9 (6) (aa) of the Planning Act (Northern Ireland) 2011 introduce a statutory link between the Council's Community Plan and its Local Development Plan (LDP), in that the preparation of the LDP must take account of the Community Plan.
- 1.13 Community Planning is "a process led by a council in conjunction with partners and communities to develop and implement a shared vision for their area, a long term vision which relates to all aspects of community life and which also involves working together to plan and deliver better services which make a real difference to people's lives."<sup>1</sup>
- 1.14 The Council's Community Plan will identify long term objectives for improving:
- (i) the social well-being of the District;
  - (ii) the economic well-being of the District; and
  - (iii) the environmental well-being of the District.

### **Review of the Council's SCI**

- 1.15 This SCI will also be reviewed after 5 years to ensure fitness of purpose. It may also be necessary to review the SCI at an earlier date to take account of major legislative changes.

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<sup>1</sup> Extract from Northern Ireland Community Planning Foundation Programme Version 1 October 2013.

## 2.0 The Local Development Plan

### Purpose, Structure and Process

- 2.1 The purpose of the Newry, Mourne and Down LDP, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within Newry, Mourne and Down District up to 2030.
- 2.2 The LDP will be prepared within the context of the Council's Corporate Plan and Community Plan. It will also take account of regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, The Programme for Government, The Everyone's Involved - Sustainable Development Strategy, The Regional Development Strategy (RDS) and The Strategic Planning Policy Statement (SPPS).
- 2.3 At the outset of the plan process a timetable will be prepared and published. The timetable will set out the Council's programme for production of the LDP, and will include key milestones and timelines for plan preparation, covering all elements of the process through to adoption.
- 2.4 The LDP will comprise two separate documents, the Plan Strategy and Local Policies Plan. Prior to development of these documents key planning issues will be identified and a range of options for addressing these issues will be brought forward through a Preferred Options Paper.
- 2.5 The Plan Strategy will be developed first and will define the strategic objectives for the future development of the District. It will include a range of strategic policies to facilitate and manage development and a spatial strategy that will indicate where different types of development will be promoted. Once the Plan Strategy is adopted the Local Policies Plan will be prepared. This will include site specific proposals, policy designations and land use zonings required to deliver the Plan Strategy, objectives, and strategic policies.
- 2.6 The LDP will be subject to a Sustainability Appraisal which will run in parallel with preparation of the Preferred Options Paper, Plan Strategy and Local Policies Plan. The Sustainability Appraisal process aims to promote sustainable development by assessing the extent to which policies and proposals in the LDP, when judged against reasonable alternatives, will help to achieve social, economic and environmental objectives.
- 2.7 The LDP will, on adoption, replace the current development plans for the District (the Ards and Down Area Plan 2015 and the Banbridge, Newry and Mourne Area Plan 2015) and operational planning policies that were produced by the Department of the Environment.

### **Who can get involved?**

2.8 Anyone who wishes to get involved in the preparation of the LDP will be encouraged to do so during the public consultation stages. In particular the Council will welcome the views of the following groups:

- people living within the Newry, Mourne and Down District;
- elected representatives;
- voluntary groups;
- community forums / groups / umbrella organisations;
- environmental groups;
- residents groups;
- business interests; and
- developers / landowners.

This list is not intended to be exhaustive nor is it intended to restrict any individual group, or organisation from participating in the plan making process.

2.9 Elected members, forums, community and residents groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed.

### **Empowering disadvantaged and under-represented groups**

2.10 Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

2.11 In addition, without prejudice to the above obligations, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race. The above "Section 75 groups" are important participants within the planning process and include people who traditionally have been under represented or disadvantaged. These groups will be targeted through the consultation process on the local development plan in order to obtain their views and contribute to the consideration of equality issues under Section 75. Their views on any equality screening documents or draft Equality Impact Assessments will also be sought within the specified period for comment along with the draft Plan Strategy and draft Local Policies Plan.



- 2.12 To ensure that LDP and consultation documents are accessible to everyone they will be made available in alternative formats upon request. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

### **How and when will the Community be involved?**

- 2.13 The preparation of a LDP involves a number of key stages each presenting opportunities for community involvement. These stages are: formal notice of LDP (including publication of the Preferred Options Paper); publication and adoption of the Plan Strategy; publication and adoption of the Local Policies Plan and Monitoring and Review. The actions will fulfil and may in some cases exceed the statutory requirements on public consultation, as set out in the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
- 2.14 The LDP Timetable will outline an indicative timeframe for each of the stages. Council will give notice, by local advertisement, of the availability of the timetable, which can be viewed on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate).

## **Stages in the LDP Process**

### **Stage 1: Data Collection**

- 2.15 The purpose of the data collection stage is to establish the key issues to be addressed and the options for addressing them in the preparation of the LDP. This will be undertaken using a topic based approach accompanied with a Countryside Assessment. By the end of this stage a timetable for plan preparation will be agreed. This stage will inform the Preferred Options Paper (POP) which will be prepared together with Scoping Reports for the Sustainability Appraisal including Strategic Environmental Appraisal and Equality Impact Assessment.

#### **What we will do:**

- This SCI is prepared at this initial stage, listing the key consultees, Community Groups and under-represented (Section 75) groups who will be actively encouraged to participate in the process. These lists will be kept under review and written requests for inclusion from additional bodies will be considered.
- Following the approval of the LDP Timetable by the Council and the agreement by the Department for Infrastructure (DfI) we will make the LDP Timetable available on our website and publish a public notice in the local newspapers (see Appendix G) for two consecutive weeks. We will also publish the notice on our website. This notice will confirm details of the following:
  - (i) When the LDP Timetable is available for public inspection; and
  - (ii) the locations and times it can be inspected.
- Set up a Steering Group comprising elected members of the Council (Elected Members) and Senior Council Officers (to be determined by the Council). This is the high-level co-ordinating body that will ensure overview and strategic input on behalf of the whole community, as well as from the planning professionals.
- Set up a Project Management Team comprising Senior Council Officers, representatives from the key statutory/government departments will also be invited. The purpose of the Project Management Team is to facilitate key consultee co-operation in the plan making process. The Project Management Team will be consulted on and act as the screening and scoping group for the Sustainability Appraisal, including Strategic Environmental Assessment and Equality Impact Assessment.
- Notify our statutory consultees (see Appendix B) requesting them to participate in the plan making process by providing information on the key strategic issues that the LDP should address.

- Invite under represented (Section 75) groups to identify whether there are any types of planning policies which are likely to have a significant impact on the groups they represent. They will also be provided an opportunity to identify any particular issues or needs which they feel the LDP should address. Where requested this can be done through a face to face meeting with a planning officer. Any comments received will be taken into account when screening and scoping the Equality Impact Assessment.
- Send the Scoping Report of the Sustainability Appraisal incorporating Strategic Environmental Assessment to the Northern Ireland Environment Agency (NIEA) as the statutory consultation body.

### **Stage 2: Formal Notice of LDP Preparation (including publication of the Preferred Options Paper)**

- 2.16 This stage represents the formal commencement of work on the LDP. It commences with the publication of the Preferred Options Paper (POP) which will set out the key plan issues, identify a range of options available to address them and define our preferred options. The POP will be subject to a period of public consultation to promote debate on issues of strategic significance which are likely to influence the shape of future development within the Newry, Mourne and Down District. The intention is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered whilst formulating the draft Plan Strategy.
- 2.17 The POP is subject to a Sustainability Appraisal (SA). An SA Interim Report, consisting of SA Scoping Report and assessment of alternatives, will be published with the POP. It will be issued for public consultation as a key part of the community involvement and public participation process.

#### **What we will do:**

- Issue a public notice in the local newspapers (see appendix G) for two consecutive weeks and on the Council's website. This notice will confirm:
  - (i) the Council's intention to prepare a LDP;
  - (ii) publication of the Sustainability Appraisal Interim Report (consisting of a Scoping Report and assessment of alternatives), and screening reports for Habitats Regulations Assessments (HRA) and Equality Impact Assessments;
  - (iii) publication of the LDP Timetable;



- (iv) publication of the POP inviting comment within the 12 week consultation period<sup>2</sup>; and
  - (v) details of public engagement events including a launch event and public exhibitions.
- Make the POP and any other supporting documents the Council considers relevant to the preparation of the POP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
  - Issue a Press Release about the intention to prepare a new LDP and drawing attention to the POP and the public consultation.
  - Hold a launch event to announce the publication of the POP.
  - Hold public exhibitions where planning officers will be available to answer any questions.
  - Write to key consultees and Elected Members informing them of:
    - (i) the publication of the POP and providing them a copy;
    - (ii) the dates of the public exhibitions;
    - (iii) the 12 week consultation period; and
    - (iv) the closing date for receipt of representations.
  - Write to local community groups and under-represented (Section 75) groups inviting them to; comment within the next 12 weeks; attend a public engagement event; and offering the opportunity of a meeting with a planning officer to record their views.
  - Present a Public Consultation Report to Elected Members following the 12 week consultation on the POP. This will contain a summary of each representation and plan team comment, recording where members take a different view and the rationale for that view. This will be taken into account whilst formulating the draft LDP.
  - Provide the Project Management Team with the opportunity to comment on emerging policy for inclusion in the draft Plan Strategy, an integral part of testing emerging policy through the Sustainability Appraisal process and Equality Impact Assessment.

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<sup>2</sup> Regulation 11(3) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states that, in relation to a Preferred Options Paper; this "must be a period of not less than 8 weeks or more than 12 weeks".

### Stage 3: Publication of draft Plan Strategy

- 2.18 The Plan Strategy will define the strategic objectives for the future development of the District. It will include a range of strategic policies to facilitate and manage development together with a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted. Under Regulation 11 (4) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council must take account of any representations made about the Council's POP before it prepares a development plan document<sup>3</sup>.
- 2.19 The draft Plan Strategy will provide an indication of our intentions regarding future development of the District. It will be issued for public consultation as a key part of the community involvement and public participation process.

#### What we will do:

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette<sup>4</sup> and on the Council's website. This notice will confirm:
  - (i) publication of draft Plan Strategy and accompanying Sustainability Appraisal Report (including the SEA Environmental Report) and Equality Impact Report, and how to view or obtain copies;
  - (ii) the dates and locations of public engagement events; and
  - (iii) the 8 week period<sup>5</sup> for public consultation to the draft Plan Strategy and accompanying Sustainability Appraisal Report and Equality Impact Assessment, notification of the address to which representations can be sent and the closing date for receipt of representations.
- Make the draft Plan Strategy and any other supporting documents which are required under legislation (e.g. SA), or as the Council considers relevant to the preparation of the LDP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
- Issue a Press Release and hold a launch event to announce the publication of the draft Plan Strategy.

<sup>3</sup> Under Regulation 12 (1) (a) a Development Plan Document is either the Plan Strategy or Local Policies Plan.

<sup>4</sup> The Belfast Gazette is the official Newspaper of Record for Northern Ireland. It consists of legal and official announcements from HM Government, the NI Executive, the Armed Forces, local authorities, churches, companies and private citizens.

<sup>5</sup> Regulation 16(2)(a) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 states that, in relation to a Development Plan Document, "representations must be made with a period of 8 weeks".

- Hold public exhibitions where planning officers will be available to answer any questions.
- Write to key consultees, and Elected Members informing them of:
  - (i) the publication of the draft Plan Strategy and providing them a copy;
  - (ii) the dates of the public exhibitions;
  - (iii) the 8 week consultation period; and
  - (iv) the closing date for receipt of representations.
- Report representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

#### **Stage 4: Public Inspection of Representations received to the draft Plan Strategy**

- 2.20 All representations are to be made available for public inspection as part of the public consultation process. Interested parties may also comment on the representations that have been received, these are known as counter representations.
- 2.21 All representations and counter representations will be fully considered by the Council before it submits the draft Plan Strategy to the DfI prior to the Independent Examination.

#### **What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette, and on the Council's website. This notice will confirm:
  - (i) the availability of representations for inspection and the places and times at which they can be inspected; and
  - (ii) the 8 week period for public consultation, notification of the address to which counter representations can be sent and the closing date for receipt of counter representations.
- Make representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of representations can also be provided upon request (at a specified price).
- Notify any person who has made (and not withdrawn) a representation to the draft Plan Strategy that representations are available for inspection and the places and times at which they can be inspected.



- Write to key consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected.
- Make the counter representations available for inspection on the Council's website, and at the Council's Planning Offices at Monaghan Row, Newry and Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of counter representations can also be provided upon request (at a specified price).
- Report counter representations to the Elected Members before forwarding them to the DfI prior to the Independent Examination.

### **Stage 5: Submission of the Plan Strategy (and associated documents) for Independent Examination**

- 2.22 The Council will only submit the draft Plan Strategy, associated documents and supporting evidence to the DfI if it considers it has complied with relevant legislation requirements and it that the draft Plan Strategy is ready for examination. The DfI will then cause an Independent Examination to be held, by the Planning Appeals Commission (PAC) or a person appointed by the DfI, unless it issues a Direction to the Council to withdraw the draft Plan Strategy, or intervenes to direct the Council to modify it.
- 2.23 If DfI does not intend to cause an Independent Examination it must give reasons for its decision.

#### **What we will do:**

- Submit the following documents to DfI:
  - (i) draft Plan Strategy;
  - (ii) Statement of Community Involvement;
  - (iii) evidence of compliance with SCI;
  - (iv) LDP Timetable;
  - (v) Sustainability Appraisal;
  - (vi) statement setting out the main issues raised in representations made and how these have been taken into account in the preparation of the draft Plan Strategy; and
  - (vii) such other documents that are required or as Council considers relevant to the preparation of the draft Plan Strategy.

- As soon as reasonably practicable after the submission of the draft Plan Strategy and associated documents (see above) to DfI we will:
  - (i) issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website, advising of the fact that the draft Plan Strategy has been submitted to the DfI;
  - (ii) notify the consultation bodies of the fact that the draft Plan Strategy and the accompanying documents are available for inspection and the places and times at which they can be inspected;
  - (iii) notify any person who has made (and not withdrawn) representations or counter representations; and
  - (iv) make the draft Plan Strategy and all associated documentation that are required under legislation, or as the Council considers relevant to the preparation of the draft Plan Strategy, available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

#### **Stage 6: Independent Examination of the draft Plan Strategy**

- 2.24 The purpose of the Independent Examination is to determine whether the draft Plan Strategy satisfies statutory requirements and whether it is sound, taking into account all representations received.
- 2.25 The Independent Examination will be carried out by either the PAC or a person appointed by DfI. They must consider all representations before they send the recommendations and reasons for recommendations to the DfI.
- 2.26 Under section 10 (7) of the Planning Act 2011 any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- 2.27 Council Planning Officers will be available at the examination to answer questions and provide comment on representations and counter representations.

**What we will do:**

- Request key consultees to provide comment on the representations for consideration at the Independent Examination.
- At least 4 weeks before the opening of the Independent Examination we will:
  - (i) Issue a public notice in the local newspapers (see Appendix G), in the Belfast Gazette and on the Council's website advising of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI);
  - (ii) Notify consultation bodies of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI); and
  - (iii) Notify all persons who submitted (and have not withdrawn) representations and counter representations of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI).
- Continue to make the draft Plan Strategy and all associated documentation available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

**Stage 7: Adoption of the Plan Strategy**

- 2.28 Following the Independent Examination, the PAC, or other person appointed by DfI, will send their recommendations and reasoning to DfI.
- 2.29 DfI will issue a Direction to the Council, requiring us to adopt the draft Plan Strategy as originally prepared or with modifications. The DfI may also direct the Council to withdraw the draft Plan Strategy. In either scenario, DfI will be expected to give reasons for its decision.
- 2.30 Council must comply with the Direction within such timeframes as may be prescribed by DfI. The Plan Strategy must be adopted by resolution of the Council.



**What we will do:**

- Adopt the Plan Strategy, as originally prepared or with modifications, as soon as reasonably practicable after receipt of the Direction from DfI.
- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:
  - (i) the date of adoption of our Plan Strategy; and
  - (ii) where and times to inspect and get copies of the Plan Strategy and any accompanying documents.
- On the date of adoption make the Plan Strategy and any accompanying documents including the DfI Direction and accompanying Independent Examiner's Report available on the Council's website. Hard copies will be available on request for a specified price from the Council's Planning Offices.
- Write to key consultees and those who have submitted and not subsequently withdrawn representations and counter representations advising of the adoption of the Plan Strategy, and where to get hold of copies together with the DfI Direction and the Independent Examiner's Report.
- Send DfI a copy of the Plan Strategy and other necessary documents.
- Notify any person who has asked to be notified of the adoption of the Plan Strategy.

**Stage 8: Publication of the draft Local Policies Plan**

- 2.31 The Local Policies Plan is the second document comprising the LDP. This must be consistent with the Plan Strategy and will contain the Council's detailed land use policies and proposals regarding the future development of the District. This draft document is a key part of the public participation process.
- 2.32 The draft Local Policies Plan will provide detailed zonings and designations for the District. The Plan Strategy must be adopted before the draft Local Policies Plan is published for consultation, subjected to Independent Examination and adopted.

**What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:

- (i) publication of draft Local Policies Plan and accompanying Sustainability Appraisal Report (including the SEA Environmental Report) and Equality Impact Report) and how to view or obtain copies;
  - (ii) the dates and locations of public engagement events; and
  - (iii) the 8 week period for public consultation to the draft Local Policies Plan and accompanying Sustainability Appraisal Report and Equality Impact Assessment, notification of the address to which representations can be sent and the closing date for receipt of representations
- Make the draft Local Policies Plan and any other supporting documentation, which are required under legislation (e.g. SA) or as the Council considers relevant to the preparation of the LDP, available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).
  - Issue a Press Release and hold a launch event to announce the publication of the draft Local Policies Plan.
  - Hold public exhibitions where planning officers will be available to answer any questions.
  - Write to key consultees, and Elected Members informing them of:
    - (i) the publication of the draft Local Policies Plan and providing them a copy;
    - (ii) the dates of the public exhibitions;
    - (iii) the 8 week consultation period; and
    - (iv) the closing date for receipt of representations.
  - Report representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

### **Stage 9: Public Inspection of Representations received to the draft Local Policies Plan**

- 2.33 All representations to the draft Local Policies Plan will be made available for public inspection as part of the public consultation process. Interested parties may also comment on the representations that have been received, these are known as counter representations.
- 2.34 All representations and counter representations will be fully considered by the Council before it submits the draft Local Policies Plan to the DfI for Independent Examination.

**What we will do:**

- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette, and on the Council's website. This notice will confirm:
  - (i) the availability of representations for inspection and the places and times at which they can be inspected; and
  - (ii) the 8 week period for public consultation, notification of the address to which counter representations can be sent and the closing date for receipt of counter representations.
- Make representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of representations can also be provided upon request (at a specified price).
- Notify any person who has made (and not withdrawn) a representation to the draft Local Policies Plan that representations are available for inspection and the places and times at which they can be inspected.
- Write to key consultees and Elected Members informing them that representations are available for inspection and the places and times at which they can be inspected.
- Make counter representations available for inspection on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the Council considers appropriate). Hard copies of counter representations can also be provided upon request (at a specified price).
- Report counter representations to the Elected Members before forwarding these to the DfI prior to the Independent Examination.

**Stage 10: Submission of the draft Local Policies Plan, and associated documents, for Independent Examination**

- 2.35 The Council will only submit the draft Local Policies Plan , associated documents and supporting evidence to the DfI if it considers it has complied with relevant legislation requirements and that the draft Local Policies Plan is ready for Independent Examination. The DfI will then cause an Independent Examination to be held, by the PAC or a person appointed by the DfI, unless it issues a Direction to the Council to withdraw the draft Local Policies Plan, or intervenes to direct the Council to modify it.



- 2.36 If DfI does not intend to cause an Independent Examination it must give reasons for its decision.

**What we will do:**

- Submit the following documents to DfI:
  - (i) draft Local Policies Plan;
  - (ii) Statement of Community Involvement (SCI);
  - (iii) evidence of compliance with SCI;
  - (iv) LDP Timetable;
  - (v) Sustainability Appraisal;
  - (vi) statement setting out the main issues raised in representations made and how these have been taken into account in the preparation of the draft Local Policies Plan; and
  - (vii) such other documents that are required or as Council considers relevant to the preparation of the draft Local Policies Plan.
  
- As soon as reasonably practicable after the submission of the draft Local Policies Plan and associated documents (see above) to DfI we will:
  - (i) issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website, advising of the fact that the draft Local Policies Plan has been submitted to the DfI ;
  - (ii) notify the consultation bodies of the fact that the draft Local Policies Plan and the accompanying documents are available for inspection and the places and times at which they can be inspected;
  - (iii) notify any person who has made (and not withdrawn) representations or counter representations; and
  - (iv) make the draft Local Policies Plan and all associated documentation, that are required under legislation or as the Council considers relevant to the preparation of the draft Local Policies Plan, available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick (and at any other places within the District that the Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

### **Stage 11: Independent Examination of the draft Local Policies Plan**

- 2.37 The purpose of the Independent Examination is to determine whether the draft Local Policies Plan satisfies statutory requirements and whether it is sound, taking into account all representations received.
- 2.38 The Independent Examination will be carried out by either the PAC or a person appointed by DfI. They must consider all representations before they send the recommendations and reasons for recommendations to the Department.
- 2.39 Under section 10 (7) of the Planning Act (Northern Ireland) 2011 any person who makes representations seeking to change a development plan must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- 2.40 Council Planning Officers will be available at the examination to answer questions and provide comment on the representations and counter representations.

#### **What we will do:**

- Request key consultees to provide comment on the representations for consideration at the Independent Examination.
- At least 4 weeks before the opening of the Independent Examination we will:
  - (i) issue a public notice in the local newspapers (see Appendix G), in the Belfast Gazette and on the Council's website advising the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI);
  - (ii) notify the consultation bodies of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI); and
  - (iii) notify all persons who submitted (and have not withdrawn) representations and counter representations of the arrangements for the Independent Examination (dates, times and venues) and who will carry out the Independent Examination (the PAC or another person appointed by DfI).
- Continue to make the draft Local Policies Plan and all associated documentation available on the Council's website and at the Council's Planning Offices at Monaghan Row, Newry and the Downshire Civic Centre, Downpatrick during normal working hours (and at any other places within the District that the

Council considers appropriate). Hard copies can also be provided upon request (at a specified price).

### **Stage 12: Adoption of the Local Policies Plan**

- 2.41 Following the Independent Examination, the PAC, or other person appointed by DfI, will send their recommendations and reasoning to DfI.
- 2.42 DfI will issue a Direction to the Council, requiring it to adopt the draft Local Policies Plan as originally prepared or with modifications. DfI may also direct the Council to withdraw the draft Local Policies Plan. In either scenario, the DfI will be expected to give reasons for their decisions.
- 2.43 Council must comply with the Direction within such timeframes as may be prescribed by DfI. The Local Policies Plan must be adopted by resolution of the Council.

#### **What we will do:**

- Adopt the Local Policies Plan as originally prepared or with modifications, as soon as reasonably practicable after receipt of the Direction from DfI.
- Issue a public notice in the local newspapers (see Appendix G) for two consecutive weeks, in the Belfast Gazette and on the Council's website. This notice will confirm:
  - (i) the date of adoption of the Local Policies Plan ; and
  - (ii) where and times to inspect and get copies of the Local Policies Plan and any accompanying documents
- On the date of adoption make the Local Policies Plan and any accompanying documents including the DfI Direction and accompanying Independent Examiner's Report available on the Council website. Hard copies will be available on request for a specified price from the Council's Planning Offices;
- Write to key consultees and those who have submitted and not subsequently withdrawn representations and counter representations advising of the adoption of the Local Policies Plan, and where to get hold of copies together with the DfI Direction and the Independent Examiners Report;
- Send DfI a copy of the Local Policies Plan and other necessary documents; and
- Notify any person who has asked to be notified of the adoption of the Local Policies Plan.



### **Next Steps**

- 2.44 Following the adoption of the Plan Strategy and Local Policies Plan, the Council will identify its work priorities for the next five years in a new LDP Timetable. It may also issue a new SCI to accompany these if considered appropriate. In addition the Council will engage in monitoring and review which are essential in establishing how the objectives in the LDP are being achieved and whether any changes are required. Any changes will be subject to the same procedural and publicity requirements as previously set out for the Plan Strategy and Local Policies Plan. The Council must carry out a review of its LDP every five years and no later than five years from the date that the Local Policies Plan was first adopted or approved. A report on the findings of the review must be sent to the Department for Infrastructure (DfI).

### 3.0 Development Management

#### Purpose

- 3.1 The Council as the local planning authority for the area deals with the majority of planning and Listed Building applications in the district. It also deals with applications for works in conservation areas, works to protected trees, advertising consent and hazardous substances consent.
- 3.2 Development management is the process through which such applications are considered. An important part of the process is to provide information and advice to applicants and to seek and take into account the views of the general public and statutory consultees on all planning applications. The statutory requirements for consultation on planning applications are set out in legislation. These requirements vary according to the type of proposal but include notification to specified bodies and general publicity.
- 3.3 All planning applications are now categorised on receipt as local, major or regionally significant, with the Council responsible for determining all local and major applications, unless called-in<sup>6</sup> by the DfI.
- 3.4 Regionally significant developments are those which are considered to have a critical contribution to make in regard to the economic and social success of Northern Ireland as a whole, or to a substantial part of the region. Such proposals also include developments which have significant effects beyond Northern Ireland or involve substantial departure from a Local Development Plan. Regionally significant applications are processed by the DfI.
- 3.5 Major developments have important economic, social and environmental implications for the Council. Due to the potential of these proposals to deliver important benefits to the community, major applications are prioritised to avoid undue delay and risk to investment decisions. Common examples of major development proposals include:
- a housing development involving the construction of 50 units or more, or where the area of the site is or exceeds 2 hectares;
  - a retail development involving 1,000 square metres or more of gross floor space outside town centres, or where the area of the site is or exceeds 1 hectare; and
  - industrial development involving 5,000 square metres or more gross floor space or where the area of the site is or exceeds 1 hectare.
- 3.6 Local development proposals are those applications which are not considered to be regionally significant or major. The vast majority of planning applications are likely to

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<sup>6</sup> Further information on the call-in procedure is contained within the DOE's SCI, this can be viewed on the NI Planning Portal : <https://www.planningni.gov.uk/index/policy/departments-sci.htm>

constitute local developments and these will include most commercial and housing proposals as well as minor schemes and householder development.

- 3.7 The Council receives a wide variety of planning applications and therefore needs to involve the community to differing degrees, according to the scale and complexity of the application.

This section of the SCI looks at:

- how the public can become involved at the various stages of the application process; and
- how the level of community involvement will depend on the scale of the application.

### **Pre-Application Stage**

#### Pre-Application Discussions (PADs)

- 3.8 Pre-application discussions are encouraged for a range of types of applications, both major and local. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the council to determine an application. For major applications it will also enable the applicant to discuss with the council details of how the community should be involved in the decision-making process.

#### Pre-Application Community Consultation (PACC)

- 3.9 The 2011 Planning Act has introduced a requirement for applicants to inform and involve the wider community in planning applications. Greater community engagement from the outset is key to not only creating better quality developments but also improving the process of place making. Applicants submitting major applications to the Council or as the case may be the DfI are, as of the 1 July 2015, required to undertake community consultation before submitting their application.

The Council will require the following actions to be undertaken by the applicant before a major application is submitted-

- (i) notify the Council, at least 12 weeks in advance, that an application for a major planning application is to be submitted. This is referred to as a Proposal of Application Notice (PAN) and will outline the detail of the proposed application and what consultation is to be undertaken;
- (ii) hold at least one public event where the community will be afforded the opportunity to make comment. This is not to be held earlier than 7 days after the notification of the date, time and place of the event;
- (iii) publish details of the proposal in the local press, outlining a description of, and the location of, the proposed development; details as to where further information can be obtained about the proposed development; the date,



time and place of the public event; a statement explaining how, and when, people who want to make comments can; and a statement that comments made to the prospective applicant are not representations to the Council but that representations may be submitted should an application be made to the Council at a later stage; and

- (iv) submit a pre-application community consultation report on submission of the planning application.
- 3.10 The Council will assess the report and determine if the consultation undertaken meets the legislative requirements. The Council may, providing it does so within 21 days of receipt of the PAN, ask the applicant to notify further individuals or organisations or advise that additional consultation is required.
- 3.11 Pre-application consultation is likely to be more successful if the applicant makes significant efforts to open lines of communication with, and provide feedback to, local communities and work with them to secure development proposals which are acceptable to everyone.
- 3.12 As previously stated the Council would recommend all applicants considering submitting development proposals that fall within the definition of major development to seek a Pre-Application Discussion with planning officers. Where applicants fail to fully meet the pre-application community consultation requirements the Council will decline to determine the application.
- 3.13 Local people are encouraged to participate in the pre-application consultation as this should help applicants better understand local concerns or circumstances and possibly take action to address these concerns before submitting a formal application. Where local concerns and issues are not adequately addressed by the applicant at pre-consultation stage they may be raised by the community again at formal application stage.

### **Application Stage**

- 3.14 When a planning application is submitted for determination the Council will involve the community in the decision making process. If you feel you will be affected by development proposals you will have an opportunity to consider what is proposed and how it will affect you. You will also have the opportunity to make your views known before a final decision is made on the application.

The Council will inform the public of all planning applications through:

- Advertising; and
- Neighbour Notification.

- 3.15 The Council undertakes statutory publicity in accordance with current legislation. If DfI amend or change the statutory publicity requirements then our future approach will reflect any changes that are made.

#### Advertising

- 3.16 The Council will advertise all new applications on a weekly basis in at least one local newspaper (listed in Appendix G) in accordance with Article 8 of the Planning (General Development Procedure) Order (NI) 2015. The weekly list of all new applications received by the Council can also be viewed on the Planning NI web portal.<sup>7</sup> The notice placed in the local newspapers advises that any representations to be made should be received within 14 days of publication (4 weeks in the case of EIA applications) to assist efficient processing of applications. However, it should be noted that any late representations made on an application, provided they are received before a decision is made, will be considered.

#### Neighbour Notification

- 3.17 The Planning (General Development Procedure) Order 2015 states that any identified occupier of land neighbouring the land to which the application relates must be notified of the proposed development by serving a notice on them. Under the Council's neighbour notification scheme, the Council will issue neighbour notification letters to occupiers of neighbouring premises which fulfil both of the following criteria:
- (i) the property in question is within 90m of the boundary of the application site; **and**
  - (ii) meets the definition of neighbouring land, in that it directly adjoins the boundary of the application site, or would adjoin it but for an entry or road less than 20m in width.
- 3.18 The Planning Officer when carrying out a site inspection will also check the accuracy of the neighbour notification details supplied on the application form and may add details as considered appropriate.
- 3.19 The period for responding following receipt of a neighbour notification letter is also 14 days (4 weeks in the case of applications requiring an Environmental Impact Assessment) , though again any late representations received before a decision is made will still be considered.

#### EIA Development

- 3.20 Environmental Impact Assessment (EIA) is a method for ensuring that the likely effects of new development on the environment are fully understood and taken into account before consent is given for the development to proceed.

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<sup>7</sup> See [http://www.planningni.gov.uk/Index/my\\_council/council\\_newry\\_mourne\\_down.htm](http://www.planningni.gov.uk/Index/my_council/council_newry_mourne_down.htm)

- 3.21 The Environmental Statement (ES) produced as part of an environmental impact assessment, brings together in a single document or series of documents information about a proposed development and its effects on the environment.
- 3.22 In most cases it will fall to the Council to determine if the application is an EIA application. It should be noted that if an application is an EIA application it cannot be processed until the ES is received. When a developer submits an ES in support of a planning application, the Council will publish a notice of its receipt in a local newspaper and indicate where it may be purchased and the address of the Council Office where it may be inspected. The Council will also allow 4 weeks from the date the notice is first published for representation to be made.

### **Obtaining further information and getting involved in planning applications**

- 3.23 The weekly lists of planning applications received within the council area are also available on the Northern Ireland Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)). Planning applications including supporting documents and corresponding plans can be viewed online as well at the Council offices during normal office hours. A duty Planning Officer will be available during normal office hours (9am – 5pm) to give advice on current or proposed applications (you are advised to make an appointment if you wish to speak to a particular officer). You can contact the Council's Planning Department by telephone on 0300 200 7830 or by email on [planning@nmandd.org](mailto:planning@nmandd.org).

#### Public Register

- 3.24 The Council will make the application, plans and any associated environmental statement available on a public register. Each register will contain the following information:
- a copy (which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto;
  - the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
  - the reference number, the date and effect of any decision of the PAC in respect of the application; and
  - brief details of any revocation or modification relating to any permission or consent, including date of issue.

#### File Inspection

- 3.25 Planning application files are open to the public, the Council will make the application file available for inspection, by appointment. The amount of information on the file, will of course, be dependent on the stages the application has completed. Certain



information may be withheld on data protection grounds e.g. a person's medical information. Hard copies can also be provided upon request (at a specified price).

### Submitting Comments

- 3.26 Individuals, groups and organisations can comment on a planning application even if they have not been neighbour notified by the Council. All comments will be carefully considered. Care should be taken when making comments to the Council to ensure that no personal data is included.
- 3.27 When a decision is made on a planning application only certain issues are taken into account, these are often referred to as 'material planning considerations'. Material considerations must be genuine planning considerations. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. A list of material and non-material considerations is contained in Appendix F.
- 3.28 Generally greater weight is attached to issues which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the Council is required to consider this as an alternative to refusing an application.
- 3.29 You can make comments in a variety of ways, these are as follows-

By email: [planning@nmandd.org](mailto:planning@nmandd.org) (Please quote the application number)

By post to:

Newry Planning Office	or	Downpatrick Planning Office
O'Hagan House		Downshire Civic Centre
Monaghan Row		Downshire Estate, Ardglass Rd
Newry BT35 8DJ		Downpatrick BT30 6GQ

Online through the Planning Portal. Comments can be submitted by members of the public through Public Access once they have been registered for an account on the Planning Portal.

<http://epicpublic.planningni.gov.uk/publicaccess/>

- 3.30 All written comments on an application will be acknowledged within five working days. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions.

- 3.31 Whilst Planning Officers may not be able to respond to each comment made due to the large numbers received. All comments will be summarised and fully considered within the Planning Officer's report.
- 3.32 The Council will not normally contact the respondent again until after a decision is made unless the application is significantly altered or is withdrawn.
- 3.33 The Council may, if it considers it appropriate to do so, stage public exhibitions, issue press releases or arrange public meetings to provide information about major developments or proposals which are particularly significant or have wide-spread effects on communities.
- 3.34 The Council will consult with a range of Statutory Consultees (see Appendix C) to assist in the determination of an application. If a representation raises issues that are relevant to the responsibilities of the consultee (e.g.road safety) the representative will be copied to the appropriate consultee for consideration and comment. The council will carefully take any comments made into account before a decision is made. All comments are scanned and added to the web site once private email addresses, private telephone numbers and hand written signatures have been removed. Names and addresses will remain visible.
- 3.35 The Council and the applicant may negotiate changes to applications where these are expedient. Re-consultation (for 14 days), re-advertisement and further neighbour notification will take place on minor amendments if the council considers that they raise new issues that could lead to further comment. If any change is considered to be substantive, the Council may decline to treat it as an amendment and a new application may be invited.

### **Community Involvement at the Planning Committee Stage**

- 3.36 The Planning Committee meeting is normally held every fourth week in the Boardroom of the Council offices at O'Hagan House, Monaghan Row, Newry. Additional meetings of the Planning Committee may be scheduled according to business needs. The meeting commences at 10.00am (unless otherwise stated) and is open to the public.

### Scheme of Delegation

- 3.37 The majority of planning applications submitted to Council are determined by Council appointed planning officers using delegated powers. The circumstances under which an application can, or cannot, be determined using delegated powers are set out in the Council's Scheme of Delegation. It should be noted that this document will be subject to regular review. The most up to date version of the document can be accessed at : <http://www.newrymournedown.org/planning>. A copy is also available for inspection, during normal working hours, at the Council Planning Offices.



### Protocol for the Operation of the Planning Committee

- 3.38 Applications which do not fall within the Scheme of Delegation must be presented to the Council Planning Committee for decision. Council's Protocol for the Operation of the Planning Committee sets out the detailed procedures for this Committee. It should be noted that this protocol is also subject to change. The most up-to-date version of the document can be viewed on the Council's website. A copy is also available for inspection, during normal office hours, at the Council's Planning Offices.

### **Pre-determination hearings and speaking at the Planning Committee**

- 3.39 There may be occasions when major applications will raise particularly complex planning issues or attract a significant level of objection. In such cases the Planning Committee may decide to hold a pre-determination hearing prior to making its decision at the scheduled monthly Planning Committee meeting.
- 3.40 A pre-determination hearing will provide the opportunity for the applicant and their agent, as well as those who may have made representations, to present their case to the committee and for Members to ask questions and clarify matters. Key consultees may also be invited to report their expert views. When the Planning Committee agrees to such a hearing, the applicant will be advised and the detailed arrangements will be advertised in the local press. Any hearing will take place after the expiry of the period for making representations on the application but before the Committee hears the application.
- 3.41 For any major application that has been notified<sup>8</sup> to the Department for Infrastructure but is subsequently returned to the Council for determination, the Council is required to afford the applicant the opportunity of appearing before and being heard by the Planning Committee at a Pre-determination hearing.
- 3.42 If a member of the public wishes to speak at the Planning Committee they must contact the Council's Democratic Services by telephone or email ([democratic.services@nmandd.org](mailto:democratic.services@nmandd.org)) at least 5 working days before the date of the meeting at which the application will be considered. Only those who have made written submissions in respect of a planning application and registered a request to speak in respect of the application shall be permitted to make oral representations before the Committee as outlined in the Planning Committee Operating Protocol (available to view on the Council's website or at local planning offices).

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<sup>8</sup> Under the Planning (Notification of Applications) (Northern Ireland) Direction 2015 the Council is required to formally notify DfI where the Council is minded to grant planning permission for certain types of major development. The Direction restricts the grant of planning permission and requires the Council to send information to DfI.



## **Post Application Stage**

### **Community Involvement after a Planning Application has been determined**

- 3.43 A notification of decision letter is sent to the applicant/agent and all people who have responded to the consultation on the planning application, informing them of the decision and the reason for that decision. The decision is recorded in the statutory Planning Register. If it is a case that has been considered by the Planning Committee, it can be found either by contacting the Planning Department following the Committee meeting, or by viewing the minutes of the Committee meeting published on Council's website the day after they are formally approved and adopted at the following Planning Committee meeting.

### **Community Involvement in Planning Appeals**

- 3.44 Planning appeals may be made by the applicant against the refusal of planning permission, against conditions placed on a planning approval and against an enforcement notice. Only applicants and those upon whom notices have been served have the right of appeal. There are no third party rights of appeal. Where an applicant is unhappy with the Council's decision on an application or a condition attached to a permission, he/she may appeal to the Planning Appeals Commission (PAC). An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (NI) 2015, where such an appeal is lodged, the application is deemed to have been refused. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be.
- 3.45 All those people who responded on the original planning application that is the subject of appeal will be advised that an appeal has been received, and provided with an opportunity to make their views known. Copies of letters already submitted will be forwarded to the PAC. For hearings and public inquiries, the interested parties have the opportunity to make their views known verbally to the PAC. Guidance on Planning Appeals and the rights of applicants and objectors can be found on the PAC website [www.pacni.gov.uk](http://www.pacni.gov.uk)

## 4.0 Planning Enforcement

4.1 The Council encourages the community to report cases where they believe there has been a breach of planning control. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the Department. This may also include failure to carry out development in accordance with the approved plans or conditions.

4.2 Suspected breaches of planning control can be reported in the following ways:

By email: [planning@nmandd.org](mailto:planning@nmandd.org)

By post to:

Newry Planning Office	or	Downpatrick Planning Office
O'Hagan House		Downshire Civic Centre
Monaghan Row		Downshire Estate, Ardglass Rd
Newry BT35 8DJ		Downpatrick BT30 6GQ

By Phone: 0300 200 7830

4.3 You may also wish to raise the matter with one of the Elected Members who can bring the matter to the attention of the Planning Officers on your behalf.

4.4 All planning enforcement related complaints are treated confidentially. If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours and complainants notified.

4.5 In cases where planning enforcement action is taken, complainants are informed of the action. In cases where enforcement action is not taken, a full explanation providing the Council's reasons will be sent to the complainants. Many initial complaints relate to non-enforcement issues in the district, such as householder permitted development type extensions or alterations to a dwelling house.

4.6 The Council's priorities for enforcement action will be set out within our forthcoming Enforcement Strategy. Once published, this strategy will be subject to regular review and a public consultation exercise will form part of this review process.

## **5.0 Community Involvement in Other Planning Functions**

### **Community Involvement in Supplementary Planning Guidance**

- 5.1 The Council may also prepare non-statutory planning guidance to support its development plan. Supplementary planning guidance includes for example design guides and advice notes. These will be published for public consultation and comment prior to the publication of the final draft. Comments received will be published on the Council web site. It is not necessary for Supplementary planning guidance to go through the public examination process.

### **Community Involvement in Conservation Area Designation**

- 5.2 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance. The Council considers that consultation with, and the involvement of local people is important when undertaking work associated with Conservation Areas. This will help encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation.
- 5.3 The Council will involve the community in the designation or variation or cancellation of a Conservation Area. This will entail formal consultation with the Historic Buildings Council, the Department for Communities, the Department for Infrastructure and any water and sewerage undertaker. Any alterations to existing Conservation Areas or designation of new Conservation Areas will be advertised by way of a public notice in the local press. Where appropriate public meetings will be held to discuss and present proposals. Upon formal designation the Council will publish a public notice in the local press and hold a public launch and exhibition.

### **Community Involvement in the Designation of a Simplified Planning Zone**

- 5.4 If the Council proposes to commence work on a simplified planning zone (see Appendix A Glossary of Planning Terms) it will undertake consultations with the neighbouring district council, the land owner and occupier, the Department for Communities and will notify the Department for Infrastructure.
- 5.5 Once details of a scheme have been prepared the Council will make copies available for inspection at the Council's office, give notice by way of an advertisement in the local press and on the Council's website, and will serve a notice on those it has consulted with.
- 5.6 Following advertising of the proposed planning zone(s) details there will be an 8 week period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed planning zone it will publish



a further advertisement to that effect and will notify all those who have made representations.

- 5.7 The Council may cause an independent examination to be held to consider the representations received. Where it is proposed to hold an independent examination details including the time and place of the examination will be published in the local press. Where it is decided not to hold an independent examination the Council will notify all those who have made representations.
- 5.8 Following the independent examination the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.

# Appendices

## Appendix A – Glossary of Planning Terms

**Development Management:** The process for a Council to decide on planning applications.

**Development Plan:** Local Development Plans apply regional policies at the appropriate level and inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions within a specified area.

**Environmental Impact Assessment (EIA):** A procedure to be followed for certain types of planning application to ensure that decisions are made in the full knowledge of any likely significant effects on the environment.

**Equality Impact Assessment (EQIA):** An assessment of the likely impact of policies and proposals on the promotion of equality of opportunity. Carried out on all local development plans to fulfil the obligations imposed on the Council by Section 75 of the Northern Ireland Act 1998.

**Independent Examination:** The independent examination conducted by the Planning Appeals Commission to test the soundness of the Local Development Plan.

**Local Policies Plan:** This provides detailed plans and policies for the development of specific geographical area.

**Major Development:** Large scale developed proposals that meet the thresholds contained within The Planning (Development Management) Regulations (Northern Ireland) 2015.

**Material Consideration:** A material consideration is any planning matter which is relevant to a particular case.

**Planning Appeals Commission:** The body which provides a Commissioner to carry out an independent assessment of the soundness of a Development Plan Document or Statement of Community Involvement. The Commission also processes planning, listed building consent, advertisement and enforcement appeals.

**Planning Committee:** the planning committee is responsible for making decisions on the bigger and more sensitive planning applications received by the Council. The planning committee is made up of a number councillors who are responsible for deciding planning applications, listed building and conservation area consents. Which items are considered by the committee is decided through the Council's Scheme of Delegation.

**Plan-led System:** The principle that decisions upon planning applications should be made in accordance with the adopted development plan, unless there are other material considerations that may indicate otherwise.

**Plan Strategy:** This is the first part of the development plan and provides a framework or overview to guide the direction of the local plan.



**Preferred Options Paper (POP):** Ideas, possibilities and alternative proposals produced at any early stage in the production of the Local Plan and issued for public consultation and have not been endorsed by the Council.

**Scheme of Delegation:** a scheme where decision making on local applications is delegated to an appointed officer rather than through the Council's Planning Committee thereby enabling speedier decisions and improved efficiency. Section 31(1) of the Planning Act (Northern Ireland) 2011 requires the Council to produce such a scheme.

**SEA Scoping Report:** A report which sets out how the Council will ensure that the likely significant effects of the development plan will be assessed including the environmental effects and alternatives that need to be considered, the assessment methods to be used as well as the scope and level of detail of information that will be included in the final environmental report.

**Simplified Planning Zone:** An area in which the Council wishes to stimulate development and encourage development. It operates by granting a specified planning permission in the zone without the need for an application for planning permission and the payment of a planning fee.

**Soundness:** A Development Plan document is likely to be sound if it meets certain tests at the Examination stage. These tests require that a document is prepared according to the correct procedures, that it conforms to other policies, and its proposals are justified, consistent and effective.

Justified means that the document must be

- Founded on a robust and credible evidence base; and
- The most appropriate strategy when considered against the reasonable alternatives.

Effective means that the document must be

- Deliverable;
- Flexible; and
- Able to be monitored.

**Stakeholders:** Individuals or organisations who have a strong interest in the issue or may be affected directly by any decisions or plans. The term is used mostly to refer to bodies that will affect the delivery of a planning document's policies and proposals.

**Strategic Environmental Assessment (SEA):** An assessment of the probable environmental impacts of the policies and proposals contained in the LDP. The assessment is carried out to ensure compliance with the European Directive 2001/42/EC on the "assessment of the effects of certain plans and programmes on the environment" and the Environmental Assessment of Plans and Programmes Regulations(Northern Ireland) 2004.

**Statutory Requirements:** Actions required to be undertaken by the Council as a result of legislation.

**Sustainability Appraisal (SA):** a sustainability appraisal assesses the likely social, economic and environmental effects of policies in the development plan documents.

## Appendix B - Local Development Plan Consultation Bodies<sup>9</sup>

### Statutory Consultation Bodies<sup>10</sup>

1. Northern Ireland Government Departments:
  - The Executive Office;
  - Department of Agriculture, Environment and Rural Affairs (DAERA);
  - Department for Infrastructure (DfI);
  - Department for the Economy (DfE);
  - Department of Education (DE);
  - Department of Finance (DoF);
  - Department of Health (DoH);
  - Department of Justice (DoJ); and
  - Department for Communities (DfC).
  
2. Adjoining Councils/Planning Authorities with common boundaries:
  - Armagh City, Banbridge and Craigavon Borough Council;
  - Lisburn and Castlereagh City Council;
  - Ards and North Down Borough Council;
  - Louth County Council; and
  - Monaghan County Council.
  
3. Water and Sewerage undertakers:
  - NI Water
  
4. Northern Ireland Housing Executive (NIHE).
  
5. Civil Aviation Authority (CAA).
  
6. Any person to whom the electronic communication code applies by virtue of a direction given under Section 106(3) of the Communication Act 2003.
  
7. Any person to whom a license has been granted under 10(1) of the Electricity (Northern Ireland) Order 1992.
  
8. Any person to whom a license has been granted under Article 8 of the Gas (Northern Ireland) Order 1996.

<sup>9</sup> There may be additional consultations required at specific times throughout the LDP process.

<sup>10</sup> Statutory consultees are those government bodies or other organisations with whom the Council must liaise as part of the development plan process.



## Appendix C – Consultation on the Development Management Process

Planning Officers frequently need to obtain specialist advice to enable them to consider the potential impacts of a development proposal before determining an application. This is referred to as the consultation process. Consultation with statutory and non-statutory bodies should be carried out only when considered necessary to inform a planning decision.

Statutory consultees<sup>11</sup> (listed below) are those government bodies or other organisations with whom the Council must liaise. The need for consultations will vary between applications depending on the nature and scale of the proposal as well as the provision of standing advice from the consultee.

1. Department for Infrastructure (DfI);
2. Department for Communities;
3. Health and Safety Executive NI (HSENI);
4. The Department for Infrastructure or other water undertaker as defined under Article 13 of The Water and Sewerage Services (NI) Order 2006;
5. Licensed Aerodromes;
6. The Department of Agriculture, Environment and Rural Affairs (DAERA);
7. The Department for the Economy (DfE); and
8. The Northern Ireland Housing Executive (NIHE).

Where the Council undertakes consultations on a planning application the consultee will be required to respond within 21 days, or any other date as agreed in writing, after which time the Council may determine the application whether or not a response has been received. The exception is those developments which are subject to an Environmental Impact Assessment (EIA) where the Council cannot make a determination until 28 days have passed.

### Non-Statutory Consultees

Not all information required to process an application will be from statutory consultees. There will be occasions when non-statutory consultees e.g. the Environmental health section of the Council, need to be consulted.

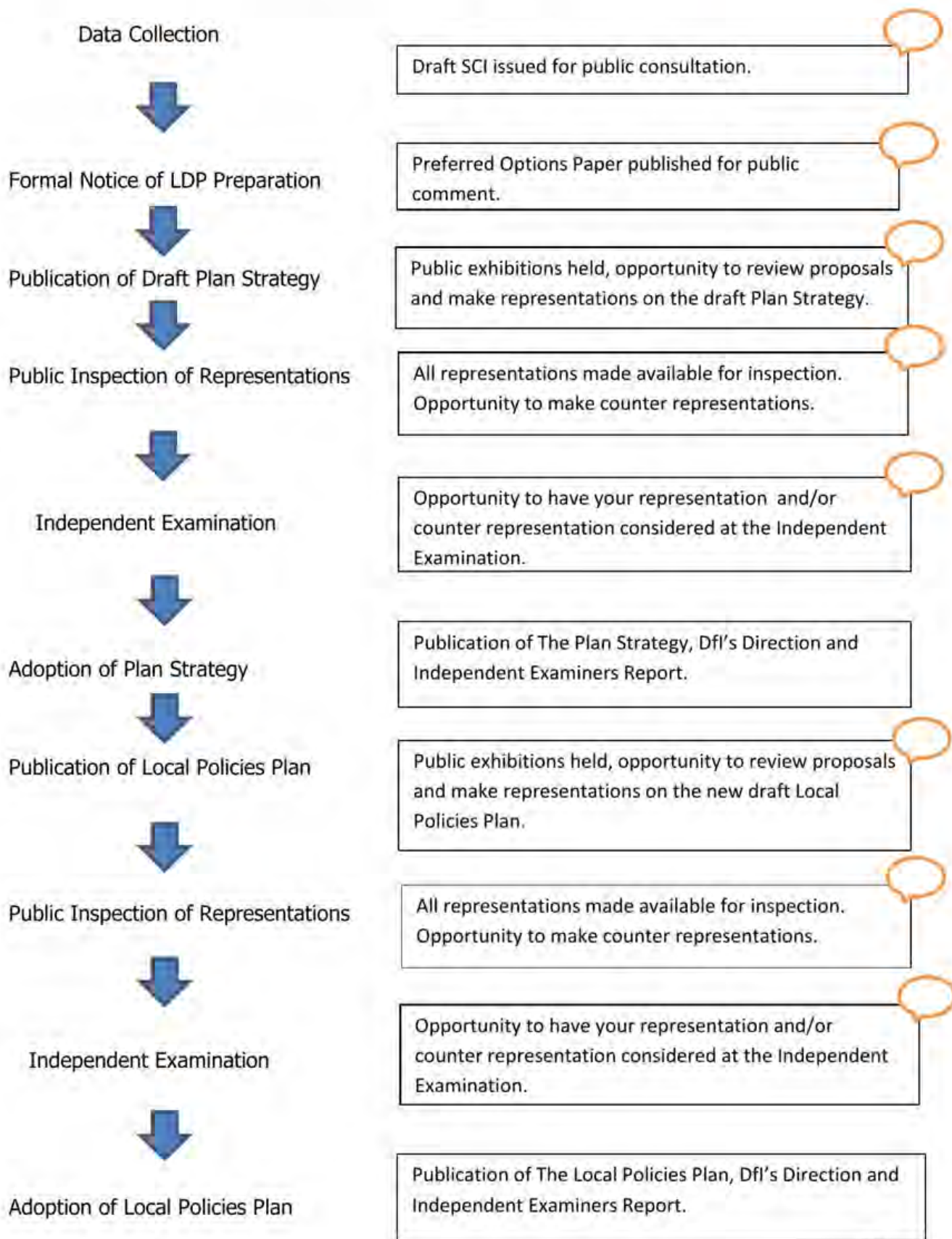
It may also include external organisations and bodies. These consultees are not bound by the 21 day response time, however, they are encouraged to respond in a timely manner so as not to delay the planning process.

Due to the wide range of development proposals submitted to Council, each application will be carefully considered and consultations will be undertaken in line with statutory requirements. The need for consultation will vary between applications depending on the nature and scale of the proposal.

<sup>11</sup> Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be undertaken.

### Appendix D – Local Development Plan Process

The speech bubble indicates when you can have your say.



### Appendix E – Planning Application Process

The speech bubble indicates when you can have your say.

Pre-application



The Council encourages applicants to undertake pre-application community consultation with the community. In the case of major applications community consultation is mandatory.

Application



The Council will accept or decline the application based on validation criteria.

Advertising &  
Neighbour  
Notification



Plans published online on the Planning Portal.  
Neighbours notified.  
Statutory consultees and other relevant bodies invited to make comments.  
Press advert in local newspapers.

Written and emailed comments can be submitted both during the advertising/neighbour notification period and during the consultation period.

When responding it is important that your response relates to planning matters known as material considerations. Some examples of material and non-material considerations can be found in Appendix F.

Application  
Review



Consultee comments and any comments from third parties can be viewed online via the planning portal

Officer Report



The case officer prepares a report on the application and provides a recommendation.

Decision



The decision will be made by the Chief Planning Officer or the Planning Committee .

If the application is decided by the Planning Committee the applicant and those who have made representations will be afforded the opportunity to speak at the Planning Committee in line with the Planning Committee Operating Protocol.

Decision Notice

Issued

The decision will be sent to the applicant or agent. It will then be published on the planning portal



## Appendix F - Material and Non-Material considerations

There is no legal definition for material definitions, however they are held to include all the fundamental factors involved in land-use planning. Essentially a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. Material considerations will vary depending on the specific circumstances of each case.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

The lists below provide some examples of material and non-material considerations however it should be noted that these are not exhaustive lists.

### Material considerations

#### Can be taken into account

- Regional and local Planning Policies.
- Adopted and emerging Development Plans.
- Planning history on the site
- Case law.
- Loss of sunlight and overshadowing.
- Overlooking and loss of privacy.
- Roads issues (e.g. increased traffic movements).
- Layout, density, design/appearance, character.
- Effect on a listed building or conservation area.
- Noise, smell or other disturbances.
- Cumulative impact.
- Capacity of infrastructure.

### Non-material considerations

#### Cannot be taken into account

- Private issues between neighbours.
- Opposition to business competition.
- Loss of property value.
- Loss of view.
- Moral objection.
- History of the applicant.
- Matters covered by other legislation.
- Restrictive covenants.
- Opposition to the principle of development if permission has been granted by an outline application or on appeal.

## **Appendix G – List of Local Newspapers for Advertisement**

Local Newspapers which the Council currently advertises planning applications in (weekly):

- Crossmaglen Examiner
- Down Recorder
- Mourne Observer
- Newry Reporter